



Procedure 3.11 - Leave

1.0 Application

This procedure applies to all employees of North Queensland Bulk Ports Corporation (NQBP).

2.0 Procedure

2.1 Purpose

To describe the various forms of leave available to employees of North Queensland Bulk Ports Corporation (NQBP) and the process for administering these leave types.

The corporation supports work/life balance and recognises that employees will require time away from work for the purposes of; rest, recreation, and also to cater for circumstances which may arise in their personal/family life.

2.2 Exclusion from Leave Entitlements

All full time and part time employees are entitled to the leave entitlements outlined below. Casual employees are excluded from all leave entitlements except:

- Unpaid parental Leave
- Unpaid Carer's Leave (in accordance with Fair Work Act)
- Long Service Leave (in accordance with State Legislation)

2.3 Approval

Leave is requested through the online leave application form which contains workflow for progression to your manager for review and approval. Where this access is not available, leave requests can be made using the manual form. Once approved, payroll are automatically notified and will process leave. Your leave balance will be adjusted accordingly. Any supporting documentation for leave is to be attached to the leave request or sent to your manager.

2.4 Annual Leave

Entitlement

- Full time employees are entitled to annual leave on full pay at the rate as outlined in their employment contract. This amount will be prorated for part time employees in accordance with their contracted hours;
- Annual leave is accumulated from the date of commencement on a pro-rata basis. Annual leave will not accrue during unpaid leave. Leave is available to be taken once accrued; and
- Employees will be paid out their accrued annual leave entitlement on a pro-rata basis at the termination/completion of employment with NQBP.

It is important that employees take regular leave to maintain work/life balance. Where an employee has accrued in excess of two (2) year's annual leave entitlement, the manager will work with the employee to reduce their leave balance.

NQBP understands that employees may wish to accumulate leave for an extended holiday or special occasion. In such circumstances, employees must discuss their preference with their Manager providing as much notice as possible. An agreed leave plan will be developed to ensure leave accruals do not become excessive.

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Annual leave should be applied for 2 weeks prior to the planned absence. Annual Leave should be approved in the system before being taken.

Public Holidays when on Annual Leave

Where a public holiday falls on a working day during a period of approved annual leave, the day will be processed as a public holiday.

Annual Leave Loading

Annual leave loading is provided in accordance with the employees enterprise agreement or employment contract.

Excessive Annual Leave

An employee with an annual leave balance equal to twenty four (24) months entitlement, is considered excessive. To manage excessive leave the Manager should meet with the employee to discuss their annual leave and how they plan to reduce the accrual. The meeting is an opportunity to:

- ask the employee if there is a reason they have accrued more than 24 months' worth of leave (e.g. are they planning an overseas trip);
- advise the employee of the need to take some annual leave over the coming weeks and/or months, and agree on a time for the employee to take the leave. The leave should be a minimum of leave to take the accruals to under the excessive level amount. Note: Employees on the Enterprise Agreement (36.25 hours a week) accrue leave at 145 hours/4 weeks. Employees working a 38 hour week accrue leave at 152 hours/4 weeks.

Where agreement cannot be reached on the timing and the amount of leave to be taken, the employee can be directed to take leave. NQBP will provide a letter which gives the notice required to take annual leave.

2.5 Long Service Leave

Employees who complete ten (10) years continuous service are entitled to thirteen (13) weeks leave (pro rata for part time employees) on full pay and an additional proportionate period of leave after a further 5 years continuous service. An employee who has completed an initial or subsequent period of ten (10) years' service and who continues that service until the employee has completed a further period of ten (10) years' service, will receive a further thirteen (13) weeks paid leave.

Eligible employees may apply to access long service leave after seven (7) years continuous service. Employees considering taking long service leave should first speak to their manager and provide estimated dates with as much notice as possible.

In the case of an employee whose employment terminates after seven (7) years a pro rata payment of the accrued long service leave may be paid in accordance with their industrial agreement.

