Defence Determination 2005/15

I, SUSAN JANE PARR, Director General Personnel Policy and Employment Conditions, Defence Personnel Executive, make this Determination under section 58B of the Defence Act 1903.

Dated 20 May 2005

S J PARR
Director General
Personnel Policy and Employment Conditions
Defence Personnel Executive
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<td>Division 4</td>
<td>Civil practice support allowance</td>
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<td>Division 5</td>
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<td>Division 6</td>
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Chapter 1: Introduction (Required reading)

1.1.1 Overview

This clause is reserved for publication in the *ADF Pay and Conditions Manual* of an administrative description of the aims of Chapter 1.

1.1.2 Contents

This Chapter contains the following Parts.

- **Part 1**  
  About this Manual
- **Part 2**  
  Determinations that apply in this Manual
- **Part 3**  
  Definitions
- **Part 4**  
  Equivalent ranks and classifications
- **Part 5**  
  Member's rights and obligations
- **Part 6**  
  Payment of entitlements in special circumstances
Part 1: About this Manual

1.1.3 Abbreviations
This table spells out abbreviations used in Chapters 1 to 17.

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Meaning</th>
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<tbody>
<tr>
<td>ADF</td>
<td>Australian Defence Force</td>
</tr>
<tr>
<td>APS</td>
<td>Australian Public Service</td>
</tr>
<tr>
<td>ATM</td>
<td>Automatic teller machine</td>
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<tr>
<td>CDF</td>
<td>Chief of the Defence Force</td>
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<tr>
<td>CTAS</td>
<td>Career Transition Assistance Scheme</td>
</tr>
<tr>
<td>DECA</td>
<td>Defence Employees’ Certified Agreement 2004-2006</td>
</tr>
<tr>
<td>DFRDB Act</td>
<td>The Defence Force Retirement and Death Benefits Act 1973</td>
</tr>
<tr>
<td>DFRT</td>
<td>Defence Force Remuneration Tribunal</td>
</tr>
<tr>
<td>DHA</td>
<td>Defence Housing Authority</td>
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<tr>
<td>GST</td>
<td>Goods and Services Tax</td>
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<tr>
<td>HPAS</td>
<td>Home purchase assistance scheme</td>
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<tr>
<td>HPSEA</td>
<td>Home purchase or sale expenses allowance</td>
</tr>
<tr>
<td>kg</td>
<td>kilogram</td>
</tr>
<tr>
<td>km</td>
<td>kilometre</td>
</tr>
<tr>
<td>MSBS</td>
<td>Military Superannuation and Benefits Scheme</td>
</tr>
<tr>
<td>NATO</td>
<td>North Atlantic Treaty Organisation</td>
</tr>
<tr>
<td>UK</td>
<td>United Kingdom</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>US or USA</td>
<td>United States of America</td>
</tr>
<tr>
<td>VCDF</td>
<td>Vice Chief of the Defence Force</td>
</tr>
</tbody>
</table>

1.1.4 Overview
This clause is reserved for publication in the ADF Pay and Conditions Manual of an administrative description of the style and content of the Manual.

1.1.5 Structure
This clause is reserved for publication in the ADF Pay and Conditions Manual of an administrative description of the structure of the Manual.
1.1.6 Annexes

1. In Chapters 1 to 17, schedules are called Annexes. They contain these kinds of information.
   a. Lists of specific rates.
      **Examples:** Rates of salary, rates of allowances.
   b. Detailed information.
      **Example:** A list of remote locations, a diagram to illustrate how rent allowance works.

2. The Annexes are listed in the content tables at the beginning of each Chapter.

**See:** Part 2, Determinations that apply in this Manual.
Part 2: Determinations that apply in this Manual

This Part is reserved for publication in the *ADF Pay and Conditions Manual* of an administrative summary of the information provided about determinations that apply to ADF conditions of service.
Division 1: Overview – Defence determinations

This Division is reserved for publication in the *ADF Pay and Conditions Manual* of administrative information about the kinds of determinations that apply to ADF conditions of service.
Division 2: The Defence Determination on conditions of service

1.2.9 Defence Determination 2005/15 – general

Defence Determination 2005/15, Conditions of Service, is the main Determination authorising ADF conditions of service within Australia and overseas. It deals with a wide range of ADF conditions of service.

Examples: Leave, location allowances, reimbursement to members of Service-related expenses.

1.2.10 Date of effect

This Determination commences on 31 May 2005.

1.2.11 Member Chapters 1 to 17 apply to

1. Chapter 1 (other than Part 3 Division 2) applies to all ADF members, including members of the Reserves on Reserve service. Chapter 1 Part 3 Division 2 applies only to members on continuous full-time service.

Note: Chapter 1 Part 3 Division 2 deals with definitions in relation to dependants. These definitions do not apply to members on Reserve service.

2. Chapters 2 to 17 apply only to members on continuous full-time service. This is unless an express intention to deal with another class of person is clear.

Example 1: A member of the Reserves on Reserve service is not entitled to housing assistance under Chapter 7. There is no express intention in that Chapter to apply housing assistance to members other than those on continuous full-time service.

Example 2: A member of the Reserves on Reserve service is entitled to payment of costs for travel on Defence business. Clause 9.5.14 states that this entitlement applies to these members.

Example 3: Some removal and housing entitlements are provided for dependants under Chapters 6 and 7 after the death of a member, or under Chapter 8 for the breakdown of their marriage. The provisions make it clear that the dependants have these entitlements.

3. These members are on continuous full-time service.

a. A member of the Permanent Forces.

b. A member of the Reserves on continuous full-time service.

4. A member of the Reserves on Reserve service is not on continuous full-time service.

See: The definitions of continuous full-time service and Reserve service in Chapter 1 Part 3 Division 1.

1.2.12 Meaning of words and phrases

Part 3 of this Chapter defines terms used in Chapters 1 to 17. The definition applies to each use of the term throughout the Chapters. This is unless it is made clear otherwise.

1.2.13 References to other legislation

1. Reference may be made in Chapters 1 to 17 to any of these forms of legislation.

b. A regulation made under an Act.

c. A determination made under any of these provisions.
   i. Section 58B of the Defence Act 1903.
   ii. Section 58H of the Defence Act 1903.
   iii. Subsection 24 (1) of the Public Service Act 1999.

2. Any such reference is to the Act, regulation or determination as in force from time to time. This is unless it is made clear otherwise.
Part 3: Definitions

1.3.1 Overview

1. This Part defines terms and explains concepts used in Chapters 1 to 17.

2. The terms defined in this Part apply to more than one Chapter. Terms with a special definition used only in particular areas are defined in that area.

3. Special definitions about dependants are in Division 2 of this Part.

4. Special definitions about overseas conditions of service are in Chapter 12 Part 3.

5. The Acts Interpretation Act 1901 and the Defence Act 1903 contain definitions of other terms that may apply.

Example 1: The Defence Act 1903 defines cadet, member, officer, remuneration, the Permanent Forces and the Reserves.

Example 2: The Acts Interpretation Act 1901 specifies how to work out periods of time and defines some commonly used words, including Australia, month, calendar year, financial year, the Commonwealth.

6. Time is expressed using a 24-hour clock system.

1.3.2 Contents

This Part includes the following Divisions:

Division 1 Definitions – general
Division 2 Definitions – dependants
**Division 1: Definitions – general**

**FOR DEFINITIONS RELATING TO DEPENDANTS, SEE CHAPTER 1 PART 3**

**DIVISION 2**

**WARNING – DIFFERENT DEFINITIONS FOR OVERSEAS CONDITIONS OF SERVICE**

The following terms are defined differently for overseas conditions of service:

- long-term posting
- posting location
- posting period
- short-term duty

Those definitions are in Chapter 12.

**See:** Chapter 12 Part 3, Definitions for Chapters 12 to 17.

1.3.3 **Purpose**

This Division defines general terms and explains important concepts used in Chapters 1 to 17.

**See:** Division 2 for definitions and interpretations related to dependants.

1.3.4 **Act**

Act means the *Defence Act 1903*.

1.3.5 **A day’s pay**

A day's pay means the daily rate of pay that a member of the Reserves is entitled to while they are on Reserve service. The service must be part of their authorised duty commitment.

**See:** Annexes 3.1.M to 3.1.U for the specific daily rates of pay set by the DFRT for members of the Reserves.

1.3.6 **Baggage**

1. For service within Australia – baggage means a member’s personal possessions that meet either of these conditions.

   a. They accompany the member by public transport.

   b. They are sent by public transport unaccompanied.

2. For a removal, baggage includes parts of a member’s furniture and effects that they choose not to be carried by a contracted removalist.

1.3.7 **Cadet force**

Cadet force means the Australian Navy Cadets, the Australian Army Cadets or the Australian Air Force Cadets.

1.3.8 **Calendar month**

Calendar month means a period that meets both these criteria.
a. It starts at the beginning of a day of a month.
b. It ends at either of these times.
   i. Immediately before the beginning of the corresponding day of the next month.
   ii. If there is no corresponding day in the next month – at the end of the next month.


Note: This definition is based on the definition in the Acts Interpretation Act 1901.

1.3.9 Capital city
Capital city means Canberra, Darwin or the metropolitan area of the capital city of a State.

1.3.10 CDF
CDF means the Chief of the Defence Force. This includes a reference to another person that the CDF authorises to act on their behalf.

1.3.11 Commonwealth
Commonwealth includes a body corporate incorporated for a public purpose by or under a law of the Commonwealth or of a Territory. Commonwealth excludes an incorporated company, society or association.

See section 17 of the Acts Interpretation Act 1901.

1.3.12 Commonwealth removalist
Commonwealth removalist means Toll Transitions Pty Ltd, its subcontractors, or other removalists who provide removal services under a contract with the Commonwealth.

1.3.13 Compulsory residency
Compulsory residency means training in a hospital undertaken by a medical officer as a condition of entry into the medical profession. It does not matter whether or not the medical officer lives in accommodation provided by the hospital.

1.3.14 Compulsory retirement age
Compulsory retirement age means a member's compulsory retirement age under the Defence (Personnel) Regulations 2002.

1.3.15 Continuous full-time service
1. Continuous full-time service excludes Reserve service. Members on continuous full-time service are paid an annual rate of salary under Part 2 of DFRT Determination No. 6 of 1992, Salaries. If eligible, they are entitled to the conditions of service under Chapters 2 to 17.

2. This definition applies to the service performed by these two groups of members.
   a. Members of the Permanent Forces.
b. Members of the Reserves who are specifically on a period of continuous full-time service with the Permanent Forces. (To be on continuous full-time service as defined in this clause, the ADF must specifically require a Reservist to perform duty for a period of continuous full-time service.)

See also: Clause 1.3.64 Reserve service.

Example: A member joined the Navy in 1990 and served 10 years in the Permanent Forces. The member then joined the Reserves and performed intermittent Navy reserve days during 2000 to 2004. The member is then called out for continuous full-time service for all of 2005.

<table>
<thead>
<tr>
<th>Item</th>
<th>During the period...</th>
<th>the member was on...</th>
</tr>
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<tbody>
<tr>
<td>1.</td>
<td>1990 to 1999</td>
<td>continuous full-time service.</td>
</tr>
<tr>
<td>2.</td>
<td>2000 to 2004</td>
<td>Reserve service.</td>
</tr>
<tr>
<td>3.</td>
<td>2005</td>
<td>continuous full-time service.</td>
</tr>
</tbody>
</table>

Note: ‘Ceasing continuous full-time service’ includes all forms of discharge. This includes on retirement, retrenchment, and on completing a period of engagement.

1.3.16 Daily rate

The daily rate of an allowance or other payment means the fortnightly rate divided by 14.

See: Chapter 5 Part 8 Division 2 for how to work out daily rates for members on part-time leave without pay.

Note: This does not apply to the daily rates of salary for members of the Reserves on Reserve service. These rates are prescribed by the DFRT in Determination No. 6 of 1992, Salaries.

See: Chapter 3 Part 1 Annexes 3.1.M to 3.1.U.

1.3.17 Dentist

Dentist means a dental practitioner registered under the law of a State or Territory. It includes an ADF dental officer.

1.3.18 Deployment

Deployment means warlike or non-warlike service overseas by members assigned for duty with a UN mission or a similar force.

1.3.19 Doctor

Doctor means a medical practitioner registered under the law of a State or Territory. It includes an ADF medical officer.

