



Leave Policy

1 Definitions

- 1.1 **Act** means the *Fair Work Act 2009* (Cth).
- 1.2 **Child** includes an adopted child, stepchild, an ex-nuptial child and an adult child.
- 1.3 **De Facto Partner** means 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 (whether the Employee and the person are of the same sex or different sexes). It also includes a former De Facto Partner of the Employee.
- 1.4 **Employees** means an employee of SP Hunters from time to time.
- 1.5 **Employment Contract** means an Employee's Employment Contract with SP Hunters (as amended from time to time).
- 1.6 **Immediate Family** means:
 - (a) Spouse, De Facto Partner, Child, parent, grandparent, grandchild or sibling; or
 - (b) a Spouse or De Facto Partner's Child, parent, grandparent, grandchild or sibling.
- 1.7 **Leave** means all forms of Leave provided under this Policy, including annual leave, personal/carer's leave, compassionate leave, community service leave, and long service leave.
- 1.8 **Leave Application Form** means SP Hunters Leave Application Form as amended from time to time.
- 1.9 **Managing Director** means the Managing Director of SP Hunters from time to time.
- 1.10 **Ordinary Hours** means the normal weekly hours specified in the relevant Employment Contract of an Employee.
- 1.11 **PPL Act** means the *Paid Parental Leave Act 2010* (Cth) as amended by the *Paid Parental Leave and Other Legislation Amendment (Dad and Partner Pay and Other Measures) Act 2012* (Cth);
- 1.12 **PPL Instalments** has the meaning given to that term in clause 7.24 of this Policy.
- 1.13 **Parent** means an Employee that is the parent of their Child on a permanent basis.
- 1.14 **Related Bodies Corporate** has the meaning given to that term in the *Corporations Act 2001* (Cth).
- 1.15 **Special Leave** means SP Hunters special leave arrangement set out in clause 6.
- 1.16 **Spouse** includes a former Spouse, a de facto Spouse or a former de facto Spouse.
- 1.17 **Supervisor** means an Employee's Supervisor from time to time.
- 1.18 **TOIL** means time off in lieu of overtime.
- 1.19 **SP Hunters** means Papua New Guinea Hunters Rugby Football Club Limited ABN 44 646 738 016 and its associated entities and Related Bodies Corporate.



2 Purpose

This Policy covers the following types of Leave:

- 2.1 Annual leave;
- 2.2 Special Leave;
- 2.3 Personal/carer's leave;
- 2.4 Compassionate leave;
- 2.5 Community service leave;
- 2.6 Family and domestic leave;
- 2.7 Long service leave;
- 2.8 Paid and unpaid parental leave; and
- 2.9 Grandparental leave

3 Commencement of this Policy

This Policy will commence from May 2021

4 Application of this Policy

- 4.1 This Policy applies to all casual, temporary, permanent and fixed-term Employees. It does not apply to contractors.
- 4.2 This Policy does not constitute a representation by SP Hunters or give rise to contractual obligations. It does not form part of any Employee's Employment Contract. It is not intended to override the terms of any Employment Contract that applies to an Employee.
- 4.3 This Policy summarises the National Employment Standards set out in the Act. It should be read subject to those statutory provisions.

5 Annual leave

- 5.1 SP Hunters provides annual leave in accordance with the Act.

Amount of leave

- 5.2 Employees accrue 4 weeks of paid annual leave for each year of service as a permanent (not casual) employee.
- 5.3 Annual leave accrues progressively throughout the year, and accumulates from year to year.
- 5.4 Annual leave does not accrue for any period of unauthorised absence or unpaid Leave.

Taking annual leave

- 5.5 Annual leave can be taken at any time as agreed between SP Hunters and an Employee. SP Hunters will not unreasonably refuse requests to take annual leave.
- 5.6 SP Hunters can direct an Employee to take annual leave where it is reasonable. This might include where the Employee has accrued an excessive amount of paid annual leave, or where SP Hunters is being shut down for a period such as Christmas or New Year. For the purposes of this clause 5.6, an accrued entitlement of six (6) weeks' annual leave constitutes an excessive amount of paid annual leave.

Shut downs

- 5.7 An Employee will be required to take paid annual leave when SP Hunters shuts down its office for a 2 week period over Christmas and New Year.
- 5.8 If an Employee does not have sufficient annual leave accrued to cover the full duration of a shutdown period, then:
- (a) the Employee's period of absence will be treated as annual leave without pay; or
 - (b) the Employee will be paid annual leave in advance, subject to clauses 5.11 and 5.12 of this Policy.