Where practicable, employees should provide three (3) months written notice of their intention to take LSL. If less than three months' notice is given, the HR/IR Manager will consult with the Chief Executive Officer who may, at his/her discretion, approve the leave. The minimum period of LSL that may be taken at any one time is one (1) calendar week. Authorised periods less than a week may be approved by the Senior Executive or HR/IR Manager.

Upon termination of employment after the 10 year qualifying period, employees will be entitled to receive payment in lieu of accrued long service leave credits not taken. However, if the employee's service is terminated and they have completed 7 but less than 10 years continuous service, the employee is entitled to a proportionate payment only if:

- The employee's service is terminated by their death;

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- The employee terminates their service because of their illness or incapacity or because of a domestic or other pressing necessity;
- NQBP dismisses the employee for a reason other than the employee's conduct, capacity or performance

2.6 Personal Leave

Personal leave incorporates sick leave and carers leave. The arrangements are:

- Personal leave is accrued on a pro-rata basis;
- Employees can take full or part days as personal leave; and
- Any unused personal leave may be accumulated from year to year.

Any period of personal leave which falls on an eligible public holiday will not be deducted from the employee's accrued sick leave.

Personal leave entitlement

A NQBP employee is entitled to personal leave days as outlined in their Employment Agreement or Enterprise Agreement (this is prorated for part time employees).

Approval for Personal leave

An employee must notify their immediate manager of:

- Their illness or caring requirement and that they are unable to attend work; and
- The approximate period the employee will be absent.
- Notification to their manager must be prior to their scheduled commencement time

Employees are required to apply for personal leave using the online leave form on the first day back at work. If they are unable to do this, a manual form may be used.

Applications for personal leave of more than two (2) consecutive days must be supported by a certificate from a medical practitioner. Where applicable, medical certificates must be attached to the applicable leave form and provided to the payroll department within 24 hours of the employee's first day back at work.

A Manager may request the employee provide a medical clearance certifying that they are 'fit to resume normal duties' following return from a period of sick leave.

Employees can use their accrued personal leave as carer's leave (prorated for part time employees). Carer's leave can be taken for part of a day, and is paid at the employees' ordinary rate of pay.

Sick Leave

If an employee is ill, incapacitated or cannot attend work they may apply for sick leave.

Sick Leave without pay

Employees who have exhausted their personal leave entitlement may be granted leave without pay. This is subject to; the approval of their Manager and Human Resources; the satisfactory provision of a medical certificate; and where the employees annual leave entitlement is exhausted.

Sick Leave Audit

The Human Resources department will from time to time review personal leave taken to identify and investigate any potential misuse of the entitlement.

Carer's Leave

Carer's leave is available if the employee is required to provide care or support to members of the employee's immediate family or household when they are ill or injured, or in an unexpected emergency.

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An employee cannot take carer's leave if another person (for example, the employee's partner) has taken leave to care for the same person.

Unpaid Carer's Leave

If an employee has exhausted their entitlement to paid personal leave, they may take unpaid carer's leave of 2 days with approval by Human Resources. This must be supported by a medical certificate for the person requiring care. Unpaid carer's leave will not be granted when the employee has an entitlement to paid carer's leave.

Applying for Carer's Leave

Employees are required to apply for carer's leave using the NQBP Leave form on the first day back at work or in advance when the dates are known when the employee is required to be the primary carer. The leave application must include the person they are caring for.

A medical certificate from a medical practitioner or a statutory declaration stating the general illness of the person concerned is required as proof of any carer's leave taken in excess of two days. In addition, an employee may be entitled to use any personal leave (sick) entitlements for the period of absence if carer's leave entitlements have been previously exhausted. All medical certificates must be provided to Human Resources on the employee's first day back at work.

An employee may elect, with the approval of their Manager, to take leave without pay or annual leave, for the purposes of providing care to a member of their immediate family or household who is ill.

