



1 HEAD OF POWER

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Industrial Relations Act 2016 (Qld)*
- *Queensland Local Government Industry (Streams A, B & C) Award – State 2017*

2 POLICY PURPOSE

This policy covers the following types of leave: annual, sick, carer's, bereavement, cultural, jury service and long service leave. It applies to all full-time, part-time and casual employees as detailed in the Policy.

3 POLICY OBJECTIVE

Pormpuraaw Aboriginal Shire Council (Council) operates on a foundation of integrity, honesty and fairness, ensuring strict compliance with applicable laws, regulations and corporate standards. Central to this commitment is our dedication to fostering a safe and supportive environment where all employees and associates are treated equitably and with respect.

4 POLICY SCOPE

This Policy applies to all permanent and temporary employees of Pormpuraaw Aboriginal Shire Council.

While it reflects the provisions of the Industrial Relations Act 2016 (Qld), this Policy does not form part of any employee's contract of employment.

It is not intended to override any applicable award or contract; should an employee's contract contain more beneficial provisions, those contractual terms will apply.

5 ANNUAL LEAVE

Pormpuraaw Aboriginal Shire Council provides annual leave in accordance with the applicable legislative framework and relevant industrial instruments.

5.1 ENTITLEMENT AND ACCRUAL

- **Standard Entitlement:** Council has determined that all full-time and part-time employees are entitled to accrue at least 5 weeks of paid annual leave per year (pro-rata).
- **Accumulation:** When calculating a completed year of service, Council will not count the following periods:

- Approved unpaid leave exceeding 3 months
- Unapproved unpaid leave (unless the absence is for 3 months or less due to a doctor certified illness or injury)

5.2 APPLYING FOR AND TAKING LEAVE

- **Notice Period:** Leave is to be taken at a time mutually agreed upon by the employee and Council providing the relevant notice period prior to taking leave, wherever practicable.
 - Employees: two (2) weeks notice
 - Team Leaders / Supervisors, Managers and Executives: four (4) weeks notice
- **Public Holidays:** Annual leave is exclusive of public holidays. If a public holiday falls during an employee's leave, that day will not be deducted from their annual leave balance (except where the employee receives additional leave as compensation for working on specific public holidays)

5.3 DIRECTION TO TAKE LEAVE

Council may direct employees to take annual leave where it is reasonable to do so. This includes but is not limited to:

- **Excessive Balances:** Where an employee has accrued an excessive amount of paid annual leave
- **Operational Shutdowns:** During periods of Council shutdown, such as the Christmas and New Year period, by giving not less than 90 days' notice in accordance with the applicable Award
- **Notice Given:** If an agreement cannot be reached on when leave will be taken, Council may direct the employee to take leave by providing at least 8 weeks' written notice, in accordance with section 33 of the Industrial Relations Act 2016 (Qld). Council may also direct employees to take leave in accordance with any applicable industrial instrument

5.4 PAYMENT AND LEAVE LOADING

- **Rate of Pay:** Annual leave is paid at the employee's ordinary rate of pay immediately before the leave commences. For employees working higher duties, refer to the Industrial Relations act and relevant award stream.
- **Leave Loading:** Employees are entitled to receive a leave loading of 17.5% when taking annual leave.

5.5 CASHING OUT ANNUAL LEAVE

Council and an employee may mutually agree to cash out a portion of the employee's accrued annual leave, subject to the following conditions:

- **Minimum Balance:** The employee must retain a remaining annual leave balance of at least 4 weeks
- **Written Agreement:** Each instance of cashing out leave must be documented in a separate written agreement
- **Rate of Pay:** The payment must equal the exact amount the employee would have received if they had taken the leave

5.6 TERMINATION

Subject to the terms of any other agreement, contract or award, any accrued but untaken annual leave will be paid out upon termination of employment. This payment will equal to the amount the employee would have received had they taken the leave including leave loading of 17.5%.

5.7 INELIGIBLE EMPLOYEES

Casual employees, pieceworkers and school-based apprentice/trainees do not accrue and are not entitled to paid annual leave.

6 PERSONAL LEAVE

6.1 SICK/CARERS LEAVE

Council has determined that all employees sick and carers leave in accordance with the relevant Act and the Queensland Local Government Industry Award Stream A, regardless of what Stream they are employed under.

