

Context and Purpose

This Procedure applies to all staff (excluding the Vice Chancellor) employed by the University.

Overview

This Procedure reflects the preferred practice of the University and provides a guide to the application and management of Special Leave and should be read in conjunction with:

- > clauses 45 (special leave) and 47 (family and domestic violence leave) of the *University of South Australia Enterprise Agreement 2023* (the Enterprise Agreement);
- > clauses 18 (special leave) and 19 (family and domestic violence leave) of the Senior Staff Employment Conditions Policy (the SSECP); and
- > the National Employment Standards in the *Fair Work Act 2009*.

Responsibilities

Supervisor

The supervisor is responsible for facilitating the leave management process in accordance with this Procedure and the relevant Vice Chancellor Authorisation and providing a staff member with confidential support when requested.

Staff Member

All staff members are required to manage their leave requests and any approved leave arrangements in accordance with this Procedure.

People, Talent and Culture

People, Talent and Culture are responsible for the review and continuous improvement of this Procedure.

Procedure

A. Special Leave with Pay

Entitlement

1. The following categories of special leave with pay may be approved for continuing and fixed term staff in accordance with the Vice Chancellor's Authorisation Framework, except for family and domestic violence leave, where leave with pay can also be approved for a casual staff member.

Categories	Maximum periods which may be granted to a staff member in a financial year
Emergency Service calls	As required by emergency service organisation
Jury Service	As required by the Sheriff
Training courses for Emergency Services activities	Ten (10) days
Blood Donation	Reasonable attendance and travel time on each occasion

Categories	Maximum periods which may be granted to a staff member in a financial year
Participation in National and International sporting events	National – Five (5) days over a two (2) year period International – Fifteen (15) days over a two (2) year period
Urgent Pressing Necessity	Three (3) days
Moving House	One (1) day every three (3) years
Military Leave	See Section C (Military Leave) of this Procedure
Trade Union Training/Business Leave	See Section D (Trade Union Training/Business Leave) of this Procedure
Family and Domestic Violence Leave	See Section E (Family and Domestic Violence Leave) of this Procedure
Gender Affirmation Leave	See Section F

2. An application for special leave with pay can be made through [myHR](#). For family and domestic violence leave please refer to Section E of this Procedure. If appropriate, additional information may be sought prior to determining approval.
3. Special leave with pay can be taken in periods of one (1) hour or greater.
4. In exceptional circumstances, the Vice Chancellor or nominee may approve special leave with pay in addition to the entitlements above.

B. Special Leave without Pay

Entitlement

5. An application for Special Leave without pay is subject to determination by the Vice Chancellor's Authorisation holder.
6. All approved leave without pay is recorded in working days; except as specified in the [Cultural Leave Procedure](#).
7. Staff members are expected where possible to provide the University reasonable notice of their request to take special leave without pay to enable proper consideration of their application.
8. Full-time staff members who wish to engage in paid employment outside the University during any period of special leave without pay must seek prior approval from the Executive Director: People, Talent and Culture.
9. There is no entitlement to payment for public holidays which fall during a period of special leave without pay.

Effect of Leave Without Pay on Entitlements

10. Special leave without pay (in a continuous period or an aggregated total period) in excess of twenty two (22) working days in a financial year will not count as service or effective service for other leave entitlements.
11. No period of special leave without pay will count for service for:
 - 11.1. Incremental progression.
 - 11.2. Superannuation.

12. Leave taken due to workers compensation and parental leave (first fifty-two (52) weeks) is exempt from clauses 10 and 11.

C. Military Leave

13. A staff member who is a volunteer member of the Australian Defence Force Reserve and is required to attend one (1) or more compulsory camps of continuous training in a year and occasionally a non-compulsory camp or course, may be granted special leave.

Entitlement

14. Up to fourteen (14) calendar days on full pay in aggregate in any financial year for compulsory camps of continuous training.
15. Up to a further fourteen (14) calendar days in any financial year for additional training, these can be in half or single days or a continuous period. The University will fully fund the additional fourteen (14) days' pay without applying any 'make-up' pay calculations.
16. Military Leave additional to that outlined above which is required by a staff member must be taken without pay or the staff member may utilise annual leave or may apply for long service leave (if eligible) for the period of training.
17. Leave granted under this Section will be recorded as "Military Leave" and will count as service for all purposes.

Employer Support Payments

18. An application for reimbursement of the Employer Support Payment for the additional fourteen (14) calendar days referred to in Clause 15, can be submitted by the supervisor to the Australian Defence Force.
19. If a staff member is required to use their own leave entitlements, the University is not entitled to claim an Employer Support Payment for that period of leave.
20. Further information about the Employer Support Payment provisions is available on the Australian Defence Force Reserves web site.

Full-time Service

21. Reservists who are called to full-time service (e.g., as part of a peacekeeping or humanitarian aid operation) are to be granted special leave without pay.
22. The effect on entitlements will be in accordance with the clause on special leave without pay.
23. Any staff member who returns to work after full-time service will:
 - 23.1. Unless agreed otherwise with the staff member, return to the position which they occupied immediately prior to such an absence.
 - 23.2. In the event that the position they occupied immediately prior to such absence is not available due to major workplace change, they will be appointed to a position equivalent in status and classification to the position formerly occupied. The location of that position will be agreed between the staff member and the University.