Payment on annual leave

- 5.9 Annual leave will be paid at the Employee's base rate of pay for the Employee's Ordinary Hours of work. This does not include payment for any allowances, loadings, penalties or the like.

Cashing out annual leave

- 5.10 An Employee may cash out some of their annual leave, provided that:
- (a) the Employee has at least 4 weeks annual leave remaining;
 - (b) the Managing Director agrees to let the Employee cash out the annual leave; and
 - (c) the agreement is made in writing and signed by the Employee and SP Hunters.

Leave in advance

- 5.11 An Employee may request that SP Hunters grant them a period of annual leave prior to the Employee having accrued such annual leave.
- 5.12 A Supervisor (in consultation with the Managing Director) may (in special circumstances) grant annual leave to an Employee prior to the Employee having accrued such annual leave.
- 5.13 Any agreement made pursuant to clause 5.12 must:
- (a) state the amount of annual leave to be taken in advance and the date on which annual leave is to commence; and
 - (b) be signed by SP Hunters and the Employee.
- 5.14 If, on termination of employment, an Employee has a negative annual leave balance as a result of any agreement made pursuant to clause 5.12, SP Hunters may deduct from any money due to the Employee on termination an amount equal to the value of the Employee's negative annual leave balance as at the date of termination.

Payment of annual leave on termination

- 5.15 Untaken annual leave is paid out on termination of employment. Such payment will be the amount that the Employee would have received if the Employee had taken the annual leave in accordance with clause 5.9 of this Policy.

Casual employees

- 5.16 Casual employees are not entitled to annual leave.

6 Special leave

- 6.1 In addition to annual leave entitlements under the Act, SP Hunters offers its fulltime Employees 5 days paid Special Leave for each year of service.
- 6.2 Special Leave may only be taken by Employees during the football season, being March to October (inclusive) during any calendar year.
- 6.3 Special Leave does not accumulate from year to year, and any accrued but untaken Special Leave will automatically expire on 31 October each year.
- 6.4 An Employee's accrued but untaken Special Leave is not paid out on termination of employment.
- 6.5 Special leave may only be taken by Employees if their accrued annual leave does not exceed 6 weeks'.
- 6.6 Special leave does not accrue whilst an Employee is on Parental Leave and cannot be accessed whilst on Parental Leave.

7 Paid personal/carer's leave

- 7.1 SP Hunters provides personal/carer's leave in accordance with the Act.
- 7.2 An Employee is entitled to 10 days paid personal/carer's leave for each year of service, according to the Employee's Ordinary Hours of work.
- 7.3 Personal/carer's leave accumulates from year to year.
- 7.4 The Employee must be a permanent Employee (which, for the avoidance of doubt, includes a fixed-term Employee) to be entitled to paid personal/carer's leave under this clause 7. Casual Employees are not entitled to paid personal/carer's leave.

Taking paid personal/carer's leave

- 7.5 An Employee may use their personal/carer's leave for paid time off work:
 - (a) due to personal illness or injury; or
 - (b) to provide care and support to a member of the Employee's Immediate Family or household who requires care or support because they have suffered an illness, injury or unexpected emergency.

Personal/carer's leave — notice and documentation requirements

- 7.6 To take personal/carer's leave, an Employee must:
 - (a) comply with any requirements in any Employment Contract;
 - (b) as soon as practicable, inform the Supervisor that the Employee will be absent from work, and state the period (or estimated period) of absence; and
 - (c) provide a medical certificate for any absence of 3 days or more to show that the personal/carer's leave was taken for a legitimate reason.

Payment for personal/carer's leave

- 7.7 Personal/carer's leave is paid at the Employee's base rate of pay for all Ordinary Hours of work. This does not include payment for any allowances, loadings, penalties or the like.
- 7.8 Personal/carer's leave is paid at the usual pay time, provided the Employee has complied with the notice and documentation requirements under clause 7.6 of this Policy.

Cashing out personal/carer's leave

- 7.9 An Employee cannot cash out personal/carer's leave unless it is expressly provided for by their Employment Contract.

Payment for personal/carer's leave on termination

- 1.1 An Employee's accrued but untaken personal/carer's leave is not paid out on termination of employment, unless the Employment Contract expressly provides for it.

2 Unpaid personal leave

- 2.1 An Employee can take unpaid personal leave under this clause 2 if the Employee is a casual Employee, or a permanent Employee who has exhausted their paid personal leave entitlements under clause 7 of this Policy.
- 2.2 If this clause 2 applies, an Employee can take up to 3 months' unpaid personal leave, subject to approval by the Managing Director.
- 2.3 An Employee must comply with the notice and documentation requirements under clause 7.6 of this Policy in respect of all requests for unpaid personal leave.