6.1.1 Entitlement and Accrual

- **Standard Entitlement:** Subject to standard service calculation rules (e.g. excluded periods of unpaid leave), permanent full-time employees accrue 15 days of paid sick and carer's leave per year. Part-time employees accrue this leave on a pro-rata basis.
- **Accumulation:** Leave accrues based on the employee's ordinary hours of work and any unused leave accumulates from year to year
- **Casual Employees:** Casual employees are not entitled to paid sick or carer's leave

6.1.2 Taking Paid Sick and Carer's Leave

An employee may use their accrued paid sick and carer's leave for the following reasons:

- **Sick Leave:** To recover from a personal illness or injury
- **Carer's Leave:** To provide care or support to a member of their immediate family or household who requires assistance due to a personal injury, illness or an unexpected emergency

6.1.3 Notice and Documentation Requirements

To be eligible to take paid sick or carers leave, an employee must:

- Comply with any specific requirements outlined in their relevant award or employment contract
- Notify their supervisor of the absence, the reason for the absence and the expected duration if known
- **Where** an employee takes leave from work the day immediately after or before a rostered day off (RDO), public holiday or immediately after pay day they will need to provide a medical certificate
- **For Absences of more than Two (2) Days:** Provide a medical certificate or other acceptable evidence (such as a statutory declaration) that would satisfy a reasonable person that the leave was taken for an approved reason. When a doctor is not available at the Pormpuraaw Primary Health Care Centre, (PPHCC) please request a telehealth appointment. A certificate of attendance at the PPHCC will only be accepted for one day of absence.

- **Specific to Carer's Leave:** Inform Council of the person requiring care and their relationship to the employee
- **Specific to Emergencies:** Advise Council of the nature of the emergency if that is the reason for the absence

6.1.4 Rate of Payment

- Eligible employees will be paid at their ordinary rate of pay for their ordinary hours of work during the leave period
- This payment does not include additional payments such as allowances, leave loading or penalty rates
- Leave will be paid during the normal pay cycle, provided the employee has met all notice and documentation requirements outlined in section **6.1.3 Notice and Documentation Requirements**

6.1.5 Payment on Termination

Subject to the terms of any specific certified agreement or contract, accrued but unused sick and carer's leave will not be paid out upon termination of employment.

6.2 BEREAVEMENT LEAVE

Council provides bereavement leave in accordance with the relevant legislative framework

6.2.1 Entitlements - Permanent and Part-Time Employees

- **Standard Entitlement:** Eligible employees are entitled to a minimum of two (2) days of paid bereavement leave per occasion following the death of an immediate family or household member. For the purpose of bereavement leave, an immediate family member is defined as the following. This also includes the corresponding relatives of a spouse or de facto partner:
 - Spouse
 - De facto partner
 - Child
 - Parent
 - Grandparent
 - Grandchild
 - Sibling
- **Travel Time:** If an employee reasonably requires extra time to travel to and from the funeral or ceremony, they are entitled to take an amount of unpaid bereavement leave equal to the time reasonably required for that travel
- **Additional Leave:** An employee may request further unpaid bereavement leave, which may be granted at the discretion of the Council

6.2.2 Entitlements – Casual Employees

- **Standard Entitlement:** Casual employees are entitled to be unavailable to attend work for up to two (2) days of unpaid bereavement leave per occasion following the death of an immediate family or household member
- **Travel Time:** If a casual employee reasonable requires extra time to travel to the funeral or ceremony, they are entitled to take an amount of unpaid bereavement leave equal to the time reasonably required for that travel

- **Additional Leave:** A casual employee may request further unpaid bereavement leave, which may be granted at the discretion of the Council

6.2.3 Notice and Documentation Requirements

To access bereavement leave entitlements, employees must inform their supervisor as soon as practicable and provide the following:

- The reason for the absence
- The exact duration of the absence, including any requirement for additional unpaid travel time
- The name of the deceased person and the relationship to the employee
- **Evidence:** The employee must provide Council with a copy of the funeral notice or other acceptable evidence to substantiate that the leave is related to the death of an immediate family or household member

