



# Parental Leave





## A Message from Your Secretary, Barbara Nebart

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*Parental leave ensures that parents can take time away from work to care for their newborn or newly-adopted child, secure in the knowledge that they still have a job to return to.*

*Parental leave is available only under certain conditions, so it is important that you know your rights and responsibilities regarding parental leave.*

*The SDA works extremely hard, not only to maintain, but to improve, parental leave rights for our members.*

*In this booklet, we answer some common questions that you may have about your parental leave entitlements.*

*Should you have any further questions about your entitlements, please speak to your Delegate or Organiser, or contact the SDA office – see the outside back cover of this booklet for our contact details.*

### Disclaimer

*The questions and answers in this booklet are intended as a guide only.*

*Please contact the Shop, Distributive and Allied Employees' Association for further information about your parental leave entitlements.*

*The information is correct at the time of printing.*

*This edition printed April 2013.*



# Important Background Information

The National Employment Standards (NES) which include parental leave, are the legal minimum standard conditions of employment.

The information contained in this booklet represents the minimum entitlements available to parents in all States and Territories (*except for parents employed by a small number of small employers in Western Australia*).

Some Enterprise Agreements have provisions which are better than these minimum entitlements.

Throughout this **SDA Parental Leave** information booklet, **Asterisks (\*)** denote areas where the industrial Agreement with your company may be better.

Please contact the SDA for more information about your specific circumstances.

*Make sure you keep copies of all letters, emails, on-line forms and documents that you receive from, and give to, your employer. It is also useful to keep records of any conversations which take place regarding parental leave and return to work arrangements, including dates and with whom you spoke.*

Don't forget to notify the SDA that you are taking parental leave, so we can keep in touch!

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# What is Parental Leave?

**Parental Leave** is the term used to describe **unpaid** parental leave (which in the past was more commonly known as maternity, paternity and adoption leave), provided for employees in connection with the birth or adoption of a child. Parental leave provisions also recognise same-sex and de facto relationships.

**Employer Paid Parental Leave** refers to payments made by some employers to employees who qualify for a company's own Paid Parental Leave scheme. If your employer has such a scheme, it is important that you contact the SDA or your employer for further information, as each employer's scheme varies significantly.

The **Government's Paid Parental Leave scheme** refers to the 18-week payment to an eligible employee who will be the primary carer in connection with the birth or adoption of a child under the age of 16 at the National Minimum Wage. It is separate to a company's Paid Parental Leave scheme, although an employer will normally act as the paymaster.

**Dad and Partner Pay** is a new payment for dads or partners caring for a new child (including adopting parents and same-sex couples) available under the Government's Paid Parental Leave scheme. If you are an eligible dad or partner, you can get up to two weeks of government-

funded pay at the rate of the National Minimum Wage when you're on unpaid leave from work or are not working.

For more information on the Government Paid Parental Leave scheme, please see the section on page 17 of this booklet, and the SDA's ***The Federal Government's Paid Parental Leave Scheme*** booklet.



# Unpaid Parental Leave

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Unpaid parental leave entitles an eligible employee, following the birth or adoption of an eligible child, to take leave to care for the child. This may be either parent and may change over the course of the parental leave period. However, the leave **must** be continuous.

## *How much parental leave am I entitled to?*

Each eligible parent may take a separate period of up to 12 months'\* unpaid parental leave.

However, if one parent wishes to take more than 12 months' leave, then she/he may request a further period of up to 12 months from her/his employer (up to 24 months in total).

The amount of unpaid leave to which the other parent is entitled is reduced by the amount of the further period of leave taken, so that the total amount of leave taken by both parents does not exceed 24 months\*.

The **total amount** of parental leave also includes;

- ◆ any period of **special maternity leave**; and
- ◆ any time taken as **concurrent leave** following the birth or placement of the child.

## *How do I make a request for a further period of up to 12 months' parental leave?*

The request must be in writing and given to the employer at least four weeks before the end of your initial period of parental leave (see sample letter 7). Your employer must respond in writing within 21 days, stating whether they grant or refuse the request. They may only refuse if there are reasonable business grounds to do so, and must put their reasons in writing.