1.3.20 Dual entitlement

See: Part 6 clause 1.6.1.
1.3.21 **Effective date of posting**

Effective date of posting means whichever is the later of these dates.

a. The date in the member's posting order.

b. The date the member starts duty at their new posting location.

See also: [Posting period](#)

1.3.22 **Employment**

Employment includes full-time or part-time work. It does not include voluntary work.

1.3.23 **Engine capacity – rotary engine**

1. The capacity of a rotary engine is the displacement of the engine according to the specifications of the engine issued by the manufacturer of the vehicle.

2. The manufacturer of a rotary engine-driven vehicle may not state the displacement of the engine in the specifications. They may state the displacement of the rotor or rotors comprising the engine instead. In this case, the capacity of the engine is taken to be either of these figures.

a. The displacement of the rotor that makes up the engine.

b. The sum of the displacements of the rotors that make up the engine.

1.3.24 **Equivalent rank**

See: Chapter 1 [Part 4](#).

1.3.25 **Fortnightly rate**

The fortnightly rate of an allowance or other payment is worked out using this formula.

\[
\text{Annual rate} \times \frac{14}{365}
\]

1.3.26 **Gaining location**

Gaining location means the posting location to which a member is posted in their posting authority.
1.3.27 Home port – for a member

1. This table lists the home port for different members.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member was recruited in...</th>
<th>and the member is in the...</th>
<th>the member's home port is...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>South Australia</td>
<td>Navy, posted to a seagoing ship</td>
<td>Adelaide.</td>
</tr>
<tr>
<td>2.</td>
<td>Queensland</td>
<td>Navy, posted to a seagoing ship</td>
<td>Brisbane or Cairns.</td>
</tr>
<tr>
<td>3.</td>
<td>New South Wales</td>
<td>Navy, posted to a seagoing ship</td>
<td>Sydney or Nowra.</td>
</tr>
<tr>
<td>4.</td>
<td>Victoria</td>
<td>Navy, posted to a seagoing ship</td>
<td>Melbourne.</td>
</tr>
<tr>
<td>5.</td>
<td>Tasmania</td>
<td>Navy, posted to a seagoing ship</td>
<td>Hobart.</td>
</tr>
<tr>
<td>6.</td>
<td>Western Australia</td>
<td>Navy, posted to a seagoing ship</td>
<td>Fremantle.</td>
</tr>
<tr>
<td>7.</td>
<td>Northern Territory</td>
<td>Navy, posted to a seagoing ship</td>
<td>Darwin.</td>
</tr>
<tr>
<td>8.</td>
<td>Australian Capital Territory</td>
<td>Navy, posted to a seagoing ship</td>
<td>Canberra.</td>
</tr>
</tbody>
</table>

2. Where there is more than one option in column 4 of the table in subclause 1, the CDF may decide which of the options will apply. The CDF must have regard to both these criteria.

   a. Where the member was enlisted or appointed.
   b. The efficient operation of Defence.

3. A member may apply to have a location listed in this table approved as their home port.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member is...</th>
<th>then the locations that may be selected are...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>a member of the Navy</td>
<td>Adelaide, Brisbane, Cairns, Canberra, Darwin</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fremantle, Hobart, Melbourne, Nowra, Sydney</td>
</tr>
<tr>
<td>2.</td>
<td>a member of the Army posted to a seagoing ship</td>
<td>Adelaide, Brisbane, Canberra, Darwin, Hobart</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Melbourne, Perth, Sydney, Townsville</td>
</tr>
</tbody>
</table>
4. The CDF may approve the application. The CDF must consider all of these criteria.
   a. Where the member was enlisted or appointed.
   b. The member's needs.
   c. The efficient operation of Defence.

1.3.28 Home port – for a ship
   For a seagoing ship, home port means the port from which the ship regularly operates for a period of more than one year.

1.3.29 Leave year
   Leave year means a year beginning on 1 July.

1.3.30 Legal officer
   Legal officer means an officer who is, or is eligible to be, admitted as a barrister or solicitor of the High Court or the Supreme Court of a State or Territory. This does not include an officer who is a Judge of the Federal Court or a Judge of a court of a State or Territory.

1.3.31 Living in
   Living in means occupying living-in accommodation.

1.3.32 Living-in accommodation
   Living-in accommodation means either of these forms of accommodation.
   a. A barracks or similar kind of residential accommodation that meets both these conditions.
      i. It is owned or controlled by the Commonwealth.
      ii. It is provided primarily for the use of members without dependants.
   b. Accommodation like that described in paragraph a. that a foreign government or other organisation provides for members without dependants.

1.3.33 Living out
   Living out means not living in.
   See: Clause 1.3.32, Living in.

1.3.34 Location of residence – within Australia
   For service within Australia, location of residence means an area surrounding a member's residence. It is the area defined by the distance the member can travel from their residence and back, door to door. The distance is the greater of these two distances.
   a. How far the member can travel in 150 minutes by the most appropriate and efficient means of public transport.
b. 30 km each way by public road.

See also: Clause 1.3.52 Posting location – within Australia

1.3.35 Long-term posting

  1. Within Australia – long-term posting means a period of duty that the member's Service has directed to be for more than six months.

  2. For duty overseas – see Chapter 12 Part 3 clause 12.3.9 Long-term posting overseas.

1.3.36 Losing location

This table defines losing location for a member granted a removal.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member is...</th>
<th>then their losing location is the location in Australia...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>a member with dependants on their first removal after joining or rejoining the Permanent Forces</td>
<td>of the current or last permanent home of their dependants when they joined or rejoined.</td>
</tr>
<tr>
<td>2.</td>
<td>any other member with dependants</td>
<td>to which they were last granted a removal for their dependants.</td>
</tr>
<tr>
<td>3.</td>
<td>a member with dependants (separated)</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>a member without dependants</td>
<td>to which they were last granted a removal.</td>
</tr>
</tbody>
</table>

1.3.37 Meal costs

  1. Meal costs include compulsory service charges and taxes, such as goods and services tax (GST).

  2. Meal costs exclude these items.

    a. Voluntary tips.

    b. The cost of alcoholic drinks.

1.3.38 Meal period

Meal period means one hour beginning at these times.

  a. 0700 hours for breakfast.

  b. 1300 hours for lunch.

  c. 1900 hours for dinner.
1.3.39 Member

Member has the same meaning as in sections 4 and 58A of the Defence Act 1903.

Section 4 of the Act: 'Member includes any officer, sailor, soldier and airman.'

Section 58A of the Act: 'Member includes a person who has ceased to be a member, whether by reason of death or otherwise.'

See also:

a. Part 2 clause 1.2.11. This clause restricts the application of Chapters 1 to 17 to existing ADF members on continuous full-time service. This is unless a provision makes it clear that the provision applies to members on Reserve service, or former members.

b. The definitions of continuous full-time service and Reserve service in this Part.

1.3.40 Member of a cadet force

Member of a cadet force means any of these persons.

a. An officer or cadet in a cadet force.

b. A person who is appointed under regulation 5 of the Cadet Forces Regulations 1977 as an instructor in a cadet force.

See: Cadet Forces Regulations 1977

Note: Regulation 5 reads as follows.

"Appointment of officers and instructors"

(1) The service chief may appoint as officers or instructors in a cadet force persons who are suitable to supervise and control the training programme for, and the activities of, cadets enrolled in a unit.

(2) A person shall not be appointed an instructor unless he has attained the age of 18 years.

(3) A person shall not be appointed an officer unless he has attained the age of 19 years."

1.3.41 Member undergoing training

Member undergoing training means an existing member of the Permanent Forces who is undergoing a form of in-service training mentioned in Annex 3.1.M (Schedule 8 to DFRT Determination No. 6 of 1992, Salaries). These members are entitled to salary non-reduction under Chapter 3 Part 3 clause 3.2.11.

Note: This definition does not apply to new entrants to the ADF who are on a trainee rate of salary under Annex 3.1.M.

See: Clause 1.3.70, Trainee.
1.3.42 Month

See: Calendar month

1.3.43 Non-warlike service

Non-warlike service means both these kinds of service for the purposes of the Veterans’ Entitlements Act 1986:

a. Service with a peacekeeping force for the purposes of Part IV.
b. Hazardous service for the purposes of section 120.

1.3.44 Normal departmental liability

See: Chapter 9 Part 1 clause 9.1.4.

1.3.45 Normal working hours

1. There are no minimum prescribed working hours for the ADF. Members on continuous full-time service are paid on a 24-hour day, seven-day week basis.

2. There is no such thing as payment for overtime. However, commanders set a normal working day taking account of normal community standards, operational requirements and occupational health and safety factors.

1.3.46 Operational area

For a deployment, operational area means the operational area specified for the deployment in Annex 17.9.A.

1.3.47 Own home

Own home is defined in Chapters 6 and 7.

See:
Chapter 6 Part 2 Home sale or purchase
Chapter 7 Part 1 Division 3, Definitions and key concepts.
1.3.48 Paid leave

Paid leave means a period of leave when a member is entitled to salary.

1.3.49 Pay group

Pay group means the pay group for a member under DFRT Determination No. 6 of 1992, Salaries.

1.3.50 Pay to the Commonwealth

Pay to the Commonwealth means a member’s obligation to pay (or repay) money to the Commonwealth. This is if the member incurs a debt or liability to the Commonwealth.

Example 1: The member has been overpaid an entitlement.

Example 2: The member is liable to contribute money towards the cost of a particular conditions of service benefit that the Commonwealth provides to them.

1.3.51 Period of prospective service

Period of prospective service has the same meaning as in Part 8 of the Military Superannuation and Benefits Act 1991.

Note: The definition in that Act reads as follows.

"period of prospective service, in relation to a member to whom retention benefit is payable or has been paid, means the period:

(a) commencing:

(i) if the member is or was, at the time when the benefit becomes or became payable, subject to a return of service obligation—immediately after the end of the period of service that the member is required to complete because of that obligation; or

(ii) if subparagraph (i) does not apply—on benefit computation day in relation to the member; and

(b) ending at the end of:

(i) the day on which the member will, if he or she does not cease beforehand to serve in the Permanent Forces:

(A) complete 20 years of continuous eligible service; or

(B) if, at the time when, or at any time after, the benefit becomes or became payable, the member is, or was, subject to a return of service obligation—complete a period of continuous eligible service that, excluding the period of service that the member is required to serve because of that obligation, is equal to 20 years; or

(ii) the day on which the member will reach his or her retiring age;

whichever occurs first."

1.3.52 Posting location – within Australia

1. For service within Australia, posting location means an area surrounding a member’s normal place of duty. It must be one of these areas.
a. An area defined by the distance the member can travel from their usual residence to their normal place of duty and back, door to door. The distance is the greater of these two distances.
   i. How far the member can travel in 150 minutes by the most appropriate and efficient means of public transport available during their normal hours of duty.
   ii. 30 km each way by public road.

b. An area greater than the area described in paragraph a. that the member proposes and the CDF approves. Approval may only be given if the CDF is satisfied that both these criteria are met.
   i. The member’s daily attendance for duty would not be affected by any additional travelling time.
   ii. The member commutes daily to their normal place of duty.

c. Any greater area that a service residence is located in, if both these conditions are met.
   i. The service residence was acquired for use by members serving at the member’s normal place of duty.
   ii. The member occupies the service residence.

2. This subclause applies to a member with dependants (separated) or a member who is posted to a seagoing ship. Their posting location includes a location that their dependants live in.

See also: Clause 1.3.34, Location of residence – within Australia.

1.3.53 Posting location – overseas

See: Clause 12.3.15, Posting location.

1.3.54 Posting period – within Australia

1. For service within Australia, a member's posting period starts on the day they begin duty at a posting location and ends on the day they finish duty there. This is subject to subclauses 2 to 6.

2. The posting period starts on the day the member arrives at the location if they arrive on any of these days.
   a. A Saturday, Sunday or public holiday immediately before the day they begin duty.
   b. A day during a period of paid leave immediately before the day they begin duty.
   c. The day they are granted a removal to the location, or any later day.

3. The member’s dependants may be granted a removal to the posting location and arrive there before the member. In this case, the posting period starts on the day the dependants arrive.

4. The posting period ends on the day the member leaves the location, if they leave on any of these days.
   a. A Saturday, Sunday or public holiday immediately before the day they finish duty.
   b. A day during a period of paid leave immediately before the day they finish duty.
   c. The day they are granted a removal from the location, or any later day.
5. The member’s dependants may be granted a removal from the posting location and depart after the member. In this case, the posting period ends on the day the dependants depart.