6.2.4 Payment and Administration

- **Rate of Pay:** Paid bereavement leave is paid at the employee's ordinary rate of pay for their ordinary hours of work during the leave period
- **Processing:** Payment will be processed during the usual pay cycle, provided the employee has met all notice and documentation requirements specified in section 6.3.3 *Notices and Documentation Requirements*
- **No Cashing Out:** Bereavement leave cannot be cashed out
- **No Accumulation:** Because bereavement leave is not an event-based entitlement, it does not accrue from year to year and will not be paid out upon termination of employment

6.3 CULTURAL LEAVE

Council recognises the importance of cultural traditions and customs.

6.3.1 Eligibility and Entitlements

- **Eligibility:** Cultural Leave is available exclusively to employees who are required by Aboriginal tradition or Torres Strait Islander custom to attend specific cultural or ceremonial events
- **Entitlement:** In accordance with the Industrial Relations Act 2016, eligible employees may take up to five (5) days of unpaid cultural leave each year. While subject to Council approval, Council will not unreasonably refuse a valid request for cultural leave

6.3.2 Application and Notice Requirements

When applying for cultural leave, an eligible employee must provide Council with the following information prior to taking leave:

- **Reasonable Notice:** Advanced notice of the intention to take cultural leave
- **Reason for Leave:** Details outlining the specific reason for the leave (e.g. the nature of the ceremony or custom)
- **Expected Duration:** The estimated period the employee expected to be absent from work

7 SPECIAL NATURAL DISASTER LEAVE

Council supports staff who are affected by natural disasters such as floods, cyclones or bushfires that threaten the safety and wellbeing of themselves or their families.

7.1 CONDITIONS

Special Natural Disaster Leave is available to staff under the following conditions and/or circumstances upon the declaration of the disaster situation (Appendix A):

- In the event of a disaster, if an employee cannot safely commute from their home to their usual workplace using their normal or any reasonably available alternative transport
- It is not reasonable to expect the employee to work from an alternative Council depot or office
- The employee has notified or as soon as reasonably practicable, notifies their supervisor of the circumstances
- Where the employee has a genuine domestic necessity to stay at or return home to secure, protect or remove belongings threatened by the disaster, or must travel to another location to ensure the safety of their immediate family
- Where the employee must leave work early because their usual transport home is likely to be suspended or cancelled due to the disaster
- To make or arrange temporary repairs or to clean up an employee's home that has been directly impacted by the disaster

7.2 ENTITLEMENT

Employees meeting the conditions in section 7.1 are eligible for up to five (5) days of paid Special Natural Disaster Leave per calendar year (non-cumulative). A maximum of three (2) days may be taken per declared disaster. This leave is a standalone entitlement and will not be deducted from the employee's annual, personal or other paid leave balances.

7.3 EXCEPTIONAL CIRCUMSTANCES

In exceptional circumstances, Council may grant additional paid Special Natural Disaster Leave beyond the standard limits. These requests are addressed on a case-by-case basis and require the CEO's discretionary approval.

7.4 VOLUNTARY EMERGENCY SERVICES

Employees who are members of volunteer emergency services and are called to assist the community during a natural disaster may request unpaid leave. This leave is granted at the CEO's discretion and depends on Council's operational capacity, but approval will not be unreasonably withheld.

8 LONG SERVICE LEAVE

Long service leave will be granted to all employees in accordance with *the Queensland Local Government Industry Award* and applicable long service leave legislation as varied from time to time.

8.1 ENTITLEMENT AND ACCRUAL (INCLUDING CASUAL EMPLOYEES)

- **Standard Entitlement:** Council has determined that effective from 1 July 2026, states that all employees who complete ten (10) years of continuous service with Council are entitled to thirteen (13) weeks of paid long service leave

- **Early Access:** Council has determined that effective from 1 July 2025, all employees will be able to access further long services leave as it accrues after 10 years of continuous instead of having to wait another 5 years of service before being able to access additional hours.
- **Ongoing Accrual:** Following the initial 10-year milestone, long service leave will continue to accrue on a pro-rata basis for each subsequent year of continuous service

9 JURY SERVICE LEAVE

Council provides Jury Service Leave in accordance with the *Industrial Relations Act 2016 (Qld)* and the *Jury Act 1995 (Qld)*.