2.7 Parental Leave

Parental leave encompasses maternity, paternity, special maternity, partner, adoption and concurrent parental leave. All parental leave, except for concurrent parental leave, is taken by an employee to be the primary caregiver for a new born or adopted child.

Eligibility for Parental Leave

Parental leave is available to all permanent, fixed term and casual employees who have a minimum of 12 months regular and systematic employment immediately prior to the date of birth or expected date of birth of the child, or in the case of adoption, the day of placement of the child. For other forms of parental leave the employee must have a minimum of 12 months regular and systematic employment at the commencement of any planned leave.

Continuing, fixed-term and casual employees are eligible for parental leave provided that:

- They have been employed by NQBP on a regular and systematic basis for a sequence of periods over at least 12 months at the time of commencement of the period of leave; and
- Had it not been for the birth (or expected birth) or adoption (or expected adoption) of a child, they would have reasonable expectation of continuing employment by NQBP on a regular and systematic basis.

In the case of fixed-term continuing employees who met the eligibility requirements, parental leave ceases at the date of expiry of the contract. NQBP will not be required to extend a contract of employment solely by reason of these provisions of this policy.

Fixed-term continuing employees are only eligible to NQBP paid leave if they have a fixed-term arrangement that is two (2) years or greater.

In the period of parental leave the employee will not engage in any conduct inconsistent with their contract of employment.

Entitlement (National Employment Standards)

An employee is entitled to unpaid parental leave of 52 consecutive weeks (less any special maternity leave taken). An employee who has been on unpaid parental leave for 52 weeks can request an extension of unpaid parental leave for a further period of up to 52 weeks immediately following the

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end of their available unpaid parental leave period (up to a maximum 104 weeks leave). Note the additional 52 weeks is subject to approval by NQBP.

Statutory Paid Parental Leave

On 1 January 2011 the government funded Paid Parental Leave scheme commenced. Eligible employees are able to access up to 18 weeks of government funded paid parental leave at the national minimum wage. Employees should contact the Family Assistance Office to determine if they are eligible and to apply for government funded paid parental leave. This paid 18 weeks is paid at the minimum wage rate not the employee's substantive rate and is part of the 52 week period of leave, not additional to it.

Statutory Dad and Partner Pay

On 1 January 2013 the government funded 'Dad and Partner Pay' initiative was introduced. This initiative provides two (2) weeks paid leave at the national minimum wage. To be eligible for this federal government entitlement, an employee must be on unpaid leave from work or not working. It is available to those who work full time, part time, casually, seasonally, on contract or are self-employed. Employees are to provide 10 weeks' notice of their intent to take the two (2) weeks unpaid leave.

NQBP Paid Paternity/Partner Leave – short-term

NQBP will pay for one (1) day pre-natal leave, to attend medical appointments with their partner prior to the birth of the child.

NQBP will pay for one (1) week of paternity/partner leave at the rate of pay the eligible employee was entitled to immediately prior to taking leave for the birth of a child.

Maternity leave

Maternity leave is granted to eligible employees who give birth to a new child and become the primary carer of that child. It comprises both maternity leave and unpaid parental (Maternity) Leave.

NQBP Paid Parental leave

NQBP will pay fourteen (14) weeks of leave at the rate of pay the eligible employee was entitled to immediately prior to the commencement of leave for the birth of the child. This leave can be taken at full or half pay. Employees must have returned to work for a period of 6 months prior to taking a subsequent period of NQBP paid parental leave.

Other Leave – Eligible employees will have access to paid pre-natal leave up to a week for medical appointments prior to the birth of the child. This can be taken as part days.

Applying for Maternity leave

The employee must give NQBP at least ten (10) weeks written notice of intention to take leave.

The employee must, before starting the leave, supply NQBP with:

- a doctor's certificate confirming that she is pregnant and the expected date of confinement (birth); and
- the actual or approximate starting and finishing dates of maternity leave to be taken; and
- a statutory declaration by the employee stating the period of any parental leave sought by her spouse, if requested.