3 Unpaid carer's leave

- 3.1 An Employee can take unpaid carer's leave under this clause 3 if the Employee is a casual Employee, or a permanent Employee who has exhausted their paid carer's leave entitlement under clause 7 of this Policy.
- 3.2 If this clause 3 applies, an Employee can take up to 2 days' unpaid carer's leave to provide care and support to a member of their Immediate Family or household who requires care or support because they have suffered either an illness, injury or an unexpected emergency.
- 3.3 An Employee must comply with the notice and documentation requirements under clause 7.6 of this Policy in respect of all requests for unpaid carer's leave.

4 Compassionate leave

- 4.1 SP Hunters provides compassionate leave in accordance with the Act.
- 4.2 Employees are entitled to up to 2 days' compassionate leave if a member of the Employee's Immediate Family or household either has a personal illness or injury that poses a serious threat to their life, or dies.
- 4.3 The Managing Director may grant an Employee further compassionate leave on a case by case basis.

Payment for compassionate Leave

- 4.4 Permanent Employees are entitled to paid compassionate leave.
- 4.5 Compassionate leave is paid at the Employee's base rate of pay for the Employee's Ordinary Hours of work. It does not include payment for any allowances, loadings, penalties or the like.
- 4.6 The payment will be processed at the usual pay time, provided the Employee has complied with the notice and documentation requirements under clause 4.9 of this Policy.

Cashing out compassionate leave

- 4.7 Compassionate leave cannot be cashed out.

Compassionate leave - Casual employees

- 4.8 Casual employees, are entitled to up to 2 unpaid days off when a member of the Employee's Immediate Family, or a member of their household has a personal illness or injury that poses a serious threat to his or her life, or dies.

Compassionate leave — notice and documentation requirements

- 4.9 If an Employee needs to use compassionate leave, the Employee should inform their Supervisor as soon as practicable. The Employee may also be required to provide reasonable evidence of the need to take compassionate leave.

No accumulation

- 4.10 Compassionate leave does not accrue and is not paid out on termination of employment.

5 Long service leave

- 5.1 Employees are entitled to long service leave in accordance with applicable legislation as varied from time to time.
- 5.2 The current entitlement of an Employee is 8.6667 weeks long service leave on completion of 10 years continuous service with SP Hunters.
- 5.3 Employees with 7 or more years' continuous service may be entitled to pro-rata payment of long service leave on termination of employment in certain circumstances, in accordance with applicable legislation.

6 Community service leave

- 6.1 SP Hunters provides community service leave in accordance with the Act.
- 6.2 Community service leave incorporates jury service and voluntary emergency management activities.

Jury service

- 6.3 Employees are entitled to be absent from work to perform jury service.

Payment for jury service leave

- 6.4 Permanent Employees are entitled to be paid their base rate of pay for Ordinary Hours of work for the first 10 days of absence on jury service only. It does not include payment for any allowances, loadings, penalties or the like.
- 6.5 Paid jury service leave is decreased by the amount of court jury service pay the Employee either:
- (a) actually receives; or
 - (b) is entitled to receive.
- 6.6 Casual employees are not entitled to paid jury service leave.

Voluntary emergency management activities

- 6.7 An Employee is entitled to take unpaid leave for voluntary emergency management activities if:
- (a) the Employee volunteers (although the Employee can be paid a gratuity) to help in an activity that involves dealing with an emergency or natural disaster; and
 - (b) the Employee is a member of a recognised emergency body such as a fire-fighting, civil defence or rescue body, and that body either:
 - (i) asked the Employee to help with the emergency or natural disaster; or
 - (ii) it is reasonable to expect that they would ask the Employee to help, but haven't, in the circumstances, been able to; and
 - (c) the Employee's absence is reasonable in all the circumstances.

- 6.8 The amount of time an Employee is entitled to take off will depend on whether the Employee's absence is reasonable, and will be reassessed from time to time.
- 6.9 As a guide, SP Hunters will normally allow an Employee to take time off for engaging in the voluntary emergency/natural disaster activity, reasonable travel time and reasonable rest time immediately afterwards.
- 6.10 Unlike jury service, this leave for voluntary emergency management activities is unpaid.