All employees are entitled to take a leave of absence from work to perform official jury service duties. Whether jury service leave is provided with or without pay depends on the employee's employment status.

9.1 REQUIREMENTS FOR PAYMENT FOR JURY SERVICE LEAVE

When an employee is summoned to attend jury service, they are entitled to jury service leave subject to the following conditions:

9.1.1 Notice and Documentation

- **Notification:** The employee must inform their supervisor of the requirement to attend jury service and the expected duration of the absence as soon as practicable
- **Evidence:** The employee must provide Council with a copy of the jury summons and any other official documentation received regarding the required attendance

9.1.2 Make-Up Pay

- **Remuneration Differences:** Eligible employees are entitled to receive make-up pay from Council. Council will pay the difference between the remuneration and allowances received from the court for jury service and the employee's ordinary rate of pay for the standard hours they would have worked during that period
- **Processing:** Payment will be processed on or before the first practicable day after the employee has provided Council with the required official documentation regarding their attendance and court payments

9.1.3 Returning to Work

- **Partial Days:** If an employee is not required by the court for a full day, or is released from jury service early, they must return to work to complete any remaining ordinary working hours for that day

10 PARENTAL LEAVE

Council provides unpaid parental leave to enable eligible employees to take time off to care for and support a new child either through birth or adoption.

10.1 ELIGIBILITY

- **Permanent Employees:** Must have completed at least 12 months of continuous service immediately prior to the child's birth or placement

- **Casual Employees:** Must have been employed on a regular and systematic basis for at least 12 months with a reasonable expectation of continuing employment
- To take more than three (3) weeks of leave, the employee must be the child's primary caregiver

10.2 ENTITLEMENTS

- **Primary Caregiver:** Eligible employees are entitled up to twelve (12) months of continuous unpaid parental leave. Employees can request an extension of up to an additional 12 months
- **Concurrent Leave:** An employee may take up to eight (8) weeks of concurrent unpaid leave at the same time as their spouse (short parental/adoption leave) starting on the child's date of birth or placement
- **Special Maternity Leave:** Unpaid special maternity leave is available if an employee experiences a pregnancy-related illness or if the pregnancy ends prematurely

10.3 NOTICE AND EVIDENCE REQUIREMENTS

- Employees must provide written notice of their intention to take leave at least ten (10) weeks before the intended start date
- Final dates must be confirmed at least four (4) weeks prior to the start date for birth-related leave, or fourteen (14) days prior for adoption leave
- Employees must provide acceptable evidence, such as a doctor's certificate confirming the pregnancy and the expected due date, or a statement from an adoption agency
- A statutory declaration regarding any leave being taken by a spouse and confirming primary caregiver status is also required

10.4 HEALTH, SAFETY, AND RETURNING TO WORK

- **Safe Job Transfer:** If a medical certificate states a pregnant employee is fit for work but their current role is unsafe, Council will transfer them to a safe job or provide no safe job leave
- **Position Guarantee:** Upon returning from leave, employees are entitled to return to the position they held immediately before going on leave, or the position they held prior to a safe job transfer
- **Flexible Work:** Returning employees may submit a written request for flexible working arrangements, which Council will review and respond to within 21 days

11 DOMESTIC AND FAMILY VIOLENCE LEAVE (DFV)

Council is committed to supporting employees who are experiencing domestic and family violence. DFV Leave is available to provide employees with the necessary time away from work to manage matters related to the violence in a safe and supported way.

11.1 ACCEPTABLE USES FOR LEAVE

Employees may use this leave for a variety of reasons, including but not limited to:

- Recovering from an illness caused by the violence
- Attending related appointments (e.g. counselling, legal advice, medical treatment or police matters)
- Preparing for or attending court proceedings
- Finding alternative, safe housing

- Organising childcare or the education of a child

11.2 LEAVE ENTITLEMENTS

There is no qualifying period for this leave; employees are eligible from the first day of employment.