## *Are all employees entitled to parental leave?*

To qualify for parental leave, you must be a full- or part-time employee or an eligible casual employee (see next question) who has 12 months'\* continuous service with your employer immediately before the expected date of birth of your child.

### **Are casuals entitled to parental leave?**

Casual employees are entitled to parental leave, provided that:

- ◆ they have been employed on a regular and systematic basis for a sequence of periods\* over a period of at least 12 months\* immediately preceding the expected date of birth; and
- ◆ have, but for the pregnancy, a reasonable expectation of ongoing employment on a regular and systematic basis.

If you are a casual employee, please contact the Union to check your entitlements.



### **How do I apply for parental leave?**

At least 10 weeks before starting the leave, you must officially notify your employer in writing of your intention to take unpaid parental leave, specifying the intended start and end dates of the leave (see sample letters 1 and 2).

At least four weeks before you propose to take parental leave, you must:

- ◆ confirm in writing the intended start and end dates of the parental leave you wish to take (see sample letter 3 or 4);
- ◆ provide a statutory declaration stating any parental leave your partner has applied for, and that you will not engage in any activities inconsistent with your Enterprise Agreement during your parental leave (see sample letter 5).

Note: If your child is born or placed with you sooner than expected, you

will not be in breach of the above time frames.

In the case of birth-related leave, an employer may require a medical certificate as evidence of the expected date of birth.

In the case of adoption-related leave, an employer may require evidence that would satisfy a reasonable person (e.g. a statutory declaration or adoption papers) of the day (or expected day) of placement of the child, and that the child will be under 16 as at the day of placement.

### ***Can I take annual or long service leave in conjunction with parental leave?***

Yes. If you are entitled to annual leave or long service leave, you may take it instead of, or in addition to, unpaid parental leave. However, the total of all leave taken at the time of the birth of your child must not exceed 52 weeks\* (unless you are eligible for, and your employer approves, your request for an additional parental leave period of up to 12 months as mentioned on page 5).

For example, you cannot take a combination of 52 weeks\* of parental leave and, in addition, four weeks of annual leave – you can only take 48 weeks\* of parental leave and four weeks of annual leave, unless you have an entitlement to a longer period of leave under your Enterprise Agreement.

During parental leave, you cannot take paid personal, carer's or compassionate leave or other paid authorised Enterprise Agreement or Award absences (excluding annual leave or long service leave).

### ***Can my partner and I take parental leave at the same time?***

Only for up to three weeks\* at the time of the birth of your child. This is called **concurrent leave**.

Your total parental leave is reduced by any period of leave taken by your partner, and, except for concurrent leave, cannot be taken at the same time.

### ***Can I extend my parental leave?***

Yes, you may extend the period of unpaid parental leave by giving your employer written notice of the extension not later than four weeks before the end of the original leave period (as long as this will not extend the period of leave beyond your available parental leave period). The notice must specify the new end date for the leave (if it is within 12 months from the date of birth/placement of the child, see sample letter 6, or if the new end date will be between 12 and 24 months from the date of birth/adoption, see sample letter 7).

Only one extension is permitted. Parental leave can be further extended only by agreement with your employer. If your employer agrees, you may further extend the period of unpaid parental leave one or more times.

### ***What if my baby is stillborn, dies or I cease to have responsibility for the care of the child while I am on parental leave?***

An eligible employee can reduce or cancel their period of unpaid parental leave if their pregnancy ends due to their child being stillborn, or if the child dies after birth.

In the case of a still birth or infant death:

- ◆ If the employee or employer gives written notice to the other party cancelling the leave before the leave starts, the employee won't be entitled to unpaid parental leave. (Under these circumstances, if the pregnant employee is not fit for work, she may be entitled to paid personal leave or unpaid special maternity leave.)
- ◆ If the employee gives written notice cancelling the leave after the leave starts, they may return to work within four weeks of giving notice to their employer (see sample letter 8).
- ◆ If your employer is aware of the situation, he/she may give you written notice requiring you to return to work on a specified day. The specified day must be at least four weeks after the notice is given to you. If the employee gave birth to the child, it must not be within six weeks after the birth of the child.

In instances where the employee on parental leave ceases to have responsibility for the child:

- ◆ If the employee gives written notice cancelling the leave after the leave starts, and their employer agrees, they may return to work on an agreed date (see sample letter 9).

