Defence Determination, Conditions of service Amendment (ADF Retention – Parental leave) Determination 2019 (No. 30)

I, KIRK MARCEL LLOYD, Acting Assistant Secretary, People Policy and Employment Conditions, make the following Determination under section 58B of the Defence Act 1903.

Dated 26 September 2019

K M LLOYD
Acting Assistant Secretary
People Policy and Employment Conditions
Defence People Group
Defence Determination, Conditions of service Amendment (ADF Retention – Parental leave) Determination 2019 (No. 30)
1 Name

This instrument is the Defence Determination, Conditions of service Amendment (ADF Retention – Parental leave) Determination 2019 (No. 30).

2 Commencement

This instrument commences 14 November 2019.

3 Authority

This instrument is made under section 58B of the Defence Act 1903.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.
Schedule 1—Parental leave amendments

_Defence Determination 2016/19, Conditions of service_

1. **Section 5.7.1 (Purpose)**
   Omit "and their dependants".

2. **Subsection 5.7.3.1 (Paid parental leave)**
   Omit "two weeks (14 calendar days)", substitute "28 days".

3. **Paragraph 5.7.3.1.b (Paid parental leave)**
   Omit the paragraph, substitute:
   b. The member gains a child who is a dependant and is one of the following.
      i. A newborn child.
      ii. An adopted child.

4. **Subsection 5.7.3.4 (Paid parental leave)**
   Omit the subsection, substitute:
   4. The CDF may approve a member who meets the conditions under subsection 1 to take up to 56 days paid parental leave if they apply to be paid at half their rate of salary. This is instead of and not in addition to the 28 days at full pay.

5. **Subsection 5.7.4.1 (Unpaid parental leave – member on continuous full-time service)**
   Omit the subsection, substitute:
   1. The CDF may grant a member unpaid parental leave if they gain a child who is a dependant and is one of the following.
      a. A newborn child.
      b. An adopted child.

6. **Subsection 5.7.4.2 (Unpaid parental leave – member on continuous full-time service), examples**
   Omit the examples.
Section 5.7.5 (Parental leave – member on Reserve service)
Omit the section, substitute:

5.7.5 Parental leave – member on Reserve service
The CDF may grant a member on Reserve service up to 66 weeks' break in their service obligations if they gain a child who is a dependant and is one of the following.

a. A newborn child.
b. An adopted child.

Subsection 5.7.6.2 (Time limits on parental leave)
Omit the subsection, substitute:

2. The CDF must only grant paid parental leave in one of the following ways.

a. One 28 consecutive day period at full pay.
b. Two 14 consecutive day periods at full pay.
c. One 56 consecutive day period at half pay.
d. Two 28 consecutive day periods at half pay.
e. One 14 consecutive day period at full pay and one 28 day period at half pay.

Subsection 5.7.6.3 (Time limits on parental leave), example
Omit the example.

Subsection 5.7.6.4 (Time limits on parental leave)
Omit the subsection, substitute:

4. The 66 week maximum period of parental leave the CDF may grant is reduced by the sum of the following leave granted for the same child.

a. Parental leave under this Part taken by the member's spouse or partner.
b. Maternity leave under Part 6 taken by the member or the member's spouse or partner.
c. Maternity leave under the Maternity Leave (Commonwealth Employees) Act 1973 taken by the member's spouse or partner.