- **Full-Time Employee:** Up to 10 days paid leave per calendar year
- **Part-Time Employee:** Up to 10 days paid leave per calendar year (calculated on a pro-rata basis)
- **Long-Term Casual:** Up to 10 days unpaid leave per calendar year
- **Short-Term Casual:** Up to 2 days unpaid leave per calendar year

11.2.1 Important Rules Regarding Entitlements

- Leave does not carry over from one calendar year to the next
- Leave is flexible and can be taken as consecutive days, separate days or fractions of a day

11.3 NOTIFICATION AND EVIDENCE REQUIREMENTS

- **Notice:** The employee must notify Council if there is a need to take leave either before or on the day the leave begins. If this is not safely possible, you must notify Council as soon as possible after it ends
- **Evidence:** To process the leave, reasonable evidence is required. This can include a document issued by the police, a court, a doctor or health professional, a counsellor or a statutory declaration.
- **Confidentiality:** Council must not disclose evidence provided about domestic and family violence to anyone unless the disclosure is required or permitted under an Act (section 45 of the Industrial Relations Act 2016 (Qld)).
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11.4 APPROVAL AND PAYMENT

- **Approval Process:** To protect the employees' privacy and ensure swift processing, supervisors will immediately escalate any DFV leave requests directly to the department head for approval
- **Payment Details:** Paid DFV leave is processed during the usual pay cycle, provided notice and evidence requirements are met. It is paid at the ordinary rate of pay for standard hours. It does not include allowances, loadings or penalties unless specified in the specific employment arrangements

11.5 CONFIDENTIAL SUPPORT AND CONTACTS

Council acknowledges the very personal and sensitive nature of family and domestic violence and the impact on an employee. Employees who are experiencing family and domestic violence are encouraged to speak to the nominated support contact for any advice, guidance and support.

Contact Officer Role	Phone	Email
Josephine Szilagyi Justice Centre Co-ordinator	0409 261 156	justice@pormpuraaw.qld.gov.au

12 LEAVE WITHOUT PAY

Council understands that employees may sometimes need time off but do not have enough paid leave saved up. This could be for reasons like an extended illness, caring for family, travelling, studying, volunteering or moving house.

In these situations, employees may be able to take leave without pay.

To request leave without pay, employees must fill out a leave application and submit it to their manager/supervisor.

12.1 KEY RULES AND CONDITIONS

- **Eligibility:** Employees can only apply for leave without pay if all available paid leave entitlements have been used
- **Approval:** Granting this leave and deciding how long it lasts is entirely up to Council's discretion. Council may, on reasonable notice and in consultation with the employee, vary or end the period of leave where operational needs require
- **Leave Accruals:** While on leave without pay, employees generally do not accrue annual leave or personal/carers leave
- **Superannuation:** Council will not make superannuation payments to an employees nominated superannuation fund on behalf of an employee during unpaid leave

12.2 RETURNING TO WORK

- **Coming back:** Employees are expected to return to work on the first scheduled workday after the prescribed leave ends
- **Notice of Changes:** If an employee cannot return on the nominated day, or if the employee decides not to return to Council at all, Human Resources must be notified in writing at least 2 weeks before the leave period ends
- **Job Abandonment:** If an employee does not return to work and fails to make arrangements with Council beforehand, the employment may be terminated on the grounds of abandonment

13 PUBLIC HOLIDAYS

13.1 SPECIAL PUBLIC HOLIDAYS

Employees based in Pormpuraaw are entitled to the special holidays appointed for the Pormpuraaw district.

13.2 GENERAL ENTITLEMENT

- An employee who would ordinarily be scheduled to work on a day that falls on a recognised public holiday is entitled to be absent from work on full pay for that day
- If an employee is required to work on a public holiday, Council will pay the employee for the actual hours worked or the minimum hours applicable to the award and position of the employee, whichever is greater

13.3 EXCLUSIONS

These paid public holiday provisions do not apply to:

- Casual Employees
- Pieceworkers
- Employees who are already rostered off on the day the public holiday falls

13.4 SHOW HOLIDAYS

Employees based in Pormpuraaw are entitled to the show holiday appointed for the district. Employees based in Cairns are entitled to the Cairns show holiday

13.5 ALTERNATIVE ARRANGEMENTS

Additional arrangements regarding public holidays are governed by the relevant industrial instrument. This includes specific provisions for:

- Employees who do not work a standard Monday to Friday Schedule
- Employees who are rostered off on a public holiday
- The formal substitution of public holidays by mutual agreement

14 TIME OFF IN LIEU (TOIL)

TOIL is an arrangement that allows eligible staff to take approved time off instead of receiving overtime pay for hours worked outside of their normal schedule. All TOIL is governed by the appropriate award stream, and employees should consult their relevant award to understand their specific entitlements.