- ◆ If your employer is aware of the situation, he/she may give you written notice requiring you to return to work on a specified day. The specified day must be at least four weeks after the notice is given to you. If the employee gave birth to the child, it must not be within six weeks after the birth of the child.

Please contact the SDA if you are experiencing difficulties with return-to-work arrangements.

### *Can I shorten my parental leave for any other reason?*

Yes, with your employer's consent (see sample letter 10).

### *Can my employer appoint a replacement employee while I am on parental leave?*

Yes. However, your employer must inform the replacement employee of:

- ◆ the temporary nature of their employment;
- ◆ that the employee on parental leave has a guarantee to return to work when their unpaid parental leave ends;
- ◆ the rights of an employee in the case of a still birth or infant death; and
- ◆ the rights of the employee in the case where they cease to have responsibility for the care of the child.

Your employer is not obligated to engage a replacement employee while you are on leave.

### ***Can I resign while I am on parental leave?***

Yes. You may resign at any time during your parental leave by giving notice in accordance with your Enterprise Agreement or Award.

### ***Can I be dismissed because I am on parental leave?***

No. You can't be dismissed because you are on parental leave and you can't be dismissed because you:

- ◆ are pregnant; or
- ◆ are sick during your pregnancy and the doctor says you must take sick leave or special maternity leave; or
- ◆ your partner is pregnant.

### ***What are 'Keeping in Touch Days'?***

A 'Keeping in Touch Day' is when an employee performs work for the employer on a day or part of a day while on a period of approved leave. Such a day (or part of a day) will be considered a 'Keeping in Touch Day' if:

- ◆ the purpose of performing the work is to enable the employee to keep in touch with their employment in order to facilitate a return to that employment at the end of the leave (for example, by doing training or personal development on those days); and
- ◆ both the employee and the employer consent to the employee performing specific work on that day (that means that attending work on a 'Keeping in Touch Day' is purely voluntary, and no undue pressure or influence is allowed); and
- ◆ if the employer suggested or made the request, the day is not within 42 days of the date of birth or placement of the child; and
- ◆ if the employee suggested or made the request, the day is not within 14 days of the date of birth or placement of the child; and



- ◆ The employee has not already performed 10 days of work during the period of leave, which were ‘Keeping in Touch Days’. The first 12 months of parental leave is considered to be one period of leave, and any extension of leave beyond that is considered to be another period of leave for the purpose of ‘Keeping in Touch Days’.

Work on a ‘Keeping in Touch Day’ does not break the continuity of the period of unpaid parental leave, and does not extend the period of unpaid parental leave.



**Please Note:** If you are receiving Government Parental Leave Pay, you have not received your final payment, and you perform work which is not on a ‘Keeping in Touch Day’, you will not be entitled to any further Government Parental Leave Pay in relation to this baby.

### *What if my employer decides to make changes at work while I am on unpaid parental leave?*

If you are on parental leave and your employer makes a decision which will have a significant effect on the status, pay or location of your pre-parental leave position, your employer must take all reasonable steps to give you information about, and an opportunity to discuss, the effect of the decision on your position. Please contact the SDA for advice in this situation.

### *What are the procedures for returning to work after parental leave?*

Most SDA Agreements state that **at least four weeks** before your parental leave is due to end, you must provide your employer with written confirmation that you will be returning to work on the date previously advised. This is not required under the National Employment Standards.

If you wish to return to work under different arrangements than those you worked previously, it may be necessary to have several discussions with your employer about the hours and roster options available to match your needs and those of the business.

You have the right to request ‘flexible working arrangements’ if you are a parent or have the responsibility for a child under school age, or a child under 18 with a disability (see next page).

**Please see the question below regarding transferring employment from full-time to part-time for further information.**

Your employer may have a return-to-work form which may assist you in your communication with the company.

In any case, you should include information such as that in sample letter 11.

**Note:** You are entitled to the position you held before you went on parental leave (not the position you may have been temporarily transferred to due to your pregnancy).

If you have not had a response from your employer within one week, you should contact him/her again, and repeatedly, until you do. Keep a record of each contact or contact attempt, including dates and to whom you spoke/wrote.

Also note: There are implications to converting from full-time or part-time to a casual position. These implications relate to permanency of employment and the accrual of long service leave, and other types of leave and superannuation payments.

