

# Aboriginal Cultural Leave and Aboriginal Family Relationships

## What you need to know

Aboriginal Cultural Leave is now available to Tasmanian State Service employees.

Additionally, there has been a change in eligibility to access Personal (Carers) Leave, Family Violence Leave and Compassionate and Bereavement Leave.

This fact sheet provides general information on what is now available and how to know if you are eligible. For more detailed information, please refer to the [TSS Aboriginal Cultural Leave Guide](#) or speak to your Agency's HR team.

## What is Aboriginal Cultural Leave?

Aboriginal Cultural Leave is paid leave available to employees who need time off work to participate in Aboriginal Cultural practices and meet Cultural expectations as an active Aboriginal community member.

This may include participating in significant Aboriginal Cultural events and activities, complying with cultural observances and/or fulfilling cultural obligations.

In addition to their standard leave entitlements, eligible employees can access:

- up to 5 days of paid Aboriginal Cultural Leave per year.

## Am I eligible?

As of the first full pay period commencing on or after 1 December 2022, Aboriginal Cultural Leave is available to employees (except casual employees\*) who:

- meet the Tasmanian Government's eligibility requirements for Aboriginal and Torres Strait Islander programs and services (Eligibility Register); and
- have identified themselves as an Aboriginal and/or Torres Strait Islander person in Employee Self Service (ESS) or the relevant employment management system.

\*For casual Aboriginal employees engaging in cultural practices: you are entitled to be unavailable to work (on an unpaid basis) for the same reasons outlined above without penalty. Speak to your manager and/or HR representative for more information on your rights.

## How do I apply for Aboriginal Cultural Leave?

To apply for Aboriginal Cultural Leave, follow the same process in your agency as you would when applying for other types of leave.

Like all leave requests, you should provide notice to your supervisor as early as possible.

## Do I need any supporting documentation?

Before applying for Aboriginal Cultural Leave, you will need to confirm your inclusion on the Eligibility Register. If you have previously completed and submitted an Eligibility form to a TSS Agency then you do not need to repeat this step, and can proceed to make your application.

If you have not previously completed an Eligibility form, then you should complete this form and attach it to your application. This information will be retained on the Register for future applications. [The Eligibility form can be accessed on the Aboriginal Partnerships website.](#)

When requesting Aboriginal Cultural Leave, in the notes of your request please:

- Confirm your eligibility (either by noting the information has previously been provided to a TSS Agency or by attaching a completed form); and
- Include information on the cultural reason/s for your application.

## What if my eligibility is not confirmed?

You will need to access another form of leave.

Once your eligibility documentation is confirmed, you could apply to HR to:

- be recredited for the paid leave; or
- if you took leave without pay, be paid for the period of leave

In both instances, the leave would be deducted from your Aboriginal Cultural Leave balance.

Employees are encouraged to take steps to confirm eligibility at the earliest opportunity, even if you do not currently require access to Aboriginal Cultural Leave. Once completed, this documentation can be provided to HR to ensure eligibility is confirmed on the Register for future applications.

## What is the change to Personal (Carers), Family Violence Leave and Compassionate and Bereavement Leave?

Personal (Carers) Leave, Family Violence Leave and Compassionate and Bereavement Leave have been expanded to recognise Aboriginal Family Relationships. These may include immediate family, extended family, kinship and cultural community relationships.

Previously, Tasmanian State Service employees could access leave if they were supporting and/or grieving 'immediate family'.

This change recognises that Aboriginal employees may have members of their family that do not fall under the definition of 'immediate family'.

## How do I apply for Personal (Carers), Family Violence and Compassionate and Bereavement Leave for Aboriginal Family Relationships?

The process to apply for Personal (Carers), Family Violence and Compassionate and Bereavement Leave remains the same.

The inclusion of Aboriginal Family Relationships is simply to expand the definition of 'immediate family' for Aboriginal employees.

Like all leave requests, you should provide notice to your supervisor as early as possible.

## Will leave be denied if confirmation of eligibility is still pending?

The eligibility process and ESS requirements apply **only** to Aboriginal Cultural Leave, and do not apply to leave accessed under the Aboriginal Family Relationships provision.

This means application for Personal (Carers) Leave, Family Violence Leave and Compassionate and Bereavement Leave will not depend upon the status of the eligibility for Government programs and services.

Aboriginal Cultural Leave and the inclusion of Aboriginal Family Relationships for other types of leave came into effect from first full pay period on or after 1 December 2022. Can I make a retrospective claim?

If you have accessed another form of leave after the effective date, please speak to your manager or HR team to understand what options may be available. If you accessed another form of paid leave, you may be able to apply to have that leave type recredited. If you accessed a form of unpaid leave, you may be able to apply to receive payment for that period. In both cases, Aboriginal Cultural Leave would be deducted for the relevant period (or Personal Leave, Bereavement Leave or Family Violence Leave).