6. The CDF may decide it is reasonable for a member’s posting period to start on an earlier day or end on a later day. The CDF must consider all these criteria.
   a. The circumstances of the member’s removal to or from the location.
   b. The number, age, gender and circumstances of the member’s dependants.
   c. The availability of rental accommodation at the location.
   d. Any other factor relevant to the posting.

   Note: Other Chapters have specific provisions about when particular entitlements start and stop. These provisions override this definition for those entitlements.

   Examples: Seagoing allowance, district allowance and housing assistance.

1.3.55 Posting period overseas

   See: Clause 12.3.16, Posting period overseas.

1.3.56 Private vehicle

   Private vehicle means a motor vehicle that is registered in the name of the member or their dependant.

   Examples: Cars, trucks, motor cycles (and sidecar), motor scooters.

   Non-examples: Recreational or hobby vehicles that cannot be registered.

1.3.57 Presumed date of death

   The CDF may determine that a member died on a particular date. The relevant conditions of service apply as if the member had died on that date.

   See also:
   Part 6 clause 1.6.4, Payment of amounts on death of a member.
   Chapter 3 Part 1 Division 1 Subclause 9.1 of Determination No. 6 of 1992, Salaries.

1.3.58 Public holiday

   Public holiday means a day, or part of a day, that a member is entitled to take as a public holiday under Chapter 5 Part 10, Public holidays – Australia.

1.3.59 Public transport

   Public transport means transport available to the public by regular services over fixed routes.

1.3.60 Rank

   1. Rank includes both these meanings.
      a. Equivalent rank under Part 4 clause 1.4.1.
      b. Substantive, acting (paid), temporary, provisional and probationary rank.
2. Rank does not include either of these meanings.
   a. Unpaid acting rank.
   b. Honorary rank.

1.3.61 Refitting port
   Refitting port means the port where a ship refits, if this is different from the ship’s home port, clause 1.3.28.

1.3.62 Remote location
   Remote location means a location listed in Annex 4.4.A.

1.3.63 Removal
   Removal means a removal by a Commonwealth removalist.
   See: Clause 1.3.12, definition of Commonwealth removalist.

1.3.64 Reserve service
   1. Reserve service means part-time service by a member of the Reserves. Members on Reserve service are paid a daily rate of salary under Part 3 of DFRT Determination No. 6 of 1992, Salaries.
      See: Chapter 3 Part 1 Division 4, Salaries – Reserve Forces and other members not rendering continuous full time service
   2. Members on Reserve service are not on continuous full-time service. This is so even if they serve for a continuous number of days of Reserve service. To be on continuous full-time service as defined in clause 1.3.15, the ADF must specifically require them to perform duty for a period of continuous full-time service.
      See: Clause 1.3.15, Continuous full-time service.

Example: A member joined the Navy in 1990 and served 10 years in the Permanent Forces. The member then joined the Reserves and performed intermittent Navy reserve days during 2000 to 2004. The member is then called out for continuous full-time service for all of 2005.

<table>
<thead>
<tr>
<th>Item</th>
<th>During the period...</th>
<th>the member was on...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1990 to 1999</td>
<td>continuous full-time service.</td>
</tr>
<tr>
<td>2.</td>
<td>2000 to 2004</td>
<td>Reserve service.</td>
</tr>
<tr>
<td>3.</td>
<td>2005</td>
<td>continuous full-time service.</td>
</tr>
</tbody>
</table>
3. Members on Reserve service are not entitled to many of the conditions of service under Chapters 2 to 17. They are entitled to other conditions of service only under limited conditions. Some conditions of service are provided only for members on Reserve service.

**Example 1:** Members on Reserve service are not entitled to leave under Chapter 5.

**Example 2:** Members on Reserve service are entitled to payment of costs for travel on Defence business. Chapter 9 Part 5 Division 2 clause 9.5.14 states that this entitlement applies to these members.

**Example 3:** Attendance allowance is only available to members on Reserve service under Chapter 4 Part 8 Division 5.

### 1.3.65 Return of service obligation

Return of service obligation means a period of service determined by the relevant Service Chief under the *Defence (Personnel) Regulations 2002*. It is period of service a member must complete in return for some kinds of service opportunities.

**Examples:**

a. Undergoing expensive training.

b. Getting marketable skills through Service training.

c. Being employed on special duties.

d. Serving outside Australia.

e. Travelling to Australia with any dependants at Commonwealth expense if the member has joined the ADF from outside Australia.

### 1.3.66 Seagoing ship

Seagoing ship has the same meaning as in DFRT Determination No. 1 of 1996, Seagoing Allowance.

**See:** Chapter 4 Part 3 Division 11

**Note:** The definition in that Determination reads as follows.

"*seagoing ship* means:

(a) a ship in commission in the service of the Royal Australian Navy; or

(b) a ship or other vessel approved by the Chief of the Defence Force for the purposes of this Determination, being a ship under the direction of the Commonwealth or a foreign government."

### 1.3.67 Seagoing submarine

Seagoing submarine has the same meaning as in DFRT Determination No. 9 of 1995, Submarine Service Allowance.

**See:** Chapter 4 Part 3 Division 15

**Note:** The definition in that Determination reads as follows.

"*seagoing submarine* means:

(a) a submarine in commission in the service of the Royal Australian Navy; or
(b) a submarine declared by the Chief of the Defence Force to be a seagoing submarine for the purposes of this Determination, being a submarine under the direction of the Commonwealth or a foreign government."

1.3.68 Service residence

Service residence means residential accommodation provided by the Commonwealth. It does not include living-in accommodation.

See: Chapter 7 Part 3

1.3.69 Short-term duty

1. Within Australia - short-term duty means a period of duty that the member's Service has directed to be for six months or less.

2. For duty overseas – see Chapter 12 Part 3 clause 12.3.18, Short-term duty overseas.

1.3.70 Trainee

Trainee means a new entrant to the ADF who is on a trainee salary. This means a rate of salary under Annex 3.1.M (Schedule 8 to DFRT Determination No. 6 of 1992, Salaries).

Note: This definition does not apply to existing members of the Permanent Forces who are undergoing a form of in-service training mentioned in Annex 3.1.M. These members are entitled to salary non-reduction under Chapter 3 Part 2 clause 3.2.1. They are defined as members undergoing training.

See: Clause 1.3.41, Member undergoing training

1.3.71 Training commitment

Training commitment means an obligation for a member to do specified reserve service for a specified period. The obligation is created under regulation 100 of the Defence (Personnel) Regulations 2002.

Note: That regulation reads as follows.

"(1) A Chief may determine a training period for each category of the Reserves in the Chief's Service.

(2) A Chief may determine requirements for the training that is to be carried out during a training period.

(3) A Chief may determine that a member is not required to comply with a requirement determined under subregulation (2).

(4) A member is bound to render, in each training period, service for the required period.

Note 1 See regulation 69.

Note 2 Different training periods, or training requirements, may be determined for:

(a) different parts of the categories of the Reserves; or

(b) different classes of members of the Reserves; or

(c) different periods.

See: Acts Interpretation Act 1901, subsection 33 (3A)."
1.3.72 Travel card

Travel card means a charge card that the Department of Defence provides to a member. The member can use the card for any of these purposes, up to the specified monetary limits.

a. To pay accommodation, meals and incidental costs directly on behalf of the Commonwealth.

b. To get a cash advance to pay for accommodation if the travel card cannot be used to pay for the accommodation.

c. To get a cash advance to pay for meals and incidentals.

*Note:* The travel card is a Diner’s Club card. When the member pays for their Defence travel with the card, the cost is charged direct to the Commonwealth.

*Example:* A hotel does not accept the travel card as the method of payment for a member’s accommodation. The member could use the card to withdraw cash at an ATM, pay for the accommodation and get a receipt for their stay.

*See:* [CSIG Travel Improvement Project Defweb site](#).

1.3.73 Warlike service

Warlike service has the same meaning as in the *Defence Force (Home Loans Assistance) Act 1990*.

*Note:* The definition in that Act reads as follows.

"*warlike service* means duty declared under subsection 3C(1) to be warlike service."

Subsection 3C(1) of that Act reads as follows:

"(1) The Minister may declare duty to be warlike service for the purposes of this Act."
Division 2: Definitions – dependants

FOR OTHER DEFINITIONS, SEE CHAPTER 1 PART 3 DIVISION 1

WARNING – DIFFERENT DEFINITION FOR OVERSEAS CONDITIONS OF SERVICE

The following term is defined differently for overseas conditions of service:

dependant

That definition is in Chapter 12.

See: Chapter 12 Part 3, Definitions for Chapters 12 to 17.

1.3.74 Marriage

Marriage includes a recognised de facto marriage. Date of marriage includes the date on which the ADF recognises a de facto marriage.

1.3.75 Child

Child includes all these children.

a. Children of the member or member's spouse.

b. Adopted children.

c. Stepchildren.

d. Wards.

1.3.76 Dependents

1. Any of these persons is a member's dependant. This is only if the persons normally live with the member.

a. The member's spouse.

Note: This includes a recognised de facto spouse – see the definition of spouse in clause 1.3.77.

b. Dependent children.

Note: This includes dependent children of the member's spouse – see the definition of dependent children in clause 1.3.78.

See: subclause 1.3.78.2 for the meaning of 'normally live with the member' in the case of a dependent child.

c. A person acting as a guardian or housekeeper, if the member has a dependent child and any of these other conditions is met.

i. The member has no spouse.

ii. The member's spouse is an invalid or has a disability.

iii. The member's spouse is a member serving at another posting location.

d. Other dependants recognised by the CDF as a special case under clause 1.3.79.

See: Clause 1.3.79, CDF-recognised dependants
2. For duty overseas – see Chapter 12 Part 3 clause 12.3.5, Dependant.

1.3.77 Spouse

Spouse, for a member, includes a person who is living with the member as a spouse on a genuine domestic basis although not legally married to the member.

1.3.78 Dependent children

1. A child is a dependent child if they meet all these conditions.
   a. They are a child of the member or of the member’s spouse.
   b. They normally live with the member.
      See: Subclause 2 for the meaning of ‘normally live’.
   c. They are under 21 years old.
      Exception: This age limit does not apply if the child is an invalid or infirm.
      Note: No means test is applied in assessing whether a child is a dependant.

2. A child normally lives with a member if one of these conditions is met.
   a. The child is provided with overnight care in the member’s home at their posting location for at least 90 nights a year.
   b. The child is only absent from the member’s home because the child is in full-time education. This can be primary, secondary or undergraduate tertiary education.
      Example: A degree or TAFE course.
   c. The CDF recognises that the child is expected to live with the member at their posting location on a frequent and regular basis. The CDF must consider all these criteria.
      i. The arrangements for the child’s contact or residence with the member.
      ii. The member’s access to the child.
      iii. The distance and transport between the child’s location and the member’s location.
      iv. The nature and extent of the member’s duty commitments.
      v. Other factors that may be relevant to the relationship of the child and the member.

1.3.79 CDF-recognised dependants

The CDF can recognise another person as a dependant for exceptional reasons. The CDF must consider all these criteria.

a. The relationship of the person to the member.

b. The specific reasons the person needs to live with the member.

c. The role the person plays in the member’s household.

d. Whether the dependency is permanent.
e. The degree of dependency, including any financial, medical or compassionate considerations.

   **Examples:** Evidence from doctors or specialists on medical conditions or disabilities.

f. Whether any alternative support, care or accommodation is available to the person.

**Example 1:** A parent of the member or spouse. The parent is of pensionable age and dependant on the member to provide a home.

**Example 2:** A non-dependent child, if all these conditions are met.

   a. The child is an orphan.

   b. The member has not yet adopted the child.

   c. The member has applied to the relevant legal body for long-term or permanent guardianship or adoption.

   **Non-example 1:** A member's 25-year-old child who is unemployed.

   **Non-example 2:** A grandchild of the member, unless that child has been orphaned and the member has legal guardianship.

   **Non-example 3:** A person acting as a housekeeper or guardian to a dependent child, when the member and spouse live together and are both working.

1.3.80  **Member with dependants**

   A member with dependants means a member who provides and lives in a home at their posting location with at least one dependant.

1.3.81  **Member with dependants (separated)**

   1. A member with dependants (separated) is a member with dependants who meets the requirements of subclause 3, 4, 6 or 7.

   2. In this clause, a reference to a member being posted to a location includes any requirement to perform duty in that location.