Notice and documentation for community service leave

- 6.11 To take community service leave (either for jury service or for an emergency activity), an Employee must:
 - (a) comply with any requirements in their Employment Contract;
 - (b) as soon as practicable, inform the Supervisor that the Employee will be absent, and explain why and approximately for how long;
 - (c) provide reasonable evidence that the absence is for a voluntary emergency management activity or jury service leave; and
 - (d) in the case of absence for jury service, provide evidence of any jury service pay they have received or may be entitled to receive.

7 Parental leave

- 7.1 SP Hunters provides parental leave in accordance with the Act and the PPL Act. This clause 7 summarises parental leave under the Act and the PPL Act.
- 7.2 Parental leave incorporates birth-related and adoption-related leave.

Eligibility for parental leave

- 7.3 An Employee, other than a casual Employee, will be eligible to take unpaid parental leave if the Employee has (or will have) successfully completed their relevant probationary period with SP Hunters immediately before:
 - (a) the date of birth of the Child, or expected date of birth (for birth-related leave); or
 - (b) the day of placement of the Child, or expected day of placement (for adoption-related leave).
- 7.4 For Employees accessing adoption-related leave, the Child must, at the day of placement or expected day of placement:
 - (a) be under 16;
 - (b) not have lived continuously with the Employee for at least 6 months; and
 - (c) not be a Child of the Employee's Spouse or De Facto Partner.
- 7.5 A casual Employee will be eligible to take unpaid parental leave if:
 - (a) the Employee has been (or will be) employed by SP Hunters on a regular and systematic basis for a sequence of periods of employment during a period of at least 12 months prior to the taking of parental leave; and
 - (b) would have a reasonable expectation of employment by SP Hunters on a regular and systematic basis but for the birth, the expected birth, the placement or the expected placement.
- 7.6 An Employee must also meet the notice and documentation requirements under clauses 7.16 to 7.18 of this Policy to be eligible for parental leave.

Paid Parental leave

- 7.7 In addition to the minimum entitlements to parental leave under the Act, SP Hunters offers parents eighteen (18) weeks paid parental leave at their base rate of pay.
- 7.8 To be eligible for paid parental leave, a parent must have successfully completed their relevant probationary period with SP Hunters.
- 7.9 In the event a parent resigns or their employment with SP Hunters is terminated within six (6) months after the expiry of any parental leave taken, the parent may be required

discretion of SP Hunters, to repay SP Hunters the amount they received by way of paid parental leave.

Entitlement to superannuation during unpaid parental leave

- 7.10 Employees will be paid superannuation for the duration of their unpaid parental leave calculated by the employees' base rate of pay immediately prior to taking parental leave. This applies to the first twelve (12) month period of Parental Leave.

Timing of birth-related leave

- 7.11 Birth-related leave for a female Employee who is pregnant may start up to 6 weeks before the expected date of birth of the Child. Otherwise, the Employee's leave must not start later than the day of the birth of the Child, or immediately after the parental leave of their Spouse.
- 7.12 SP Hunters may ask the pregnant Employee to provide a medical certificate or other evidence that would satisfy a reasonable person stating:
- (a) that the Employee is fit for work, and
 - (b) if the Employee is fit for work — whether it is inadvisable for the Employee to continue working, considering illness or risks arising out of the pregnancy or hazards connected with the position.
- 7.13 SP Hunters may require the pregnant Employee to take unpaid parental leave during the 6 week period before the expected date of birth if:
- (a) the Employee has not provided the requested medical evidence within 7 days after the request; or
 - (b) the Employee has provided the medical evidence but the evidence states that it is inadvisable for her to continue in her present position during the stated risk period.

Timing of adoption-related leave

- 7.14 Any Employee who applies for and is granted unpaid adoption-related leave must, as a condition of the leave, start the leave on the day of the placement of the Child. However, if the Employee's Spouse has responsibility for the care of the Child from the day of the placement, the Employee may take the unpaid adoption related leave from the date their Spouses' leave finishes.
- 7.15 An Employee may also access up to 2 days' unpaid pre-adoption leave if required to attend an interview or an examination in order to obtain approval for the adoption and the Employee cannot take some other form of leave.

Notice and documentation for parental leave

- 7.16 An Employee who wishes to take parental leave must submit a Leave Application to SP Hunters to provide notice of the intention to take parental leave and the intended start date and end dates of the leave:
- (a) at least 10 weeks before starting the leave; or
 - (b) if 10 weeks' notice is not practicable, as soon as is practicable.
- 7.17 At least 4 weeks before the intended start date, an Employee is required to confirm their intended start and end dates of the parental leave.
- 7.18 SP Hunters will consider the request and whether the Employee is eligible for parental leave and will, advise the Employee whether the request is granted or declined.