D. Trade Union Training/Business Leave

Entitlement

24. Subject to any genuine operational requirements of a relevant work area, special leave with pay will be granted to union members for the following purposes and roles:
 - 24.1. To attend short trade union training courses conducted by or with the support of the Unions relevant to the business of the Union/s or industrial relations in the workplace.
 - 24.2. Union delegates will be permitted reasonable time to conduct official union business which requires the personal attendance of the staff member.

25. Official union business includes;
 - 25.1. Branch Committee meetings of which the staff member is a member.
 - 25.2. Meetings of State union bodies of which the staff member is a member.
 - 25.3. Meetings of the union National Council of which a staff member is a union National Executive member or member.
26. All other costs related to attendance at a course or meeting are the responsibility of the union.
27. A maximum of ten (10) days special leave with pay will be granted over any two (2) year period to any union member.
28. Additional special leave with pay may be granted in special circumstances at the discretion of the Executive Director: People, Talent and Culture but in no case will the period of absence exceed twenty (20) working days in two (2) years.
29. Trade Union Training/Business Leave is separate to workplace delegates' entitlements provided by section 350C of the *Fair Work Act* (Cth).

Approval of Trade Union Training/Business Leave

30. Approval of Trade Union Training/Business Leave is subject to any genuine operational requirements of the staff member's work area at the approval of the supervisor.
31. Reasonable notice must be provided by the staff member and/or relevant union to the University.
32. Applications for trade union training, attendance at national conferences and meetings must be supported with documentation from the relevant union confirming the staff member's attendance. Approval of an application rests with the relevant supervisor.
33. Prior to a staff member taking trade union training/business leave, the staff member is required to complete and submit an online leave request through [myHR](#) or using the [HRIS008 Leave of Absence](#) Form. The leave must be authorised by the supervisor.

E. Family and Domestic Violence Leave

34. The National Employment Standards (NES), clause 47 of the Enterprise Agreement and clause 19 of the SSECP provides context to entitlements to family and domestic violence leave.
35. The NES provisions provide for leave to be available based on service year. The Enterprise Agreement provides for leave to be available based on a financial year. For the purposes of clarity, Family and Domestic Violence Leave will be provided based on service year.

10 Days Paid Leave Per Annum – National Employment Standards

36. Continuing, fixed term and casual staff are entitled to ten (10) days paid family and domestic violence leave in a service year.
37. The leave is intended to assist staff members who experience family and domestic violence, that is violent, threatening or arises from other abusive behaviour by a close relative of the staff member, a member of their household, or a current or former intimate partner of the staff member, that seeks to coerce and control the staff member and causes them harm or to be fearful.
38. Family and domestic violence leave does not accumulate from year to year and any untaken leave is not paid out on cessation of employment.

Application for Leave

39. A staff member seeking to access family and domestic violence leave should contact their supervisor or relevant Strategic People Partner ([SPP](#)) at the earliest possible opportunity.
40. A **continuing or fixed term staff member** applies for paid leave by submitting a completed [HRIS008 Leave of Absence](#) Form to their supervisor for review and approval.

- 40.1. In section 2 of the HRIS008 Leave of Absence form, the leave type should be 'special leave with pay' and the leave reason 'other'.
- 40.2. After signing the HRIS008 Leave of Absence Form, the staff member must email the completed form to the relevant supervisor for review and approval.
- 40.3. Once approved, the form must be emailed to the [Manager: Payroll Services](#) with advice confirming the leave is family and domestic violence leave.
41. A **casual staff member** may apply for paid leave by submitting a completed [HRIS008 Leave of Absence Form](#) and a completed [Casual Pay Calculator](#) to the relevant casual supervisor for review and approval.
- 41.1. In section 2 of the HRIS008 form, the leave type should be 'special leave with pay' and the leave reason 'other' and the number of rostered hours of work the staff member is seeking to take as paid leave should be provided.
- 41.2. The Casual Pay Calculator will calculate the total pay for the number of rostered hours the staff member is seeking to take as leave and must be submitted with the HRIS008 form.
- 41.3. The relevant SPP will support casual staff with any queries relating to the HRIS008 Leave of Absence Form or the Casual Pay Calculator.
- 41.4. After signing section 4 of the HRIS008 Leave of Absence Form, the casual staff member must email both completed documents to the relevant casual supervisor for review and approval.
- 41.5. Once approved, the form must be emailed to the [Manager: Payroll Services](#) with advice confirming the leave is family and domestic violence leave.
42. A staff member may be required to provide evidence in support of an application for the leave that would satisfy a reasonable person of the staff member's need to access paid family and domestic violence leave. This may include, but is not limited to, documents issued by police or the court, a family violence support service, or a statutory declaration.
43. A staff member may request to implement or change a flexible work arrangement and/or to change a staff member's work location, phone number, and/or email address. Any such request can be addressed in the first instance with the support of either the supervisor or relevant [SPP](#).