   3. A member meets the requirements of this subclause if the member is required to live in, or to perform duty for no longer than 12 months at a location other than the location where the member provides a home for the member's dependants.

   4. A member meets the requirements of this subclause if the member:

      a. is posted to a new posting location, and

      b. provides a home for dependants at the losing location, and

      c. either:

         i. the member is unable to live with the dependants at the gaining location because:

            A. the member’s spouse is a member and cannot, for service reasons, be posted to the gaining location, or

            B. suitable accommodation for the member and dependants is not available at the gaining location, or
C. a child of the member is undertaking secondary or tertiary education, including an apprenticeship, at the losing location and decides to continue the education at that location, or

D. the member’s spouse is in employment at the losing location and decides to continue employment at that location, or

Note: Consideration can be given under subclause 7 to cases where subsubparagraph D would have applied if the spouse had remained in the losing location for employment or career reasons, but the spouse and any dependants are removed to a location other than the posting location, for the purpose of preserving the spouse’s employment or career interests.

ii. the CDF is satisfied that the member is unable to live with the dependants for a fixed period at the gaining location because:

A. a dependant of the member is unable to move to the location because of illness or infirmity, or

B. the move would unduly interfere with a course of secondary or tertiary education being undertaken by the member’s spouse at the losing location, or

C. a dependant of the member is unable to move because of a special need.

Note 1: Clause 1.5.2 requires members to tell their Commanding Officer about any change in their circumstances that would mean that they no longer met the criteria upon which they were previously entitled to a conditions of service benefit.

Note 2: A member must make a fresh application for each period for which they seek recognition as member with dependants (separated).

5. For subparagraph 4.c.ii, the CDF must have regard to:

a. the extent to which the member’s service prevents the member from living with the dependants, and

b. the posting period, and

c. the interests and operational capability of the ADF, and

d. if subsubparagraph 4.c.ii.A applies:

i. the nature and degree of illness or infirmity, and

ii. any relevant opinion from a doctor, and

iii. the availability of treatment and related care arrangements at the gaining location, and

e. if subsubparagraph 4.c.ii.B applies:

i. the kind of course of education, and

ii. the availability of the course of education at the gaining location, and

iii. whether arrangements could reasonably be made to enable the spouse to continue the course without undue interference, and

f. if subsubparagraph 4.c.ii.C applies:

i. the nature and extent of the special need, and

ii. any special accommodation requirements related to the special need, and
iii. if the dependant attends a special facility or rehabilitation centre in relation to the special need:
   A. the availability of a similar facility or centre at the gaining location, and
   B. whether arrangements could reasonably be made to enable the dependant to attend that facility or centre, and

g. any other factor relevant to the member’s duty or the circumstances of the member’s dependants.

6. A member meets the requirements of this subclause if the member:
   a. has a spouse who is a member, and
   b. is posted to a new posting location, and
   c. provides a home for dependants jointly with the spouse at the losing location, and
   d. before the posting, occupied the home with at least one dependant, and
   e. provides a separate home for dependants at the gaining location, and
   f. occupies the separate home with at least one dependant.

7. A member meets the requirements of this subclause if:
   a. the member does not meet the requirements of subclause 3, 4 or 6, and
   b. the CDF is satisfied that:
      i. the member could not reasonably meet the requirements of subclause 3, 4 or 6, but
      ii. in the circumstances the member should be taken to be a member with dependants (separated).

1.3.82 Dependant with special needs

A dependant who is assessed or recognised by the CDF as having special needs arising from a physical, intellectual, behavioural, learning or similar disability. In the case of a dependent child, this includes an academic gift.

1.3.83 Member without dependants

A member without dependants is a member who meets any of these conditions.
   a. They have no recognised dependants.
   b. They live in a de facto relationship not recognised by the ADF.

See: Chapter 8 Part 2, Recognition of de facto marriage
   c. They do not provide a home for recognised dependants.
   d. They provide a home for dependants, but choose not to live with them for personal reasons.
   e. They marry or have a de facto marriage recognised, but have not yet established a home with their spouse at their posting location.
   f. They marry a member or have a de facto marriage to a member recognised, and both these conditions are met.
i. Both members are posted to different locations.
ii. They have not established a home together in one of the posting localities.

g. They have a spouse who is a member, and both these conditions are met.
   i. Both members are posted to different locations.
   ii. Neither provides a home for the other.

   **Example:** They both live in.

h. They are not categorised as either:
   i. a member with dependants, or
   ii. a member with dependants (separated).
Part 4: Equivalent rank and classifications

1.4.1 Overview

1. In Chapters 1 to 17, a reference to a rank is a reference to an Army rank. It includes a reference to the equivalent rank in the Navy and Air Force. This is unless it is made clear otherwise.

   Note: This is consistent with long-standing Defence practice whereby Army ranks are used, often followed by the letter (E) for Equivalent rank. To simplify and save space, the text does not include the (E) symbol. Where there is a reference to the three Services, the normal order is followed – Navy, Army, Air Force.

2. Equivalent rank means the corresponding rank set out under Regulation 8 of the Defence Force Regulations 1952.

1.4.2 Chaplain taken to hold rank

1. A Chaplain who holds a fixed tenure appointment is taken to hold the rank set out in this table.

<table>
<thead>
<tr>
<th>Item</th>
<th>If a Chaplain’s classification is...</th>
<th>then they are taken to have the rank of...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Division 1</td>
<td>Captain</td>
</tr>
<tr>
<td>2.</td>
<td>Division 2</td>
<td>Major</td>
</tr>
<tr>
<td>3.</td>
<td>Division 3</td>
<td>Lieutenant Colonel</td>
</tr>
<tr>
<td>4.</td>
<td>Division 4</td>
<td>Colonel</td>
</tr>
<tr>
<td>5.</td>
<td>Division 4 – Head of Denomination</td>
<td>Colonel</td>
</tr>
<tr>
<td>6.</td>
<td>Division 5</td>
<td>Brigadier</td>
</tr>
</tbody>
</table>

2. A Chaplain who holds an indefinite appointment is taken to hold the same rank as an officer on the same rate of salary as the Chaplain.
Part 5: Member's rights and obligations

1.5.1 Purpose
A member must meet certain obligations when they have an entitlement. This Part sets out those obligations.

1.5.2 Change in member's circumstances
1. Members are responsible for keeping themselves informed about their entitlements.
2. This clause applies if a member or their dependants meet both these conditions.
   a. They have qualified for an entitlement.
   b. There is a change in the circumstances by which they qualified.
3. The member must tell their Commanding Officer about the change as soon as practicable.
   Note: This requirement helps the Commonwealth prevent overpayments being made.

1.5.3 Overpayment
1. This clause applies if a person has been paid more than the amount they are entitled to.
2. The person must repay to the Commonwealth the difference between their entitlement and the amount they were paid.
   Example: A member is paid vehicle allowance in advance of travel. They do not travel, or they travel less than they expected to. They must repay all or part of the allowance, whichever applies.
   Exception: Where tax has been deducted from an amount overpaid and the amount was paid in a previous financial year.

1.5.4 Recovery by the Commonwealth
1. This clause applies if a member must repay an overpayment of salary or allowances to the Commonwealth.
2. The Commonwealth may recover the overpaid amount from the salary and allowances that the member has been – or may be – paid. The Commonwealth still has the right to recover the overpaid amount by other means.

1.5.5 Decision-makers to avoid conflict of interest
1. This clause applies if a member would get a personal benefit from a decision they are authorised to make.
2. The member must refer the decision to another decision-maker at or above their rank or classification.
1.5.6 **Member to provide evidence of payment**

1. This clause applies to a member who is entitled to be reimbursed a payment they made.

2. The member must provide either of the following as evidence that they made the payment.
   a. Written evidence, including any original receipts.
   b. A statutory declaration if written evidence is not available.

3. The member must provide the items when they lodge their claim for reimbursement or as soon as practical after that time.

   **Note:** A person who knowingly makes a false statement in a statutory declaration under the *Statutory Declarations Act 1959*, as amended, is guilty of an offence under section 11 of that Act. They could go to prison for four years.
Part 6: Payment of entitlements in special circumstances

1.6.1 Dual entitlement – when member's spouse is also a member

1. This clause applies if both these conditions are met.
   a. A member's spouse is also a member.
   b. Both members have any of the entitlements in this table for the same period.

<table>
<thead>
<tr>
<th>Item</th>
<th>Entitlement</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Disturbance allowance</td>
<td>Chapter 6 Part 1 Division 2</td>
</tr>
<tr>
<td>2.</td>
<td>Reimbursement for childcare on removal</td>
<td>Chapter 6 Part 1 Division 3</td>
</tr>
<tr>
<td>3.</td>
<td>Assistance or reimbursement for home purchase or sale</td>
<td>Chapter 6 Part 2</td>
</tr>
<tr>
<td>4.</td>
<td>Reimbursement for loss on sale of furniture and effects</td>
<td>Chapter 6 Part 3 clause 6.3.2</td>
</tr>
<tr>
<td>5.</td>
<td>Reimbursement for loss on sale of a vehicle</td>
<td>Chapter 6 Part 3 clause 6.3.4</td>
</tr>
<tr>
<td>6.</td>
<td>Reimbursement for cost of insurance on removal of urgently needed household items</td>
<td>Chapter 6 Part 5 clause 6.5.7</td>
</tr>
<tr>
<td>7.</td>
<td>Reimbursement for education costs for a child</td>
<td>Chapter 8 Part 4</td>
</tr>
<tr>
<td>8.</td>
<td>Reimbursement in place of a child’s scholarship</td>
<td>Chapter 8 Part 4 Division 3</td>
</tr>
</tbody>
</table>

2. This table sets out how the entitlement is provided.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the members…</th>
<th>then the entitlement is provided to the member who…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>jointly nominate one of them to receive the entitlement</td>
<td>is nominated.</td>
</tr>
<tr>
<td>2.</td>
<td>do not jointly nominate one of them to receive the entitlement, and they:</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td>a. hold different ranks</td>
<td>has the higher rank</td>
</tr>
<tr>
<td></td>
<td>b. hold the same rank</td>
<td>has the greater seniority in the rank.</td>
</tr>
</tbody>
</table>

3. A member may have an entitlement listed in subclause 1 while their spouse has a similar entitlement that is not under Chapters 1 to 11. In this case, the listed entitlement is reduced by the amount of the similar entitlement.

**Example:** A member is entitled to disturbance allowance under Chapter 6 Part 1 Division 2. Their spouse is an APS employee in Defence. The member's entitlement to the allowance is reduced by any amount the spouse gets for similar purposes under DECA clause I2, Relocation assistance.

**Note:** The following provisions in other Chapters provide special rules about situations where a member and their spouse both have the same entitlement. Those special rules may override this clause.

a. Indemnity for loss or damage arising from removal within Australia.
   **See:** Chapter 6 Part 5, Compensation for loss or damage

b. Trainees' dependant allowance.
   **See:** Chapter 4 Part 7 Division 1
4. **WARNING:** This clause does not apply in relation to housing assistance. Special rules apply to dual entitlement for the following housing entitlements – see Chapter 7.

<table>
<thead>
<tr>
<th>Item</th>
<th>Entitlement</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Temporary accommodation allowance</td>
<td>Chapter 7 Part 4 Division 5 clause 7.4.27</td>
</tr>
<tr>
<td>2.</td>
<td>Contribution for Service residence</td>
<td>Chapter 7 Part 5 Division 5 clause 7.5.43</td>
</tr>
<tr>
<td>3.</td>
<td>Rent allowance</td>
<td>Chapter 7 Part 6 Division 4 clause 7.6.22</td>
</tr>
</tbody>
</table>

5. **WARNING:** This clause does not apply in relation to overseas conditions of service. Special rules apply to dual entitlement for the following overseas allowances and other conditions – see Chapters 14 to 16.

<table>
<thead>
<tr>
<th>Item</th>
<th>Entitlement</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Overseas removals and related entitlements</td>
<td>Chapter 14 Part 3</td>
</tr>
<tr>
<td>2.</td>
<td>Settling in and settling out overseas – meal costs</td>
<td>Chapter 14 Part 5</td>
</tr>
<tr>
<td>3.</td>
<td>Overseas living allowance</td>
<td>Chapter 15 Part 2</td>
</tr>
<tr>
<td>4.</td>
<td>Hardship allowance</td>
<td>Chapter 16 Part 2</td>
</tr>
<tr>
<td>5.</td>
<td>Assisted leave travel</td>
<td>Chapter 16 Part 4</td>
</tr>
</tbody>
</table>

### 1.6.2 Payment of entitlement to another person

1. A member may seek to have their entitlement paid to their spouse or another person. These conditions apply.
   a. The member must nominate in writing the person to receive the payment on their behalf.
   b. The other person must consent to the disclosure of their personal or financial information, and to receiving the payment.
   c. The member must provide the alternative payment details.