If you wish to convert from full-time to part-time or reduced hours, please discuss the matter with the SDA, before agreeing to any changes.

***When I return from parental leave, am I entitled to my original position?***

Yes. Furthermore, if you were pregnant and transferred to a 'safe job' prior to taking parental leave, or you reduced your hours due to your pregnancy, you will be entitled to the job you held prior to the transfer or reduction.

***What happens if I return from parental leave and my original job no longer exists?***

If your job no longer exists when you return to work and other jobs are available, you must be given the job which is, in terms of salary and status, most like the one you had before you went on leave. It must also be a job which you are capable of doing.

***After taking parental leave, can I temporarily transfer my employment from full-time to part-time or change other working arrangements?***

If you are a parent or have the responsibility for a child under school age, or a child under 18 with a disability, then you have the right to request a change in your working arrangements. This may include changes in hours of work, location and patterns of work.

Your request must be in writing and set out the details of the changes you are seeking and the reasons for these changes.

***Continued on next page***

Your employer must then respond in writing within 21 days, stating whether or not your request is granted or refused. Your request can only be refused on reasonable business grounds and if refused, your employer must include details of their reasons why. Some Enterprise Agreements have guaranteed arrangements for full-time employees to return to work temporarily on a part-time basis after parental leave.

If you are thinking about a return to work under different arrangements from those you worked previously, please consult the SDA for advice before you agree to any change. You should also make sure that you write down and keep a dated copy of:

- ◆ how many hours a day you will be working;
- ◆ what days you will be working;
- ◆ what your start and finish times will be;
- ◆ whether you will be permanent part-time or casual;
- ◆ how long the agreement is for; and
- ◆ when you can/must return to your full-time job.

If you are refused part-time work or flexible working arrangements when you are returning from parental leave, please call the SDA for advice.

**Note:** Reducing your hours of employment has implications for the accrual of annual leave, personal leave, long service leave and superannuation. Please contact the SDA for more information.

### *Is unpaid parental leave counted as part of continuous service for the accrual of leave?*

No. While an employee is on unpaid leave, they do not accrue any annual, personal or long service leave, and that period is excluded when calculating the employee's length of service. However, parental leave, taken in accordance with an Agreement, does not break the period of continuous service.

### *Do I have to complete another 12 months of service before I can take parental leave again?*

No, not unless your period of continuous service is broken.

### *How does parental leave affect my superannuation fund's insurance cover?*

For members of REST, the Fund's insurance policy provides death and disability cover which continues automatically during parental leave for:

- ◆ the period of parental leave offered under the member's Enterprise Agreement; or
- ◆ 12 months where no Enterprise Agreement applies.

Members are not required to fill in a leave of absence form, but should ensure that there is enough money in their account to meet insurance costs during the leave period.

For more information, phone REST Customer Service on 1300 300 778 for the cost of a local call.

# Pregnancy-Specific information

## *If my job poses a hazard to my health during pregnancy, can I request a transfer to a safe job?*

Yes, you can always request a transfer to a more suitable job if you have any health concerns. Your employer may require a medical certificate stating that you are fit to work but it is not advisable for you to continue in your present position because of illness or risks arising from your pregnancy or hazards connected with your position. You may make this request even if you are not formally entitled to parental leave.

If it is reasonably practicable for your employer to transfer you to an appropriate safe job, they must transfer you with no other change to your terms and conditions of employment.

If there is no appropriate safe job available, eligible pregnant employees are entitled to take paid 'no safe job leave' for the risk period, and be paid at their base rate of pay for their ordinary hours of work. The risk period is determined by your medical practitioner.

To be eligible for paid 'no safe job leave'\* , a pregnant employee must:

- ◆ be entitled to unpaid parental leave (that is, they must have a minimum of 12 months' service with their employer immediately before the expected date of birth of their child);



- ◆ have complied with notice and evidence requirements for accessing that unpaid parental leave (see sample letters 1 and 2);
- ◆ have provided evidence (e.g. a medical certificate) that would satisfy a reasonable person that they are fit for work, but that it is inadvisable for them to continue in their present position during a period because of:
  - illness or risks arising out of the pregnancy, or
  - hazards connected with that position.