Additional Family and Domestic Violence Leave by Application

44. If a continuing, fixed term or casual staff member covered by the Enterprise Agreement exhausts their ten (10) days paid family and domestic violence leave entitlement in a service year, clause 47 of the Enterprise Agreement enables them to apply to the Executive Director: People, Talent and Culture (ED: PTC) for approval for special leave, with or without pay.
45. An application to the ED: PTC for additional family and domestic violence leave can be made by email and should include the amount of leave requested specifying whether the request is for leave with or without pay and the reasons for the leave request (e.g. to attend court proceedings or other reasons). The ED: PTC may seek additional information before deciding on an application as appropriate. The staff member can seek support from the SPP to facilitate their application to the ED: PTC.
46. The ED: PTC will consider the staff member's circumstances in determining whether additional family and domestic violence leave will be approved and the amount of additional leave to be approved.

Payment for Leave

47. A continuing or fixed term staff member will be paid at their normal hourly rate of pay for each hour taken as family and domestic violence leave.
48. A casual staff member taking paid family and domestic violence leave will be paid as if the staff member had worked the hours in the period for which the staff member was rostered. A casual staff member is taken to have been rostered to work hours in a period if the staff member has accepted an offer of work for those hours.
- 48.1. The [Casual Pay Calculator](#) will be used to calculate the total pay for the number of rostered hours the staff member is seeking to take as leave and must be submitted with the HRIS008 Leave of

Absence form.

Confidentiality and Privacy

49. All personal and/or sensitive information, including pay slip records, will be kept confidential by the ED: PTC, Payroll, relevant SPP and/or supervisor in accordance with the University's [Workplace Confidentiality Guidelines](#) and [Privacy Policy](#).
50. The University may have an obligation to share personal and/or sensitive information with relevant authorities (e.g., SAPOL) where an unacceptable risk to a staff member or children in their care is identified.
51. Where required and/or relevant, any sharing of personal and/or sensitive information will be advised to the staff member.

F. Gender Affirmation

52. Clause 48 of the Enterprise Agreement and clause 20 of the SSECP provides context to entitlements to leave for gender affirmation purposes.

20 Days Paid Leave Per Financial Year

53. A full-time staff continuing or fixed term staff member who is progressing through gender affirmation can access up to twenty (20) days special leave with pay per financial year, to be used to support activities related to:
 - 53.1. Social Affirmation (the changing of one's name and/or pronouns)
 - 53.2. Medical Affirmation (the undertaking of any medical or surgical procedures, illnesses from hormone therapy, medical or counselling appointments, and/or rest and recovery from any medical or surgical procedures); and
 - 53.3. Legal affirmation (legally changing one's name and/or gender marker on personal identification documents including a passport, birth certificate or driver's licence).
54. A part-time continuing or fixed term staff member can access special leave with pay for gender affirmation purposes on a pro rata basis based on their employment fraction.
55. Gender affirmation leave does not accumulate from year to year and any untaken leave is not paid out on cessation of employment.

Application for Leave

56. A staff member seeking to access gender affirmation leave should contact either their supervisor or relevant [Strategic People Partner](#) (SPP) at the earliest possible opportunity.
57. Staff members seeking to access this leave will be required to provide the University:
 - 57.1. Notice of the staff member's intention to take gender affirmation leave and the period of leave proposed.
58. A **continuing or fixed term staff member** applies for paid leave by submitting a completed [HRIS008 Leave of Absence](#) Form to the relevant supervisor for review and approval.
 - 58.1. In section 2 of the form, the leave type should be 'special leave with pay' and the leave reason 'Other'.
 - 58.2. After signing section 4 of the form, the staff member must email it to the relevant supervisor for review and approval.
 - 58.3. Once approved, the form must be emailed to the [Manager: Payroll Services](#) with advice confirming the leave is gender affirmation leave.
59. A staff member seeking to access this leave will be required to provide to the University with evidence that would satisfy a reasonable person that the leave is being taken for gender affirmation purposes. Such evidence may include a medical certificate from the staff member's treating medical practitioner,

legal representative, or statutory declaration from the staff member.

Additional Gender Affirmation Leave by Application

60. If a staff member exhausts their twenty days paid leave entitlement in any one (1) financial year, they may access any available recreational and/or long service leave, or any other leave to which they are entitled. The staff member may also apply for special leave without pay if all other paid leave entitlements have been exhausted. Applications for special leave without pay are to be made to the Executive Director: People, Talent and Culture, who will consider the staff member's individual circumstances in determining whether the application will be granted and if so, the amount of leave they deem reasonable and appropriate.

Confidentiality and Privacy

61. A staff member seeking to access this leave entitlement confidentially may contact the relevant SPP, who can provide confidential support to the staff member and facilitate any requests for paid and unpaid leave for gender affirmation purposes.

Related Documentation

- > [Cultural Leave Procedure](#)
- > [Flexible Work Arrangement Procedure](#)
- > [Workplace Confidentiality Guidelines](#)
- > [Enterprise Agreement](#)

Officer Responsible for Update and Review: Executive Director: People, Talent, and Culture

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