**Example:** A member who is deployed has to pay rent at home. They may choose to have their rent allowance paid to their spouse, who will arrange the rent payments on their behalf.

2. Alternatively, the entitlement will be paid as specifically provided for under another Chapter.

### 1.6.3 Payment of amount to a person under legal disability

1. This clause applies if an amount is payable to a person who has a legal disability.

**Examples:** A child under 18 years old. A member who is seriously injured and unable to act on their own behalf.

2. The amount may be paid to a trustee appointed by the CDF to act on behalf of the person. The CDF must consider any instructions the member gave before the legal disability began.

3. Both these conditions apply to an amount paid to a trustee under subclause 2.
   a. The trustee will hold it on trust for the benefit of the person in accordance with any directions of the CDF.
   b. It is taken to have been paid to the person.
1.6.4 Payment of amounts on death of a member

1. An amount payable to a member on their death may be paid to either of these parties.
   a. The member’s dependants.
   b. The member’s legal personal representative, if both these conditions are met.
      i. The member has no dependant.
      ii. The CDF considers it appropriate.

2. The amount may be payable to more than one dependant. In this case, the CDF must consider the losses each dependant suffers through the loss of the member's earnings.

3. A payment should be made under subclause 1 within 12 months after the member’s death. If it is not, the amount must be paid to the member’s legal personal representative.

4. If no-one is entitled to a payable amount, no payment will be authorised.
Chapter 2: Joining and leaving the ADF

Overview
This Chapter contains legislation and guidelines for members who join or leave the ADF.

Contents
This Chapter includes the following Parts:

- **Part 1**  Joining the ADF
- **Part 2**  Leaving the ADF: Career Transition Assistance Scheme
- **Part 3**  Leaving the ADF: Redundancy, gratuities and leave credits
Part 1: Joining the ADF

2.1.1 Overview

This Part contains entitlements and guidelines for members joining the ADF.

2.1.2 Contents

This Part includes the following Divisions:
- Division 1 Entitlements for applicants
- Division 2 Information for new recruits
- Division 3 Superannuation
Division 1: Entitlements for applicants

2.1.3 Purpose

A person who has applied to join the ADF may be entitled to assistance with travel costs, allowances and accommodation costs.

2.1.4 Travel, accommodation and meal entitlements – certain country applicants

1. This clause applies to a person who is not a member of the ADF and who has applied to join the ADF. They may have travel, accommodation and meal entitlements, if they meet all these conditions.
   a. They are required to have an examination or interview to see if they are suitable to join the ADF.
   b. They go to a recruiting centre to be examined or interviewed.
   c. They live at a location not served by the transport system of the city or town where the recruiting centre is located.

2. The applicant is entitled to an allowance if they pay for their travel between their normal place of residence and the recruiting centre. The amount of the allowance depends on their means of travel, as set out in this table.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the applicant travels by…</th>
<th>then they are entitled to…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>private vehicle</td>
<td>the amount they would be entitled to:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>a. they were a member at the rank for which they are applying for appointment or enlistment, and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b. their travel was authorised travel on duty.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>See: Chapter 9 Part 6 Division 2 for the relevant entitlements.</td>
</tr>
<tr>
<td>2.</td>
<td>public transport</td>
<td>the lesser of these two amounts:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>a. What the Commonwealth would pay for fares if they were a member at the rank for which they are applying for appointment or enlistment.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b. What they actually pay for fares.</td>
</tr>
</tbody>
</table>

3. The applicant is entitled to an allowance for accommodation and meals if they meet both these conditions.
   a. They travel between their normal place of residence and the recruiting centre for a period that extends overnight.
   b. Their meals and accommodation are not provided at Commonwealth expense.

4. The allowance is the lowest of these amounts.
   a. What the Commonwealth would have paid if it provided accommodation and meals.
   b. What the applicant paid for accommodation and meals.
   c. What the applicant would be entitled to if they were a member at the rank for which they are applying for appointment or enlistment.

See: Chapter 9 Part 5, Payment of travel costs for the relevant entitlements.
Note: If the applicant's travel period does not extend overnight, the meal allowance rates under clause 4.5.8 apply.

See: Chapter 4 Part 5, Meal allowances.

2.1.5 Prepaid fares

1. A country applicant who travels to or from a recruiting centre is entitled to either a prepaid fare or an allowance under clause 2.1.4.

2. The applicant must repay to the Commonwealth any prepaid amount they do not spend. This includes if the journey is cancelled.

2.1.6 Baggage

Persons entitled to travel under this Division are not entitled to any Commonwealth assistance for excess baggage.

2.1.7 Loss of wages or salary

1. This clause applies to a person who is not a member of the ADF and who has applied to join the ADF. They may be compensated for loss of wages or salary if they meet all these conditions.
   a. They are employed.
   b. They are required to have an examination or interview to see if they are suitable to join the ADF.
   c. They attend a recruiting centre to be examined or interviewed.
   d. They lose salary or wages because of that attendance.

2. The applicant is entitled to the lesser of these two amounts.
   a. The wages or salary they would have earned during the period they are reasonably required to be absent from the employment because of the attendance. This does not include any payment for overtime.
   b. The salary that would be payable for that period to a normal entry recruit during basic training.

3. The applicant is not entitled if they have not disclosed in their application a significant fact that makes them ineligible to join the ADF.
Division 2: Information for new recruits

This Division is reserved for publication in the ADF Pay and Conditions Manual of an administrative summary of conditions of service arrangements for new recruits to the ADF.
Division 3: Superannuation

This Division is reserved for publication in the ADF Pay and Conditions Manual of an administrative summary of ADF superannuation.
Part 2: Leaving the ADF: Career Transition Assistance Scheme

2.2.1 Overview

1. This Part contains information on the Career Transition Assistance Scheme. The Scheme assists members with career transition when they separate from the ADF after continuous full-time service.

2. Effective career transition is a shared responsibility. It is mainly up to the member to start preparing well before their intended date of separation.

2.2.2 Member this Part applies to

The Career Transition Assistance Scheme is available to all Permanent and Reserve Force members who have been on continuous full-time service.

See: Division 2 Eligibility and levels of assistance

2.2.3 Definitions

This table outlines the definition used in this Part.

<table>
<thead>
<tr>
<th>Term</th>
<th>Special meaning in this Part</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qualifying service</td>
<td>Service in Australia, overseas or on attachment or exchange with the armed forces of another country, by a member of the Permanent Forces or by a Reserve Force member on continuous full-time service. Periods of qualifying service can include any of the following. a. Permanent Force service b. continuous full-time service c. a cumulative total of Permanent Force service and continuous full-time service.</td>
</tr>
</tbody>
</table>

2.2.4 Contents

This Part includes the following Divisions:

Division 1 About the Career Transition Assistance Scheme
Division 2 Eligibility and levels of assistance
Division 3 On-line information
Division 4 ADF transition seminars
Division 5 Approved absence for career transition activities
Division 6 Career transition training
Division 7 Career transition management coaching
Division 8 Curriculum vitae coaching
Division 9 Financial counselling
Division 1: About the Career Transition Assistance Scheme

2.2.5 Introduction

1. The ADF has an obligation to assist members with career transition when they leave the ADF after qualifying service, whether voluntarily or involuntarily. The Career Transition Assistance Scheme provides phased benefits, tools and services in support of this obligation.

2. These are the objectives of the Career Transition Assistance Scheme.

   a. To support the career transition of members from Service to suitable civilian employment, with the minimum involuntary break in continuity of employment.

   b. To enhance the ability of members to competitively market themselves for suitable civilian employment.

   c. To enhance and make the best use of members’ existing skills gained from ADF service.

3. The Career Transition Assistance Scheme should be accessed during the last 12 months of service, or up to 12 months after termination. This aims to ensure knowledge and skills acquired through the scheme are current at the time of career transition.

2.2.6 Assistance components

Assistance is divided into seven components. These are described in the Divisions listed in this table.

<table>
<thead>
<tr>
<th>Item</th>
<th>Assistance type</th>
<th>For details, see...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Online information</td>
<td>Division 3</td>
</tr>
<tr>
<td>2.</td>
<td>ADF transition seminars</td>
<td>Division 4</td>
</tr>
<tr>
<td>3.</td>
<td>Approved absence for career transition activities</td>
<td>Division 5</td>
</tr>
<tr>
<td>4.</td>
<td>Career transition training</td>
<td>Division 6</td>
</tr>
<tr>
<td>5.</td>
<td>Career transition management coaching</td>
<td>Division 7</td>
</tr>
<tr>
<td>6.</td>
<td>Curriculum vitae coaching</td>
<td>Division 8</td>
</tr>
<tr>
<td>7.</td>
<td>Financial counselling</td>
<td>Division 9</td>
</tr>
</tbody>
</table>

2.2.7 Medical and dental officer refresher training

Medical or dental officers seeking refresher training should refer to Chapter 4 Part 7 Division 3, Refresher training assistance – former medical or dental officer.
2.2.8 Assistance under the Defence Assisted Study Scheme

1. Sponsorship for career transition-oriented courses is available under Level 3 of the Defence Assisted Study Scheme (DASS), subject to available funding.

2. Defence Assisted Study Scheme applicants are required to substantiate their intention to leave the ADF within a realistic timeframe.

3. Career Transition Assistance Level 1 members are eligible to apply for the Defence Assisted Study Scheme while they continue to serve. For Career Transition Assistance Level 2 and 3 members, eligibility to apply for the Defence Assisted Study Scheme ceases once entitlement to training under the Career Transition Assistance Scheme is established.

2.2.9 Additional information

This clause is reserved for publication in the ADF Pay and Conditions Manual of an administrative description of sources of additional information about termination of ADF service.
Division 2: Eligibility and levels of assistance

2.2.10 Eligibility for assistance

1. To be eligible for the scheme, the member must provide proof of their intention to separate from the ADF within 12 months. Proof must be one of the following.
   a. A termination authority.
   b. Confirmation from the ADF Transition Centre that the member's application for termination has been received and forwarded to the appropriate approving authority.

2. Level of assistance is determined by both these factors.
   a. The total period of qualifying service at the date of termination.
   b. The type of termination.

3. Qualifying service for the Career Transition Assistance Scheme may be an aggregate of periods of service. This may be in one or more Services of the ADF. There may be a break between periods of service.

   **Note:** Reserve service or service as a member of the armed forces of another country does not count toward qualifying service for the Career Transition Assistance Scheme.

4. This table outlines eligibility for levels of assistance.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member has completed...</th>
<th>then the assistance level is...</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>less than 12 years' service</td>
<td>Level 1</td>
</tr>
<tr>
<td>b.</td>
<td>12 but less than 18 years' service</td>
<td>Level 2</td>
</tr>
<tr>
<td>c.</td>
<td>18 or more years' service, or has left the ADF compulsorily for any of these reasons.</td>
<td>Level 3</td>
</tr>
<tr>
<td></td>
<td>a. Medically unfit to continue service.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b. Compulsory retirement age.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c. Management-initiated early retirement.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>d. To meet the needs of the Service (ie declared redundant).</td>
<td></td>
</tr>
</tbody>
</table>
### 2.2.11 Assistance summary

This table summarises the maximum assistance provided to members, depending on their qualifying service. Full details of entitlements are provided in the related Divisions.

<table>
<thead>
<tr>
<th>Item</th>
<th>Assistance type</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Online information</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>2.</td>
<td>ADF transition seminar</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>3.</td>
<td>Approved absence for career transition activities</td>
<td>5 days</td>
<td>10 days</td>
<td>23 days</td>
</tr>
<tr>
<td></td>
<td>[see Note 1]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Career transition training</td>
<td>No</td>
<td>$1,100</td>
<td>$4,400</td>
</tr>
<tr>
<td></td>
<td>[see Note 2]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Career transition management coaching</td>
<td>No</td>
<td>$1,100</td>
<td>$2,406</td>
</tr>
<tr>
<td></td>
<td>[see Note 2]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Curriculum vitae coaching</td>
<td>No</td>
<td>Yes</td>
<td>Only for certain members.</td>
</tr>
<tr>
<td>7.</td>
<td>Financial counselling</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Note 1:** A member may only access approved absence if they have completed their initial category, corps or mustering training at the time of termination.