Period of parental leave

- 7.19 An Employee on parental leave may elect to extend Paid Parental Leave over a maximum 3 year period. The Employee may elect to take up to eighteen (18) weeks of Paid Parental Leave at up to three various separate intervals during the course of this 3 year period, subject to the approval of their Leader and Human Resources.

Ending parental leave and returning to work

- 7.20 An Employee who takes parental leave should be aware that SP Hunters may give the Employee 4 weeks' notice directing the Employee to return to work if the Employee ceases to be responsible for the care of the Child.
- 7.21 Upon return to work from parental leave, the Employee is entitled to return to the position that they held immediately before going on parental leave.
- 7.22 An Employee who has returned from parental leave may request in writing a flexible working arrangement.

Paid parental leave under the PPL Act

- 7.23 An Employee may be entitled to paid parental leave in accordance with the PPL Act.
- 7.24 The PPL Act is an Australian Government scheme which provides eligible working mothers and initial primary carers paid leave for the duration they are not working, to a maximum of 18 weeks at the federal minimum wage (**PPL Instalments**).
- 7.25 The PPL Act also provides eligible working dads or partners (including adopting parents and same-sex couples) to receive up to 2 weeks' pay at the federal minimum wage after the birth of their Child if born or adopted after 1 January 2013.
- 7.26 Eligible working dads or partners must not be working during this time or must be on unpaid leave.
- 7.27 Employees are required to make their own request for PPL Instalments to the Department of Human Services who will make an independent assessment of an Employee's eligibility. More detailed information can be found at the Department of Human Services website.
- 7.28 Employees are encouraged to obtain independent advice in relation to the scheme under the PPL Act.

8 Grandparental leave

- 8.1 Employees will be eligible to take a maximum of 12 months unpaid grandparental leave if the Employee has (or will have) completed at least 12 months' continuous service with SP Hunters immediately before the date of birth of the Employee's Grandchild or grandchildren.
- 8.2 Grandparental leave can only be taken when the respective grandchild or grandchildren are under five years of age.
- 8.3 For the purposes of this provision, a Grandchild means an Employee's biological or adopted son or daughter's child or children.

9 Paid Family & Domestic Leave

- 9.1 An Employee is entitled to 10 days of paid family and domestic leave in a 12 month period.
- 9.2 The employee may take paid family and domestic leave if:
- (a) the employee is experiencing family and domestic violence; and
 - (b) the employee needs to do something to deal with the impact of the family and domestic violence; and
 - (c) it is impractical for the employee to do that thing outside the employee's ordinary hours of work.
- 9.3 **Family and domestic violence** is violent, threatening or other abusive behaviour by a close relative of an employee that:
- (a) seeks to coerce or control the employee; and
 - (b) causes the employee harm or to be fearful.
- 9.4 An Employee who has given SP Hunters notice of the taking of leave under this clause must, if required by SP Hunters, provide SP Hunters evidence that would satisfy a reasonable person that the leave is taken because the employee is suffering from family and domestic violence.

- 9.5 Paid family and domestic leave:
- (a) is available in full at the start of each 12 month period of the employee's employment;
 - (b) does not accumulate from year to year;
 - (c) may be taken in one continuous period or separate periods of one or more days each;
 - (d) is subject to the approval of HR.
- 9.6 An Employee must make an application for paid family and domestic leave to HR and it can only be approved by HR.

10 Applications for leave

- 10.1 An employee can apply for all kinds of leave in this Policy by submitting a Leave Application, together with any other notice or documentation required by this Policy. All documents should be given to the Employee's Supervisor.
- 10.2 Unless otherwise agreed between an Employee and their Supervisor, an Employee must provide SP Hunters with a minimum of:
- (a) 14 days' notice of their intention to take annual leave (for periods of annual leave less than 4 weeks);
 - (b) 3 months' notice of their intention to take annual leave (for periods of annual leave of 4 weeks or more); and
 - (c) 1 months' notice of their intention to take long service leave.

11 Effect of this policy

This Policy may be raised by SP Hunters in legal proceedings but it does not create or contribute in any way to legally binding obligations on SP Hunters.

12 Questions

Please see either your immediate Supervisor or SP Hunters management if you have any questions about this Policy.

13 Variations

SP Hunters reserves the right to vary, replace or terminate this Policy from time to time, without notice to Employees.

Mr Stan Joyce

Mr Jeremy Edwards

Chairman

Director/Secretary

Papua New Guinea Hunters Rugby
Football Club Limited

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Football Club Limited