Such leave is not counted as part of parental leave.

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Alternatively, if you are fit for work and there is no appropriate safe job available, and you are not eligible for paid 'no safe job leave', you may be required to finish work.

If you are not fit for work and not eligible for parental leave, your medical practitioner may request that you leave work immediately. Your employer may also require you to finish work.

Please contact the SDA for further advice.

### ***What is pre-natal leave?***

The term pre-natal leave refers to the time prior to the birth of a child.

Pre-natal leave allows a full-time or part-time employee who is pregnant, access to paid leave for the purpose of attending medical appointments

associated with the pregnancy. In some cases it also allows the pregnant woman's partner to attend those appointments.

Some SDA Enterprise Agreements provide for employees to take paid pre-natal leave. Some Enterprise Agreements provide for paid pre-natal leave through accessing accrued personal leave entitlements.

Even where this is not a specified additional entitlement, pregnant employees are entitled to use their personal leave to attend regular pre-natal medical appointments or special appointments associated with pregnancy complications, subject to the same conditions that apply to personal leave generally, in accordance with the employee's Enterprise Agreement.

Employees may be required to provide proof of attendance at such appointments in accordance with the relevant provisions of the employee's Enterprise Agreement.

### ***How much notice do I have to give of pre-natal appointments?***

Where possible, employees should arrange appointments as close as possible to the beginning or end of their ordinary working hours.

The employee must provide reasonable notice to their employer of their desire to take pre-natal leave.



### ***What happens if I suffer from a pregnancy-related illness while I'm pregnant and still working?***

A medical practitioner may recommend a period of unpaid **special maternity leave** if you have a pregnancy-related illness. You also have the option of taking accrued personal leave (subject to the same conditions that apply to personal leave generally, in accordance with your Enterprise Agreement), annual leave or long service leave.

Special maternity leave is unpaid maternity leave recommended by a registered medical practitioner.

It is available to those who would normally qualify for unpaid parental leave, and is counted as part of the period of unpaid parental leave (maximum 52 weeks\*).

### ***What happens if I have a miscarriage?***

You are entitled to a period of unpaid special maternity leave (see previous question) if you are unfit for work because the pregnancy ends within 28 weeks of the expected date of birth of the child (that is, after 12 weeks of pregnancy).

You must give your employer notice of taking special maternity leave as soon as reasonably practicable (which may be after the leave has started) and must advise your employer of the expected period of the leave.



Your employer may require evidence that the leave is being taken for the reason specified.

(Note: Personal information given to an employer in this regard may be regulated under the *Privacy Act 1988*.)

You may also be entitled to use accrued paid personal leave, in accordance with your Enterprise Agreement.

### ***Am I required to take parental leave?***

Only within the six weeks before the expected date of birth and only if:

- ◆ your employer has requested that you provide a medical certificate stating that you are fit to work, and you do not provide this certificate within seven days; or
- ◆ you give your employer a medical certificate stating that you are unfit to work.

Please note the first question in this section (page 13) also applies during this six-week period.

# Adoption-Specific information

Parental leave applies for a person adopting a child under the age of 16 as at the day of placement.

It also applies where a child is adopted by a relative, such as a grandparent, brother, sister, aunt or uncle.

Adoption leave is not available where the adoption includes a child who has lived with you for a continuous period of six months or more, or where the adoption involves your own or your partner's child or stepchild.

## **Can I take leave to handle adoption procedures?**

Yes. Two days' unpaid pre-adoption leave is available to attend interviews or examinations required in order to gain approval for adoption.

You are not entitled\* to take unpaid pre-adoption leave if you could take some other form of leave and your employer would prefer that you take that other form of leave.

Unpaid pre-adoption leave is available even if you have not completed 12 months' continuous service.

You may take unpaid pre-adoption leave as a single continuous period of up to two days, or any separate periods to which you and your employer agree. You must give your employer notice as soon as is reasonably practicable (which may be after the leave has started) and advise your employer of the expected period of the leave.

An employer may require evidence that the leave is taken to attend an adoption related interview or examination.

(Note: personal information given to an employer in this regard may be regulated under the *Privacy Act 1988*.)

## **What happens if the placement of the child does not proceed?**

Adoption leave is cancelled if the placement of the child does not proceed.