**Note 2:** A member may only access career transition training or career transition management coaching, not both.

**Exception:** Members who have left the ADF compulsorily for either of these two reasons are eligible to access both career transition training and career transition management coaching.

a. Medically unfit to continue service.

b. To meet the needs of the Service (i.e., declared redundant). This is known as management-initiated early retirement (MIER).

### 2.2.12 Other eligibility conditions

Career Transition Assistance Scheme benefits must be accessed and completed within 12 months of termination.

**Exception:** For members whose service is terminated for medical reasons, the Executive Officer, Career Transition Assistance may authorise an extension.

### 2.2.13 Members not eligible for assistance

A member is not eligible for assistance under the scheme in these situations.

a. If a member’s service is terminated for disciplinary or adverse administrative reasons.

b. If the termination was because of a medical condition that (in the opinion of the CDF) arose from any of these causes.
   i. Intentional self-harm.
   ii. Due to serious or wilful misconduct, alcohol or drugs.
   iii. Unreasonable exposure to an abnormal risk of injury.
iv. A pre-existing medical condition that was known but not disclosed, on enlistment.

2.2.14 Preservation or partial use of entitlements

1. If a Career Transition Assistance Level 2 or 3 member does not use an entitlement under the Career Transition Assistance Scheme before termination, the member’s entitlement is automatically preserved for up to 12 months after termination.

2. Members must apply for and complete any career transition assistance activity within the 12-month preservation period. The cost of Career Transition Assistance Scheme provisions will be paid once approval has been granted.

**Note:** There is no entitlement to travel, accommodation and associated costs after termination.

3. In certain cases, a member may access some Career Transition Assistance Scheme provisions and later receive approval to withdraw their application for termination. In these cases, the member is entitled to access unused provisions when reapplying for termination.

4. Further qualifying service may make a member eligible for a higher level of assistance.

5. There is no payment for unused Career Transition Assistance Scheme entitlements.

2.2.15 Members who transfer to the Reserves

1. ADF members who transfer to an active element of the Reserves, and whose major form of post-separation employment is from Reserve service, are not considered to have transitioned into the civilian workforce.

2. For these members, Career Transition Assistance Scheme provisions are preserved while Reserve service remains the major form of employment. On ceasing Reserve service, entitlements are automatically preserved for 12 months from the last day of service.

**Note:** The preserved entitlement does not include the approved absence component.

2.2.16 Compensation cover

1. Members undertaking activities approved under the Career Transition Assistance Scheme before termination, may be covered for compensation under the Military Rehabilitation and Compensation Scheme.

**See:** Chapter 11, ADF-related compensation

2. Members are not to accept any form of remuneration from an organisation/employer for periods of on-job experience/training. Such remuneration may jeopardise any claim for compensation relating to those activities.

3. Members who access career transition assistance after termination may be covered for compensation by the Military Rehabilitation and Compensation Scheme, if the arrangements are approved under the Career Transition Assistance Scheme.

2.2.17 Travel and accommodation for Scheme activities

1. Travel costs to attend approved Career Transition Assistance Scheme activities will not be paid for members at Levels 1 and 2.

2. There is limited scope for travel for Level 3 members. The member must justify why they cannot undertake the career transition training in their current or termination location.
3. Normally, Career Transition Assistance Scheme activities are to be undertaken within one location. In cases where members justify travel, travel at Commonwealth expense will be approved for only one trip to and from one nominated location.

4. In cases where members cannot undertake approved Career Transition Assistance Scheme activities in their current or termination location, they must submit an itinerary and undertake the activities in a location where Service accommodation is available. If Service accommodation is not available, the member must justify why a location without Service accommodation must be used.

5. Any Career Transition Assistance Level 3 member who is required to be absent from their normal place of duty or residence for 10 hours or more may be entitled to part-day travelling allowance to attend approved career transition training.

   **Note:** The absence includes time for travel and the approved activity.

2.2.18 **Special consideration**

If the Resettlement Officer believes a member’s circumstances warrant special consideration, the case may be considered by the Executive Officer, Career Transition Assistance.
Division 3: On-line information

This Division is reserved for publication in the *ADF Pay and Conditions Manual* of an administrative description of on-line sources of information about the termination of ADF service.
Division 4: ADF transition seminars

2.2.21 About ADF transition seminars

1. Career transition information and advice are provided at ADF transition seminars. These are held periodically in Australian capital cities and some regional centres. The seminars are designed to aid members in their transition to civilian life, by providing an awareness of various matters requiring consideration before service is terminated.

2. Members are responsible for planning and initiating transition action at a suitable period before termination. Attendance at seminars assists this planning process. Members may apply at any time during their careers, and may attend several seminars.

3. Every effort will be made to ensure all nominating members can attend. If there is not enough space, priority is given to members who have applied for termination, regardless of their length of service.

4. Normally, members attend seminars in their current posting location. If members are posted to a location where seminars are not conducted, they are eligible to apply to attend a seminar at the closest location to their unit.

5. Members who are unable to attend a local seminar for Service reasons may apply for a seminar outside their posting location. Any travel outside the posting location is limited to the nearest seminar location. Travel costs are a unit responsibility. They are payable only to members who meet all these conditions.
   a. The member has applied to terminate their service.
   b. The member is Career Transition Assistance Level 3.
   c. The member has not previously received travel costs to attend a seminar.

6. Members who are on duty or on leave in another seminar location when a seminar is scheduled may be approved to attend the seminar on duty. In this case, Defence will not pay travel costs for the member to attend.

7. The member's personal Career Transition Assistance Scheme file must be updated when travel costs are paid. This is to prevent further payment of travel costs.

8. Members serving overseas are not permitted to attend a seminar until they return to Australia. Members whose service is being terminated for disciplinary or adverse administrative reasons are not eligible to attend a seminar.

9. The Regional Transition Committee may approve attendance by spouses at nominated sessions if both these conditions are met.
   a. Space is available.
   b. There is no cost to the Commonwealth.
Division 5: Approved absence for career transition activities

2.2.22 Entitlement

1. Approved absence for career transition activities is subject to the supervisor's agreement. Approved absence may be used for any of these activities.
   a. Attendance at appointments with employment agencies for professional employment advice.
   b. Interviews with prospective employers.
   c. Attendance at career transition training or career transition management coaching approved for Career Transition Assistance Level 2 or 3 members.  
      
      See: Division 2 clause 2.2.11, Note 1
   d. Attendance at formal training courses approved under the Defence Assisted Study Scheme Level 3.
      
      Note: This is for Career Transition Assistance Level 1 members only.
   e. Attendance at on-the-job experience approved under the Career Transition Assistance Scheme. On-the-job experience is work experience which the member undertakes full-time. It must be relevant to the employment they intend to seek after termination.

2. The member must provide proof of their intention to separate.

See: Division 2 clause 2.2.10, Eligibility for assistance.

3. If an eligible member uses the approved absence and then re-engages, any future entitlement will be reduced by the amount previously taken. Once a member has exhausted their level of approved periods of absence, there is no further entitlement.

Exception: If the member earns more days through sufficient further service, the member will be credited only with the additional days.

4. To be eligible for approved absence, members must have a credit balance in their personal Career Transition Assistance Scheme file. The amount of credit recorded on this file depends on the member’s length of service. When approved absence is used, the usage must be entered on the member’s personal Career Transition Assistance Scheme file.

5. Approved absence must be taken in minimum blocks of one day. They do not need to be consecutive days.
Division 6: Career transition training

2.2.23 Purpose

Career transition training provides access to vocationally-oriented education and training. Eligible members may take vocational training courses for post-termination employment and employment-related work skills.

2.2.24 Career transition training

1. Career transition training may take either of these forms.
   a. Face-to-face tutorial attendance.
   b. Courses provided through correspondence or on-line facilities.

2. The training must be a formal course which has all these attributes.
   a. Structured and provided by a qualified training firm.
   b. A schedule of training and a syllabus for each subject.
   c. Recognised or accredited by employers.

3. Any vocationally-oriented course, or recognised course segment, within the Australian qualifications framework may be approved as career transition training. It must meet policy requirements, particularly regarding the extent of training and that it is essential for the member's career transition.

4. Only career transition training that can be completed during the 12-month preservation time limit may be funded.

   Example: A postgraduate diploma.

2.2.25 Approved absence for career transition training

1. Depending on their length of qualifying service, under the Career Transition Assistance Scheme members may take up to 23 days' approved absence from the workplace to attend a training course. Any additional time for attendance must be when not required for duty.

   See: Division 2 clause 2.2.11, Assistance summary (table item 4).

2. Approved absence is not leave. Members are on duty.
2.2.26 **Entitlement**

Eligible members are entitled to these maximum amounts for career transition training.

<table>
<thead>
<tr>
<th>Item</th>
<th>Assistance level</th>
<th>Maximum ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1</td>
<td>Nil</td>
</tr>
<tr>
<td>2.</td>
<td>2</td>
<td>1,100</td>
</tr>
<tr>
<td>3.</td>
<td>3</td>
<td>4,400</td>
</tr>
</tbody>
</table>

**Exception:** The Executive Officer, Career Transition Assistance may approve more expensive training courses for Career Transition Assistance Level 3 members in these two cases.

a. If a specific qualification or licence is required by the industry regulatory body of the members’ intended field of employment.

b. In exceptional cases, where there is no industry regulatory body. The member’s application must include evidence supporting the essential nature of the training requirement.

2.2.27 **Conditions for approval**

1. Career transition training must be specifically aligned to post-termination employment.

2. The training should be aligned to transferring the skills and experience gained from the member’s ADF career to the civilian sector. A member whose career transition training objectives are broadly consistent with the member’s Service training, expertise or employment is considered to be meeting this criteria.

3. If a member’s career transition goals are different from their Service employment or training, or if the training sought is expensive, they should demonstrate the genuine nature of their intentions as follows.

   a. By having obtained some relevant initial qualifications at their own expense or through the Defence Assisted Study Scheme.

   b. By extensive association with the activity as a hobby or part-time business or employment.

4. In the cases described in subclause 3, the member must justify the request.

2.2.28 **Essential training**

1. The career transition training sought must be essential for a member’s effective career transition to suitable employment. This means employment or self-employment from which they will derive the major portion of their non-pension income after termination.

2. The training will be assessed on the extent to which it is a requirement for employment or self-employment in that field.

3. A member who has secured suitable employment is deemed to be successfully transitioned and has no entitlement to career transition training.

4. Training will only be approved if the qualifications sought are the minimum necessary for the applicant to be competitive for employment in the intended industry. The requirements of individual employers seeking to employ people holding specific qualifications will be taken into account, but their requirements are not automatic grounds for approval.
5. Attendance at more than one training course will only be approved if the training courses lead to one career transition goal. Training will not be approved if members seek training in divergent areas.

2.2.29 Training costs

1. Defence will only cover costs associated with actual training.

Examples: Mandatory course manuals, equipment hire if it is an integral part of the course costs.

2. The Commonwealth will not pay for any of these items.
   b. Equipment.
   c. Licences.
   d. Membership subscriptions for a professional organisation or trade union.

3. If members are required by a franchiser to undertake compulsory training by the franchiser, the cost of the course is regarded as a capital expense in establishing the business. The cost of the training will not be approved. Members may use approved absence under the Career Transition Assistance Scheme to undertake the training as on-the-job experience.

2.2.30 Ending career transition training early

Members who choose to end an approved period of career transition training early must notify the Resettlement Officer. The remaining period of approved absence from the workplace will be re-credited. It may be taken later if required.

2.2.31 Overseas training

1. Career transition training may be approved at an overseas location in these situations.
   a. The member has a firm job offer for which the particular training is essential and is not available in Australia.
      Note: The member must show why the training should not be the responsibility of the future employer.
   b. The member is serving in an overseas posting location and intends to live in that location on termination.
      Note: There is no entitlement to travel costs.

2. International fares for overseas travel are payable by the member. Overseas travel costs are payable at the rate for the training location, subject to the requirements of clause 2.2.17.

See: Division 2 clause 2.2.17, Travel and accommodation for Scheme activities
Division 7: Career transition management coaching

2.2.32 Entitlement

1. Members unsure of their intended field of employment after termination may apply for career transition management coaching. This is also known as outplacement counselling.