An employee may extend the period of maternity leave once only by written notice giving NQBP at least 4 weeks' notice:

- providing at least 4 weeks' notice before the maternity leave ends. The notice must state when the extended period of maternity leave ends.
- Further extensions maybe agreed by NQBP but will depend on the requirements of the business.

A pregnant employee entitled to maternity leave or an employee who is taking maternity/parental leave must take the unpaid leave component in a single unbroken period.

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2.8 Adoption leave

Adoption leave is granted to eligible employees who become the primary carer for a new child aged five (5) years or younger and comprises both paid adoption leave and unpaid parental (adoption) leave.

NQBP will pay fourteen (14) weeks of such leave at the rate of the pay the eligible employee was entitled to immediately prior to the commencement of leave for the birth of the child. This leave can be taken at full or half pay.

Applying for Adoption leave

The employee must give NQBP at least 10 weeks written notice of intention to take the leave (template letters are available from Human Resources and on ERIC).

The employee must, before starting the leave, supply NQBP with:

- Supporting documentation confirming the expected date of placement of the child; and
- the actual or approximate starting and finishing dates of adoption and parental leave to be taken; and
- if requested a statutory declaration by the employee stating the period of any parental leave sought by their spouse or partner

2.9 Compassionate Leave

An employee is entitled to paid Compassionate Leave (on production of satisfactory evidence) for each occasion (refer the employment contracts or enterprise agreement for the number of days) when a member of the employee's immediate family or a member of the employee's household:

- Contracts or develops a personal illness that poses a serious threat to his or her life;
- Sustains a personal injury that poses a serious threat to his or her life; or
- Dies.

An employee may take compassionate leave for each occasion as:

- A single continuous three (3) day period;
- Separate periods of one (1) day each; or
- Any separate periods to which the employee and his/her employer agree.

At the discretion of the Manager an employee may be granted additional unpaid compassionate leave without pay, when annual leave accruals have been exhausted.

Casual employees

A casual employee is entitled to unpaid compassionate leave as outlined above. The leave is to be granted for a death occurring either within Australia or overseas. A casual employee may be granted additional compassionate leave without pay as determined by the Manager.

Applying for compassionate leave

Employees are required to apply for Compassionate Leave using the online form. An employee must give NQBP notice as soon as possible of their intention of taking the leave. Notice must be given as soon as practicable. An employee may be required to show supporting evidence for the compassionate leave.

2.10 Community Service Leave

An employee is entitled to be absent for:

- Jury service that is required by law;
- A voluntary emergency management activity involving an emergency or natural disaster where the employee is a voluntary member of an emergency management body; or
- An activity prescribed in regulations as an activity of a community service nature.

The employee must give as much notice as is practicable to NQBP and must advise the period or expected period of the absence. NQBP may reasonably require the employee to provide evidence that the employee is engaging in an eligible community service activity.

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Community Service leave will be unpaid, with the exception of jury service. Employees required to attend jury service are eligible to be paid the base rate of pay for the employee's ordinary hours of work for the first ten (10) days of jury service. Payment beyond 10 days is at the discretion of the CEO. This amount will be reduced by the jury service payment received by the employee for the period.

An employee is to notify their Manager and provide relevant documentation as soon as possible of the date the employee is required to attend court as a witness or to undertake jury service.

2.11 Domestic and Family Violence Leave

An employee who is affected by domestic and family violence will have access to 10 days per year of paid leave. This leave type is available for employees who are a victim of family or domestic violence.

Domestic and family violence occurs when one person in a relationship uses violence and abuse to maintain power and control over the other person. This can include behaviour that is physically, sexually, emotionally, psychologically or economically abusive, threatening, coercive or aimed at controlling or dominating the other person through fear. The reasons for accessing this leave may include but are not limited to attending medical, legal, police or counselling appointments; attending court and other legal proceedings; and organising alternative accommodation, care or education arrangements for the purposes of attending to matters arising from domestic and family violence or supporting the person affected by domestic and family violence.