14.1 ELIGIBILITY AND ACCRUAL

- **Eligibility:** Only award-based employees are entitled to accrue TOIL. To be eligible for accrual, all TOIL must be formally approved prior to the additional hours being worked.
- **Minimum Threshold:** While employees may occasionally need to work extra time to achieve operational objectives, TOIL can only be requested if the employee works more than half an hour (30 minutes) of extra time on any given day
- **Maximum Cap:** An employee may only carry a maximum of 38 hours of TOIL at any one time

14.2 APPROVAL PROCESS

- **Advanced Approval Required:** Any time worked with the intention of accruing TOIL must be approved in advance only by the Chief Executive Officer (CEO)
- **Exceptional Circumstances:** In exceptional situations where advanced notice is not possible, management will review the circumstances and may consider granting approval after the time has been worked

14.3 TAKING TOIL

- **Timeframe for Taking Leave:** Accrued TOIL must be taken within the timeframe specified by the applicable award for the employee's position and stream, at a time mutually agreed upon by the employee and Council

- **Direction to Take TOIL:** If an agreement cannot be reached regarding when TOIL will be taken, Council reserves the right to direct the employee to take their accrued TOIL by providing a minimum of 28 days written notice

15 HUMAN RIGHTS COMPATIBILITY STATEMENT

This policy has been assessed as compatible with Human Rights protected under *the Human Rights Act 2019*.

16 DEFINITIONS

Term	Definition
Adoption Leave	Short adoption or long adoption leave
Bereavement	Period of grief and mourning after the passing of a person
Child	Includes an adopted child, stepchild, ex-nuptial child and an adult child
De Facto Partner	A person who, although not legally married to the employee, lives with the employee in a relationship as a couple on a genuine domestic basis
DFV	Domestic Family Violence
Immediate Family	A spouse, de facto partner, child, parent, grandparent, or sibling of the employee and/or their significant other
Long-Term Casual	Employed on a regular and systematic basis
Council	Pormpuraaw Aboriginal Shire Council
Personal Leave	Sick/Carer's leave, bereavement leave, cultural leave
Remuneration	Total compensation or payment received in exchange for the work or service provided
Short-Term Casual	A casual employee other than a long-term casual employee
Spouse	Includes a former spouse, a de facto or a former de facto partner
TOIL	Time off in lieu; an arrangement where an employee works extra hours but instead of getting paid overtime money, the employee is paid in time off at a later stage

17 RELATED POLICS AND OTHER DOCUMENTS

Code of Conduct for Staff Summary

18 MONITORING AND REVIEW

Notwithstanding the above, this policy is to be reviewed every four (4) years for relevance and to ensure that its effectiveness is maintained.

19 RESPONSIBILITY

This Policy is to be implemented by the CEO; and reviewed and amended in accordance with the by the Governance and Records Officer.

20 VERSION CONTROL

Version	Details	Resolution No	Date
1	Created and adopted		
2	Amended and adopted	2029/193	19 October 2026

Appendix A – Special Natural Disaster Declaration and Leave Application

Employee Name		Employee No	
Position		Department	
Period of Leave			
I declare that I was unable to attend my usual place of employment or any other depot or office of Pormpuraaw Aboriginal Shire Council on the dates indicated above due to the following natural disaster:			
Employee Signature		Date	
Recommended Supervisor		Date	
Approved by General Manager		Date	

Office Use Only

Leave Entitlement as at		Hours	
Signature of Payroll Officer		Date	

To ***[Applicants name]***,

Your application for leave with/without pay, covering the period from:

[Start Date] to ***[End Date]*** inclusive has been approved.

You are required to recommence work on ***[enter date]***

Signature of Payroll Officer: _____ Date: _____