

NORTHERN TERRITORY OF AUSTRALIA

*Public Sector Employment and Management Act 1993***DETERMINATION 7 OF 2020**

Foster and Kinship Carer Leave

I, VICKI TELFER, Commissioner for Public Employment, pursuant to section 14(2) of the *Public Sector Employment and Management Act 1993* and with reference to section 13(a) of that Act, determine that:

1. An Employee, who is an authorised Foster or Kinship Carer with the department responsible for children under the care of the Chief Executive Officer administering the *Care and Protection of Children Act 2007* (authorised care), may apply for leave to provide care and support to a child entering into their care.
2. The leave provisions available to employees who are authorised Foster or Kinship Carers are specified in the Schedule of this Determination.
3. For the purposes of personal leave provisions, the definition of a 'child' will include children in authorised care, where an Employee is to provide care and support to a member of the employee's immediate family.
4. For the purposes of this Determination, Foster and Kinship Care includes:
 - (a) Foster Care, which is temporary care provided to a child, of up to 18 years of age, who is in authorised care by an Employee who is an authorised foster carer.
 - (b) Kinship Care, which is temporary care provided to a child, of up to 18 years of age, who is in authorised care by an Employee who is a relative, through blood, marriage, kin or cultural relationships.
5. Eligible child carer arrangements include emergency, short term, long term and permanent care order.
6. An Employee must provide their CEO with documentation from the department responsible for children in authorised care, as evidence to the Employee's entitlement to leave under this Determination.
7. An Employee accessing Primary Caregiver Parental leave must provide a statutory declaration stating that the employee will be the primary caregiver for the child at all times while on leave.
8. In respect to superannuation contributions during the period of primary caregiver parental leave, clause 37.25 of the Northern Territory Public Sector 2017 – 2021 Enterprise Agreement applies. These provisions are set out in all enterprise agreements for public sector employees.

9. This Determination will cease to have effect on the nominal expiry date of the Northern Territory Public Sector 2017 – 2021 Enterprise Agreement, or upon the commencement of a new agreement, whichever is the latter, unless revoked earlier.

Dated 5/10 2020



VICKI TELFER PSM
Commissioner for Public Employment

SCHEDULE

Long Term or Permanent Care Order - Leave Entitlements

| | Paid Leave | Unpaid Leave | Total Leave | As per NTPS 2017 – 2021 Enterprise Agreement Clause |
|---|---|---|------------------------|---|
| PARENTAL LEAVE | | | | |
| Primary Caregiver Parental Leave – commences from day of placement of a newborn or infant (up to school age) under a Long Term Care Order or Permanent Care Order where there has been no previous placement of the child with the Carer | | | | |
| Less than 12 months continuous service or eligible casual employee | 0 | Up to 52 weeks | 52 weeks | 37.6(b) |
| At least 12 months and less than 5 years continuous service | 14 weeks (or 28 weeks half pay) | Up to 142 weeks | 156 weeks (3 years) | 37.6(c)(i) |
| 5 or more years continuous service | 18 weeks (or 36 weeks half pay) | Up to 138 weeks | 156 weeks (3 years) | 37.6(c)(ii) |
| <i>Pro Rata paid primary caregiver parental leave if entitlement is triggered during parental leave</i> | | | | |
| 12 months continuous service achieved during first 14 weeks of parental leave | Pro rata paid leave applicable after reaching 12 months continuous service (up to 14 weeks) | Up to 52 weeks minus any pro rata paid leave | 52 weeks | 37.6(d) |
| 5 years continuous service achieved during first 18 weeks of parental leave | 14 weeks + pro rata paid leave applicable after reaching 5 years continuous service (up to 4 weeks) | Up to 142 weeks minus any pro rata paid leave | 156 weeks (3 years) | 37.6(c)(iii) |
| Partner Leave - partner of a primary caregiver of a newborn or infant (up to school age) under a Long Term Care Order or Permanent Care Order with no previous placement of the child with the Carer | | | | |
| Less than 12 months continuous service or eligible casual employee | 0 | Up to 8 weeks | 8 weeks | 37.7(b)(i) |
| At least 12 months and less than 5 years continuous service | 1 week (or 2 weeks half pay) | Up to 7 weeks | 8 weeks | 37.7(b)(ii) |
| 5 or more years continuous service | 2 weeks (or 4 weeks half pay) | Up to 6 weeks | 8 weeks | 37.7(b)(iii) |



Long Term or Permanent Care Order - Leave Entitlements continued

| | Paid Leave | Unpaid Leave | Total Leave | As per Clause |
|--|---|--|---|--|
| PERMANENT CARE ORDER APPLICATION LEAVE – <i>to attend interviews or examinations required when making an application for a Permanent Care Order</i> | | | | |
| All employees | 0 | Up to 2 days unpaid leave which can be taken as a block or on separate occasions | 2 days Can access Parental or Carer Placement leave for placement of child | New entitlement <i>in line with c37.9 Pre-Adoption Leave provisions</i> |
| CARER ASSESSMENT AND TRAINING LEAVE | | | | |
| All employees excluding casual employees | Up to 5 working days leave per calendar year | n/a | 5 days per calendar year | New entitlement |
| CARER PLACEMENT LEAVE – <i>to use when commencing placement of children for the first time with the Carer, where there is no entitlement to Parental leave provisions</i> | | | | |
| All employees, excluding casual employees | A maximum of 10 days leave per calendar year Leave can be used in single days or multiple days | Up to 10 days | 10 days paid per calendar year 10 days unpaid per calendar year | New entitlement |

Emergency or Short Term Care - Leave Entitlements

| | Paid Leave | Unpaid Leave | Total Leave | |
|--|--|---------------|--|-----------------|
| CARER ASSESSMENT AND TRAINING LEAVE | | | | |
| All employees excluding casual employees | Up to 5 working days leave per calendar year | n/a | 5 days per calendar year | New Entitlement |
| CARER PLACEMENT LEAVE – <i>to use when commencing placement of children for the first time with the Carer, where there is no entitlement to Parental leave provisions</i> | | | | |
| All employees, excluding casual employees | A maximum of 10 days leave per calendar year Leave can be used in single days or multiple days. | Up to 10 days | 10 days paid per calendar year 10 days unpaid per calendar year | New entitlement |