If adoption leave commences but the placement does not continue, if your employer agrees, you may reduce the period of unpaid parental leave you take (see sample letter 10). Please contact the SDA if you are experiencing difficulties with return-to-work arrangements.

If your employer is aware of the situation, he/she may give you written notice requiring you to return to work on a specified day. The specified day must be at least four weeks after the notice is given to you.



# Government Payments

The following payments are provided by the Australian Government to financially support families with young children.

They are subject to change, and the information provided here is indicative only, based on the information available at the time of writing.

## **For further information about your personal circumstances:**

- ◆ Visit your nearest Centrelink Service Centre or Medicare Service Centre.
- ◆ Visit the Department of Human Service website on <http://www.humanservices.gov.au>
- ◆ Call Centrelink on 13 61 50 between 8.00 am and 8.00 pm Monday to Friday (phone 13 12 02 for information in languages other than English).

## **Baby Bonus**

The Baby Bonus is a tax-free payment to eligible families upon the birth of a baby (including stillborn babies) or adoption of a child (under two years of age).

Baby Bonus payments, effective from 1 September 2012, are:

- ◆ \$5,000 per eligible child, paid in 13 fortnightly instalments (you will receive a higher first instalment of \$846.20 and 12 fortnightly instalments of \$346.15), or
- ◆ if your baby has died or was stillborn, you may ask for your Baby Bonus to be paid in a lump sum instead of fortnightly instalments.

Baby Bonus payments, effective from 1 July 2013, are as follows:

- ◆ \$5,000 for an eligible first born/ adopted child;
- ◆ \$3,000 for a mother's second or subsequent child born on or after 1 July 2013, or the second or subsequent child in a family with adopted children;
- ◆ \$5,000 per child in multiple births.

The Baby Bonus is an income-tested payment, and is only available where the family's estimated combined adjusted taxable income is \$75,000 or less in the 26 weeks after the child is born or enters the family's care.

You have up to 52 weeks from the day after the birth of your baby, or from the time a child enters your care, to claim the Baby Bonus and provide your income estimate.

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If your income was initially too high or your circumstances change, you should tell the Department of Human Services immediately so they can reassess your claim.

You are paid the Baby Bonus for each child – for example, if you have twins, you can get two Baby Bonus payments. Or, if you are eligible for Parental Leave Pay, you may choose to get the Baby Bonus for one child and Parental Leave Pay for the other.

The payment rate for the Baby Bonus will be reviewed in June 2015.

## Maternity Immunisation Allowance

The Maternity Immunisation Allowance is no longer available. Eligibility for the Family Tax Benefit Part A supplement is now linked to your child's immunisation.

## Government-Provided Parental Leave Pay

For detailed information regarding the Government's Parental Leave Pay, please see the SDA's *The Federal*



*Government's Paid Parental Leave Scheme* booklet and/or see the contacts for **further information** on the previous page.



## Choosing between Parental Leave Pay and the Baby Bonus

You cannot receive both Parental Leave Pay and the Baby Bonus for the same child.

If you think you are eligible for both payments you should check the **Paid Parental Leave Comparison Estimator** to help you decide which payment best suits your family's needs.

The link is on the Department of Human Services website: <http://www.humanservices.gov.au/customer/subjects/having-a-baby-or-adopting-a-child>

## You Can Change your Mind

You can change your claim choice when you fill out the Newborn Child (proof of birth) form you receive in the hospital or from your midwife. You can still change your claim choice even if you have submitted your paperwork, as long as it is before your first payment. You can do so using Centrelink Online Services or by contacting Centrelink.

## Comparison Table

The following table shows the differences between Parental Leave Pay and Baby Bonus to help you choose.