2. This table outlines members’ entitlements.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member is at Career Transition Assistance Level...</th>
<th>then they may access coaching to a value of ($)...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2</td>
<td>1,100</td>
</tr>
<tr>
<td>2.</td>
<td>3</td>
<td>2,406</td>
</tr>
</tbody>
</table>

3. If eligible members choose career transition management coaching, they may not access career transition training. They may access on-the-job experience and approved absence.

**Exception:** Members who have left the ADF compulsorily for either of these two reasons are eligible to access both career transition training and career transition management coaching.

a. Medically unfit to continue service.

b. To meet the needs of the Service (ie declared redundant). This is known as management-initiated early retirement (MIER).

4. The following services are allowable in a career transition management coaching package.

a. Identification of transferable skills.

b. Stress management.

c. Job options and job placement advice.

d. Job search strategies.

e. Coaching to develop a curriculum vitae.

f. Interview skills/personal presentation at interview.

g. Developing a career transition plan.

**Note:** Not all services need to be included.

5. Curriculum vitae coaching may be provided as part of career transition management coaching. Members may prefer to receive curriculum vitae coaching from a separate provider. Defence will fund curriculum vitae coaching only once.
Division 8: Curriculum vitae coaching

2.2.33 Entitlement

1. Members at Career Transition Assistance Level 2 or 3 are eligible to access curriculum vitae coaching by a professional firm. The purpose of curriculum vitae coaching is to teach members how to develop their own curriculum vitae. This is up to a maximum cost of $233. This maximum cost will be reassessed annually and indexed to movement in the Consumer Price Index.

   See: Clause 2.2.11, Assistance summary (table item 6).

2. Curriculum vitae coaching may only be accessed once during a member’s service.

3. Members are advised to access this benefit within 12 months of their intended separation date. This is so they are able to develop an effective curriculum vitae at the time of termination.
Division 9: Financial counselling

2.2.34 Entitlement

1. A member is entitled to financial counselling if they have left the ADF compulsorily for any of these reasons.
   
a. Medically unfit to continue service.

b. To meet the needs of the Service (ie declared redundant).

   **See:** Chapter 2 Part 3 Division 1, Redundancy.

c. Management-initiated early retirement.

2. The member may receive professional financial counselling up to $476.
Part 3: Leaving the ADF: Redundancy, gratuities and leave credits

2.3.1 Overview

This Part contains guidelines for members leaving the ADF. It outlines entitlements related to redundancy, gratuities and leave credits.

2.3.2 Contents

This Part includes the following Divisions:

Division 1  Redundancy
Division 2  Gratuities on retirement and invalidity
Division 3  Retaining leave credits if moved to the APS
Division 1: Redundancy

2.3.3 Purpose

The purpose of this Division is to provide financial benefits for members of the Permanent Forces who are declared redundant.

2.3.4 Member this Division applies to

This Division applies to a member who meets both these conditions.

a. The member ceases to be a member of the Permanent Forces when declared redundant. This is in accordance with arrangements approved by the Minister.

b. The member has completed more than two years of continuous full-time service.

2.3.5 Entitlement

1. On the day the member ceases to be a member of the Permanent Forces as a result of being declared redundant, the member is entitled to these amounts.

   a. A fortnight’s salary for each completed year of service that is recognised for long service leave.

      See: Chapter 5 Part 3, Long Service Leave for a definition of this service.

   b. A pro rata payment for each part-year of such service completed.

2. The amount payable under subclause 1 must not be more than 48 weeks’ salary.

3. However, a member’s compulsory retirement age might be less than 48 weeks from the day they leave the Permanent Forces, as a result of being declared redundant. In these cases, the amount payable is salary for that shorter period.

4. In this clause, salary includes these amounts.

   a. Flying allowance (qualification and skill).

      See: Chapter 4 Part 3 Division 6

   b. Any higher duties allowance the member is entitled to. This is only included for a continuous period of 12 months or more, immediately before the day the member received written notice of the redundancy.

      See: Chapter 4 Part 1

   c. Service allowance.

      See: Chapter 4 Part 2

   d. Special action forces allowance (qualification and skill).

      See: Chapter 4 Part 3 Division 12

   e. Specialist operations allowance (qualification and skill).

      See: Chapter 4 Part 3 Division 13

   f. Submarine service allowance (qualification and skill).

      See: Chapter 4 Part 3 Division 15
2.3.6 Additional payment

1. This clause applies to a member who meets both these conditions.
   a. The member is given written notice of the redundancy.
   b. The member then ceases service at the member’s own request during the notice period.

2. The member is entitled to an additional amount. This amount is any salary and allowances the member would have received if the unserved part of the notice period was recreation leave.

Example: A member is given written advice that their redundancy is to take place on 1 June. The member has another job offer, and is given permission to cease service on 15 May in order to start that employment. The member is entitled to payment for the period 16 May to 1 June, as if the period was recreation leave.

2.3.7 Amount repayable if member continues service

The member must repay to the Commonwealth the amount previously paid to the member under this Division, if all these conditions are met.

a. They have been paid an amount under this Division as a result of being declared redundant.

b. They begin a further period of continuous full-time service within one year of ceasing to be a member because of their redundancy.

c. The Minister did not authorise the further period of continuous full-time service.
Division 2: Gratuities on retirement and invalidity

2.3.8 What is a gratuity?

1. A gratuity is a one-off payment made by the Defence Force Retirement and Death Benefits Authority (DFRDB) to ADF members.

2. The payment is made to the member when all these conditions apply.
   a. They are leaving the ADF.
   b. They are an eligible former member for the purposes of the Defence Force Retirement and Death Benefits Act 1973 (the DFRDB Act).
   c. They are not entitled to retirement pay, invalidity benefit or preservation benefits under the DFRDB Act.

   Exception: In certain cases a gratuity is payable to a member who is retired with a class C invalidity benefit under the DFRDB Act but who is not entitled to invalidity pay.

2.3.9 About gratuities

1. The gratuity is payable to a member on the basis of the number of completed years of eligible service.

2. When a member is entitled to a gratuity at different rates for different periods of eligible service, the member receives the appropriate rate per annum for the exact period of service completed for all except the most recent period, which is calculated to the last completed year of eligible service.

3. The DFRDB Authority may pay a gratuity to a person other than the member only in these cases.
   a. The member is mentally ill and incapable of managing their affairs.
   b. The member is in prison.
   c. The member has a disability.

2.3.10 Member this Division applies to

1. This Division applies to eligible former members, as defined under the DFRDB Act. The DFRDB scheme is a closed scheme and therefore this Division has a limited life.

2. For the definition of eligible service, a person is taken to be a member on continuous full-time service for a period if both these conditions apply.
   a. Under subsection 63 (1) of the DFRDB Act, that Act applies to the person as if the person had not retired, and as if the person were on leave without pay, for the period.
   b. Deferred benefits were applicable to the person under the DFRDB Act and cease to be applicable under section 83 of that Act.
2.3.11 Definitions

This table outlines the definitions used in this Division.

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning in this Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligible service</td>
<td>Continuous full-time service by the member, when a contributor under the DFRDB Act.</td>
</tr>
<tr>
<td><strong>Exception:</strong></td>
<td>Eligible service does not include a period of previous service if a member made an election to purchase previous non-contributory service under subsection 27 (1) of the Defence Force Retirement Benefits Act 1948 or under subsection 83 (3) of the Defence Force Retirement Benefits Act 1959.</td>
</tr>
<tr>
<td>Non effective service</td>
<td>A period of eligible service exceeding 21 consecutive days when a member is:</td>
</tr>
<tr>
<td></td>
<td>- on leave without pay.</td>
</tr>
<tr>
<td></td>
<td>- absent without leave.</td>
</tr>
<tr>
<td></td>
<td>- in custody, under suspension, awaiting or undergoing trial on a charge in which the member is later convicted and imprisoned, or otherwise detained or undergoes field punishment.</td>
</tr>
<tr>
<td></td>
<td>- serving a period of imprisonment or other detention or undergoing field punishment.</td>
</tr>
<tr>
<td>Officer</td>
<td>In this Division, officer includes Midshipmen and Officer Cadets.</td>
</tr>
<tr>
<td>Retirement</td>
<td>Retirement as a member of the Defence Force. This includes termination of appointment as an officer of, or discharge from, the Defence Force.</td>
</tr>
</tbody>
</table>

2.3.12 Gratuity for officers

1. This clause applies to an officer who meets all these conditions.
   a. The officer is not entitled on retirement to retirement pay, or invalidity benefit, under the DFRDB Act.
   b. They have completed 10 years’ eligible service and retire on or after attaining the compulsory retiring age for rank.
   c. They have completed 12 years’ eligible service and retire to meet the needs of the Service before attaining the compulsory retiring age for rank.

2. On retirement, the member is entitled to a gratuity at the rate of $240, for each completed year of eligible service.

3. A member’s period of eligible service may include a period served as a member other than an officer. In this case, the gratuity is $100 a year, for the completed years of eligible service as a member other than an officer.

2.3.13 Gratuity for certain fixed tenure appointment officers and others

1. This clause applies to an officer who meets these conditions.
   **Exception:** An officer in this clause does not include a medical officer or dental officer.
   a. The officer is a member of the Permanent Forces.
   b. The officer is serving under a fixed tenure appointment, including an extension of a fixed tenure appointment.

   **Note:** A fixed tenure appointment was formerly known as a short service commission.
2. On retirement, the member is entitled to a gratuity worked out at the rate of $100 for each completed year of eligible service.

3. A member’s period of eligible service may include a period served as a member other than an officer. In this case, the gratuity is the sum of these amounts.

| Item | If the officer... | then the entitlement is...
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>completed 12 years eligible service before appointment as an officer</td>
<td>$100 for each year of eligible service completed before appointment.</td>
</tr>
</tbody>
</table>
| 2.   | has not completed 12 years' eligible service before appointment as an officer | • $40 for 1 completed year of eligible service.  
• $80 for 2 completed years of eligible service.  
• $120 for 3 completed years of eligible service.  
• $160 for 4 completed years of eligible service.  
• $200 for 5 completed years of eligible service.  
• $240 for 6 completed years of eligible service.  
• $340 for 7 completed years of eligible service.  
• $440 for 8 completed years of eligible service.  
• $540 for 9 completed years of eligible service.  
• $760 for 10 completed years of eligible service.  
• $980 for 11 completed years of eligible service. |

**2.3.14 Gratuity for other ranks**

1. This clause applies to a member (other than an officer) who is not entitled to retirement pay, or invalidity benefit, under the DFRDB Act.

2. The member is entitled on retirement to a gratuity set out in this table.

| Item | If the member has... | then the entitlement is...
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>completed 12 years' eligible service</td>
<td>$100 for each completed year of eligible service.</td>
</tr>
</tbody>
</table>
| 2.   | not completed 12 years’ eligible service | • $40 for 1 completed year of eligible service.  
• $80 for 2 completed years of eligible service.  
• $120 for 3 completed years of eligible service.  
• $160 for 4 completed years of eligible service.  
• $200 for 5 completed years of eligible service.  
• $240 for 6 completed years of eligible service.  
• $340 for 7 completed years of eligible service.  
• $440 for 8 completed years of eligible service.  
• $540 for 9 completed years of eligible service.  
• $760 for 10 completed years of eligible service.  
• $980 for 11 completed years of eligible service. |

**2.3.15 Invalidity benefits**

1. This clause applies to a person who becomes entitled to an amount of invalidity benefit under subsection 32 (2) of the DFRDB Act. This refers to retirement of a member on the ground of invalidity, or of physical or mental incapacity to perform their duties.
2. If the person was an officer immediately before retirement, the person is entitled to a gratuity worked out at the rate of $150 for each completed year of eligible service.

3. If the member’s period of eligible service includes a period served as a member other than an officer, the gratuity is $100 a year for the period of eligible service as a member other than an officer.

4. A person will receive the gratuity amount in clause 2.3.12, Gratuity for officers, if both these conditions apply.
   a. The person retired on or after attaining the compulsory retiring age for rank.
   b. The person would have been entitled to a gratuity if they had not retired on the grounds of invalidity.

5. If the person was a member other than an officer immediately before retirement, the person is entitled to a gratuity of $100 for each completed year of eligible service.

6. A person may become entitled to a gratuity under this clause on reclassification as Class C, under section 34 of the DFRDB Act. In this case, the amount of gratuity must be reduced. The reduction amount is the difference between these two amounts.
   a. The total amount of invalidity pay received by the person under the DFRDB Act.
   b. The amount that would have been payable under subsection 32 (2) of the DFRDB Act, if the person had been classified Class C on retirement.