Employees, and their immediate family members, may utilise support from NQBP's employee assistance program, to all employees and their immediate family members. The EAP offers free and confidential support services through face-to-face, telephone and online counselling.

Employees impacted directly by domestic and family violence can disclose information when, how and to whom they feel comfortable with. Information disclosed by an employee in relation to domestic and family violence will be kept confidential, except to the extent that disclosure is required or permitted by law.

Leave may be granted where the Chief Executive Officer is satisfied that the employee requires leave because the employee is affected by domestic and family violence. The employee does not have to use other leave entitlements before accessing this leave. The employee may also access further paid or unpaid leave or other accrued time to attend to matters arising from domestic and family violence.

Requests for leave are to be made with reasonable notice via Human Resources, and will be dealt with confidentially. The employee can make the request directly or via a supporting colleague. Any supporting documentation available should be provided with the leave request. This leave type will be subject to CEO approval.

This leave can be taken as consecutive days, single days or a fraction of a day.

Employees will be supported and encouraged to raise concerns about their personal circumstances, including whether domestic and family violence is a contributing factor to work performance and attendance.

Where necessary, NQBP will consider additional support and provide reasonable workplace and role adjustments for a period of time for staff impacted by domestic violence. Regular reviews, a return to work plan and a performance improvement process may also be required.

2.12 Leave without pay

Leave without pay may be granted at the discretion of the Chief Executive Officer after consultation with Human Resources and usually only after accrued leave entitlements have been exhausted. Approval of leave without pay will be on the basis of special circumstances being presented.

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A period of unpaid leave will not impact the employee's continuity of service; however no entitlements will accrue during the period of unpaid leave. There is no entitlement to paid public holidays during a period of unpaid leave.

2.13 Other leave matters

Public Holidays

All permanent and fixed term employees shall be entitled to paid public holidays on all gazetted Federal and State public holidays which are considered to be an employee's normal working day. Sick Leave will not be applied to illness on a statutory public holiday. Where an employee is on unpaid leave prior to a public holiday, they will not receive the public holiday.

Recall, cancellation or deferral of Leave

The Chief Executive Officer may, if business circumstances so require it:

- Recall an employee from annual or long service leave; or
- Cancel the approval of any annual or long service leave; or
- Defer the taking of annual or long service leave.

An employee who has been recalled or whose leave is cancelled will be allowed to take annual or long service leave at the earliest time that is mutually convenient.

Where an employee has incurred expenses such as deposit payments, relating to payments for accommodation and/or travel for the employee and their immediate family, and those expenses are lost due to a recall, cancellation or deferral of leave by the CEO, the expenses will be reimbursed by NQBP. Such reimbursement is conditional upon the employee producing evidence of losses incurred, in the form of receipts or other evidence to the satisfaction of the CEO.

Please note that the recalling, cancellation or deferral of leave as described above will only apply where all other options have been exhausted, and would be unlikely in most circumstances.

3.0 Leave Policy, Procedure and Legislative Framework

NQBP is a Government Owned Corporation and a port authority and is required to comply with its own policies, prescribed applicable legislation and State Government policies and procedures. This procedure should be read in conjunction with:

- (a) Policy 3 - Human Resource Management;
- (b) *Fair Work Act & Regulations 2009* (Cth)

4.0 Procedure Review Date

This procedure should be reviewed by 30 June 2019.

5.0 Definitions

NQBP: means North Queensland Bulk Ports Corporation Limited ACN 136 880 218

Immediate Family: Immediate family is an employee's; Spouse, de facto partner, child, parent, grandparent, grandchild, sibling, or a child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner.

Full pay: The employee's ordinary rate of pay inclusive of any fixed allowances.

Half pay: Half of the rate of full pay.

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Long term casual employee: A casual employee who is engaged on regular and systematic basis during a period of at least 12 months immediately before the employee seeks to access the parental leave.

Casual employee: Includes both long term casual employees and short term casual employees (works on a needs basis, does not work set days).

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