<i>Difference</i>	<i>Baby Bonus</i>	<i>Parental Leave Pay</i>
Amount paid	\$5,000 paid in 13 instalments, or \$3,000 for second and subsequent children from 1 July 2013.	Up to 18 weeks pay at the rate of the National Minimum Wage (\$606.50 per week before tax as at 1 July 2012). If you plan on taking the full 18 weeks, the total is \$10,917 before tax as at 1 July 2012. These rates are adjusted on 1 July each year.
How you will be paid	Your Baby Bonus is paid directly to you in 13 fortnightly instalments. You'd get \$846.20 in the first fortnight and \$346.15 in the next 12 fortnights.	Usually, your employer would provide Parental Leave Pay to you the same way they normally pay your wages. Your employer must do this if you: <ul style="list-style-type: none"> <li>◆ have worked for them for 12 months or more before the expected date of birth or adoption</li> <li>◆ will be their employee until the end of your Paid Parental Leave period</li> <li>◆ are an Australian-based employee</li> <li>◆ expect to receive at least eight weeks of Parental Leave Pay.</li> </ul> If your employer does not need to do this, or if you're self-employed, Centrelink pays you directly in fortnightly instalments.
Income test	Adjusted taxable family income of \$75,000 or less for the six months after your child is born or enters your care.	Individual adjusted taxable income of \$150,000 or less in the financial year before the date of birth, adoption or claim (whichever is earlier).
Work status	Not applicable	You must be on leave or not working from the time you become the child's primary carer until the end of your Paid Parental Leave period. You also have to meet a work test, which is you must have: <ul style="list-style-type: none"> <li>◆ worked for at least 10 of the 13 months before the birth or adoption of your child, and</li> <li>◆ worked for at least 330 hours in that 10-month period with no more than an eight-week gap between any two consecutive working days.</li> </ul> A 'working day' is a day you have worked for at least one hour. You can include periods of paid leave but periods of unpaid leave do not count. There are some exceptions for instances of pregnancy complications and/or premature birth if these have prevented you from meeting the work test. If you have a stillbirth or infant death, you may return to work and still receive Parental Leave Pay.

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Residency requirements	You must be an Australian resident within 26 weeks of your child entering your care.	You must be an Australian resident from the date your child enters your care until the end of your Paid Parental Leave period.
Multiple birth or adoption (for example, twins or triplets)	If you are eligible for both payments, you can claim Parental Leave Pay for one child and Baby Bonus for other children. If you are only eligible for Baby Bonus, you can claim it for each child.	You can only claim Parental Leave Pay for one child. You can claim Baby Bonus for other children if you're eligible.
When to make a claim	You can claim up to three months before the expected date of birth or adoption of your child. You need to make a claim no later than 52 weeks from the day after the child's birth or adoption.	You can claim up to three months before the expected date of birth or adoption of your child. The latest you can claim is 52 weeks after the birth or adoption. But, to get the full 18 weeks of pay you must claim within 34 weeks, and the start date you choose must be within 34 weeks of birth or adoption. You must lodge your claim before returning to work.
When you get your first payment	Your payments start after your claim is finalised.	You can choose when to start your Paid Parental Leave period when you lodge your claim. It can start on or after the day your child is born or enters your care. Your payments will start after your claim is finalised and may differ from the beginning of your Paid Parental Leave period.
Tax or Medicare levy on your payment	You do not have to pay tax or the Medicare levy on your Baby Bonus.	Parental Leave Pay is taxable income and you need to include it in your tax return. You may need to pay a Medicare levy. If your employer provides your Parental Leave Pay, they'll apply the correct tax rate for your circumstances. If we provide your Parental Leave Pay, we'll apply a tax rate of 15 per cent, which we can adjust at your request.
Effect on other payments	No effect. If eligible, you can still receive Family Tax Benefit Part A and Part B.	You cannot get Family Tax Benefit Part B while you are receiving Parental Leave Pay. You can still receive Family Tax Benefit Part A if you're eligible. Unlike Baby Bonus, you need to include any payments you or your partner get under the Paid Parental Leave scheme Parenting Payment.
Stillbirth or infant death	You can ask to be paid in a lump sum instead of instalments if you have a stillbirth or infant death.	Unlike Baby Bonus, Parental Leave Pay cannot be paid as a lump sum. You can receive the payment in fortnightly instalments from Centrelink or from your employer per your normal pay cycle. You may return to work if you wish without your Parental Leave Pay stopping.

# Sample Letters

## Sample Letter 1

### Notification of pregnancy and intention to take parental leave:

This letter is to officially notify you that I am/my partner is pregnant and that the expected birth date of my child is *[insert date]*. *[Insert if required: A medical certificate is enclosed confirming this.]* I intend to take *[insert number]* weeks' parental leave and expect that it will commence on *[insert date]* and I will return to work on *[insert date]*.

## Sample Letter 2

### Notification of adoption application approval and intention to take parental leave:

I wish to notify you that my application for the adoption of a child has been approved. The presumed date of placement of a child with me is *[insert date]*. A statement is enclosed from *[insert name of adoption agency or other body]* confirming this. As a result, I propose to start adoption leave on *[insert date]*. I will be taking *[insert number of days or weeks]* leave and will return to work on *[insert date]*.

## Sample Letter 3

### Confirmation of parental leave:

I wish to commence parental leave on *[insert date]*. I will be taking *[insert number]* weeks' leave and will return to work on *[insert date]*.

## Sample Letter 4

### Confirmation of adoption-related parental leave:

I wish to notify you that a child will be placed with me on *[insert date]* and that I wish to start adoption leave on *[insert date]*.

I will be taking *[insert number of days or weeks]* leave and will return to work on *[insert date]*.



• Continued on next page

## Sample Letter 5

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### Statutory Declaration:

I, *[insert name]*, of *[insert address]*, declare that:

My partner, *[insert name]*, of *[insert address]*, has applied for *[insert number]* weeks' parental leave on the birth/placement of our child.

During my own leave I will not engage in any activities inconsistent with my Enterprise Agreement.

(The Declaration must be signed by either a Justice of the Peace, a member of the police force, a solicitor or a bank manager, who must also witness your signature.)

## Sample Letter 6

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### Extension of parental leave within the first 12 months' parental leave or within the available total parental leave under your Agreement:

I left work on *[insert date]* to commence *[insert number]* weeks' parental leave.

I now wish to lengthen my leave by *[insert number]* weeks and will return to work on *[insert date]*.

## Sample Letter 7

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### Request for a further period of up to 12 months' parental leave:

I left work on *[insert date]* to commence *[insert number]* weeks' parental leave.

I now request to extend my leave by *[insert number]* weeks and return to work on *[insert date]*.

It would be appreciated if you could provide me with your written confirmation as soon as possible.

## Sample Letter 8

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### Shortening of parental leave in instance of stillbirth or infant death:

I left work on *[insert date]* to commence *[insert number]* weeks' parental leave.

I regret to inform you that my baby was stillborn/died.

I now wish to shorten my leave and return to work on *[insert date]*.

It would be appreciated if you could provide me with your written confirmation as soon as possible.

## Sample Letter 9

### Shortening of parental leave when no longer have responsibility for the child:

I left work on *[insert date]* to commence *[insert number]* weeks' parental leave.

I no longer have responsibility for the child and I request that I can resume work on *[insert date]*.

It would be appreciated if you could provide me with your written confirmation as soon as possible.

## Sample Letter 10

### Shortening of parental leave:

I left work on *[insert date]* to commence *[insert number]* weeks' parental leave.

I now wish to shorten my leave and return to work on *[insert date]*.

It would be appreciated if you could provide me with your written confirmation as soon as possible.

## Sample Letter 11

### Return-to-work notification:

My name is *[insert name]* and my company ID number is *[insert number if you have one]*. My telephone number is *[insert number]*. My e-mail address is *[insert your e-mail address if you have one, and if you have daily access to check your e-mail]*.

I commenced parental leave on *[insert date]*. I now wish to confirm my intention to return to work on *[insert date]* as previously advised.

The position I held before my parental leave was *[insert full-time, part-time, or casual and position title]*. I worked *[insert usual number of hours per week]* hours per week at *[insert location if applicable]*.

I am available to work in a *[insert full-time, part-time, or casual]* capacity.

I am available to work on *[insert days]* between the hours of *[insert hours]*.

My preferred roster would be *[insert days and hours]*.

I am available to discuss this matter with you at your earliest convenience.

I would appreciate confirmation of my proposed return to work roster and arrangements as soon as possible, please.



# Need more information? Contact the SDA

**Shop, Distributive and Allied Employees' Association,  
Newcastle & Northern Branch**

**Postal Address** PO Box 2211, Dangar NSW 2309

**Phone** (02) 4961 4694

**Fax** (02) 4962 2598

**Website** [www.sdan.org.au](http://www.sdan.org.au)

**E-mail** [secretary@sdan.org.au](mailto:secretary@sdan.org.au)