7. If a member is already paid a gratuity under this Division, the invalidity benefit will be reduced by the gratuity amount already paid.

2.3.16 Gratuity not payable

A member is not entitled to a gratuity under this Division in these cases.

a. The member is not paid invalidity benefit because of the operation of section 27 or 29 of the DFRDB Act.

b. For a period of eligible service where transfer value is payable under section 77 of the DFRDB Act.

c. For a period of eligible service where deferred benefits are applicable.

Exception: When Deferred benefits cease to be applicable because of the operation of subsection 78 (6) of the DFRDB Act.

2.3.17 Reduction of amount for non-effective service

1. The amount of retiring gratuity payable to a member will be reduced pro-rata if their period of eligible service includes one or more periods of non-effective service. The retiring gratuity which would otherwise be payable to the member will be reduced under the formula set out in this clause.

2. This clause applies when both these conditions are met.
   a. A member’s period of eligible service includes periods of non-effective service.
   b. A member’s period of eligible service is no more than the sum of these two periods.
      i. The member’s completed years of eligible service.
      ii. The total of the periods of non-effective service.
3. The amount of gratuity to which the member would, but for this clause, be entitled under this Part must be reduced under this formula.

\[
\frac{A \times (B - C)}{B}
\]

A is the amount of gratuity to which the member would, but for this clause, be entitled under this Part.

B is the member’s completed years of eligible service.

C is the period by which the sum of the periods in subparagraphs 1.b.i and ii exceeds the member’s period of eligible service.

2.3.18 Repayment if a member rejoins

1. This clause applies if a person meets any of these conditions.

   a. They have been paid a gratuity under this Division.

   b. Before 6 January 2000 (the date when Determination 2000/1, Condition of Service, commenced), under Determination 0705, Gratuities, either of these situations applied.

      i. The member was entitled to invalidity pay under section 37 of the DFRDB Act or on a review or appeal under Part XI of that Act.

      ii. The member was a person to whom the DFRDB Act applies because of the operation of section 63 of the Act.

Example:

A member joins the ADF on 1 May 1991 under the DFRDB scheme.

The member is discharged on 30 April 2004, after 13 years’ service. The member receives their member’s contributions and gratuity.

The member re-enlists on 1 July 2004. Section 63 of the DFRDB Act provides that a member who rejoins within 90 days of leaving becomes a DFRDB member again. The DFRDB Authority allows the member’s retirement to be disregarded. The Act applies as if the member had not retired and the period 30 April to 1 July 2004 had been leave without pay.

2. The member must repay the gratuity to the Commonwealth.

3. The amount recoverable may be paid in a lump sum. The CDF may also approve the amount to be paid in instalments. The CDF must consider these criteria.

   a. The person’s salary.

   b. The total amount to be repaid.

   c. Any remaining period of service.
## 2.3.19 Related provisions of the DFRDB Act

This table outlines the DFRDB Act provisions related to this Division.

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<th>Part title</th>
<th>Section</th>
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<td>Preliminary</td>
<td>3 Interpretation</td>
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<td>III</td>
<td>Contributions</td>
<td>21 Purchase of previous non-contributory service</td>
</tr>
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<td>V</td>
<td>Invalidity benefits</td>
<td>27 Incapacity due to wilful action</td>
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<td>Candidates at Parliamentary elections</td>
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</tr>
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<td>Review of decisions of Authority</td>
<td>99 Review of decisions of Authority</td>
</tr>
</tbody>
</table>
Division 3: Retaining leave credits if moved to the APS

2.3.20 Member this Division applies to

1. This Division applies to a member who ceases to be a member and becomes an APS employee. This is only if the Public Service Commissioner, acting under section 72 of the Public Service Act 1999, determines that the member is to be engaged as an APS employee.

Note: Section 72 determinations are unusual. They assist with reorganisation of machinery of government by moving groups of positions, with or without the consent of affected individuals. This kind of transfer is different to the normal process, where an individual ADF member voluntarily applies for and wins a job in the APS.

2. This Division ensures that groups of members who are moved into the APS can access conditions as similar as possible to their previous entitlement for a transition period, unless this is changed by an award, certified agreement or Australian Workplace Agreement of the employing agency that comes into effect on or after the day when the member was engaged as an APS employee. The Public Service Regulations 1999 contain further information about the procedure for assigning entitlements to members moved in this way.

2.3.21 Member this Division does not apply to

This Division does not apply to a member who chooses to leave the ADF in order to take up an employment offer in the APS.

Related information: Their new employer may give these members long service leave credits for ADF service.

See: Chapter 5 Part 3 Division 5 Clause 5.3.29, Option not to be paid.

2.3.22 Retaining leave credits

1. A ceasing member may have recreation leave or long service leave entitlements. The member may choose not to be paid a part or the whole amount of this entitlement. These conditions apply.

   a. The option must be permitted under one of these arrangements.

      i. A determination under subsection 24 (1) of the Public Service Act 1999.

      ii. An award, certified agreement or Australian Workplace Agreement of the employing agency. This must come into effect on or after the day when the member became engaged as an APS employee.

   b. The member may choose this option up to 14 days after ceasing to be a member.

2. If the member makes the choice under subclause 1, they keep their entitlement as a leave credit for use as an APS employee.

3. In some cases, the member may not be able to be given credit for the full amount of recreation leave or long service leave by the new employing agency. In these cases, it must be paid to the member under the relevant provisions for payment instead of leave.

See: Chapter 5, ADF leave
Chapter 3: ADF salaries and bonuses

Overview

This Chapter deals with salary structures, pay scales, increments and related conditions of service for ranks of the ADF.

It also deals with superannuation and retention benefits, overpayments and recovery of them, and payments during detention.

Contents

This Chapter includes the following Parts:

Part 1: Entitlement and calculation of salaries
Part 2: Salary increments and related conditions
Part 3: Salary packaging
Part 4: Overpayments and recovery
Part 5: Retention and completion benefits
Part 6: Salary and allowances during detention or suspension
Part 7: Annuities and gratuities for medals
Part 1: Entitlement and calculation of salaries

This Part is reserved for publication in the ADF Pay and Conditions Manual of DFRT Determination No. 6 of 1992, Salaries, made under section 58H of the Defence Act 1903.
Part 2: Salary increments and related conditions

3.2.1 Overview

1. This Part deals with aspects of salary for members of the Permanent Forces and Reserves. It explains the salary structure and application of the pay scales for various ranks of the ADF. These provisions include general aspects of salary, including commencement salary, increments (advancement) and related matters.

2. This Part should be read together with Determination No. 6 of 1992 and other relevant determinations made by the Defence Force Remuneration Tribunal (DFRT) under section 58H of the Act.

   See: Chapter 3 Part 1, Entitlement and calculation of salaries

3.2.2 Members this Part applies to

   This Part applies to any member who is entitled to salary.

3.2.3 Commencement salary

   A member who is enlisted, appointed or promoted to a particular rank is entitled to salary at the minimum rate in the salary scale for the rank.

   Note: Other clauses in this Part may produce a higher commencement salary in some cases. See clauses 3.2.4 to 3.2.7.

   Note: Terms used in this part are defined in Chapter 1 Part 3.

3.2.4 Member with previous service – commencement salary

1. A member may have previous relevant military service at the time they enlist or are appointed to a rank. The CDF may grant the member a commencement salary at a specific salary point above the minimum rate in the salary scale for the rank. The CDF must consider the member's previous relevant military service in making the decision.

2. This clause does not apply to members on promotion.

3. Relevant military service has the meaning defined below.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this clause</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant military service</td>
<td>Service that meets all of these conditions.</td>
</tr>
<tr>
<td>a.</td>
<td>It must have been in the ADF, or the forces of a Commonwealth country or the United States of America.</td>
</tr>
<tr>
<td>b.</td>
<td>It must be relevant to the kind of work the member enlisted or is appointed to do.</td>
</tr>
<tr>
<td>c.</td>
<td>It must have been performed at a rank equivalent to the rank the member enlisted or is appointed to, or at a higher rank. The CDF may declare that another rank is equivalent. The declaration must be in writing.</td>
</tr>
</tbody>
</table>

4. The CDF must consider both of these factors.

   a. Where the length of the member's relevant military service would place them in the salary scale for salary advancement purposes. The re-entry rate of salary must not be higher than what the member would have been on if that service had been in the ADF.
b. For a member being reappointed or re-enlisted: whether the qualifications, skills or training requirements for the rank have changed since the member last served.

5. The CDF must also consider other clauses in this Part relating to periods of service for salary advancement.

6. This table sets out what the CDF considers in working out the period of relevant military service if there is a break in service between two periods of continuous full-time service.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the break in service is…</th>
<th>then the CDF must disregard…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>five years or less</td>
<td>any service before an earlier break in service.</td>
</tr>
<tr>
<td>2.</td>
<td>more than five years</td>
<td>any service before the break.</td>
</tr>
</tbody>
</table>

**Example 1:** A member is appointed to a rank in January 2004 on direct transfer from the British Army. Three years previously, the member had a six-year break in service. The CDF ignores the service before that six-year break, when determining the member’s commencement salary. The CDF does this because the break in service was more than five years.

**Example 2:** A member is appointed to a rank in January 2004 after a 12-month break from service. Before that break, they had served for two years from January 2001 to January 2003. Before that service, they had taken a break of 12 months after service of four years from 1996 to January 2000.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Service</td>
<td>Break</td>
<td>Service</td>
<td>Break</td>
<td>Service</td>
</tr>
<tr>
<td>4 years</td>
<td>12 months</td>
<td>2 years</td>
<td>12 months</td>
<td></td>
</tr>
</tbody>
</table>

The CDF ignores the 1996–2000 service when determining commencement salary in January 2004. The CDF does this because the break in service was more than five years. The skills and qualifications for that rank in that earlier period are no longer adequate or applicable.

7. The CDF must not approve a salary higher than the member would have been entitled to if there were no break in service.

### 3.2.5 Recognition of service in the Reserves

1. The CDF may approve a salary above the minimum rate in the salary scale for the member's rank, for a member who served in the Reserves before they enlisted or were appointed to the Permanent Forces. This also applies to any other service that is not continuous full-time service.

2. The CDF must consider the nature and period of the previous service.

3. A period that is not continuous full-time service counts as half the period of continuous full-time service.

4. The CDF must disregard the member's previous service, if the member met both of these criteria in the past five years
   
a. They had no military training commitment.
   
b. They did not do at least 30 days’ continuous full-time service.

**Example:** The member does two years’ Reserve service. That counts as one year’s continuous full-time service.
3.2.6 Salary of officer – initial appointment

1. The CDF may approve a salary above the minimum rate in the salary scale for an officer’s rank on initial appointment because of their experience, qualifications and skills.

2. This clause does not apply to any of these members.
   a. An officer on promotion.
   b. An officer appointed to the ordinary entry-level rank.

3. This table shows the ordinary entry-level officer ranks for each Service.

<table>
<thead>
<tr>
<th>Item</th>
<th>Service</th>
<th>Ordinary entry-level officer rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Navy</td>
<td>Midshipman (MIDN)</td>
</tr>
<tr>
<td>2.</td>
<td>Army</td>
<td>Officer cadet (OCDT)</td>
</tr>
<tr>
<td>3.</td>
<td>Air Force</td>
<td>Officer Cadet (OFFCDT)</td>
</tr>
</tbody>
</table>

3.2.7 Salary of officer – member before appointment

1. This clause applies to an other rank member who is appointed as an officer.

2. The member's salary on appointment must not be lower than their salary in the other rank structure immediately before their appointment.

3. This table outlines how the salary rate on appointment is worked out.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member's former salary is…</th>
<th>then they are paid…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>exactly the same as a rate in the officer scale for the new rank</td>
<td>at the rate next above their former salary in that scale.</td>
</tr>
<tr>
<td>2.</td>
<td>not exactly the same as a rate in the officer scale for the new rank</td>
<td>at the rate next above their former salary in that scale.</td>
</tr>
<tr>
<td>3.</td>
<td>above the maximum in the officer scale for the new rank</td>
<td>at their former salary.</td>
</tr>
</tbody>
</table>

Note: See also clause 14 of DFRT Determination No. 6 of 1992, Salaries. That provides special rates of salary known as Schedule 3, for members with the rank of Sergeant or a higher rank, who are appointed as officers.

3.2.8 Salary increments (advancement)

Note: For salary increments, members must be assessed as competent. See clause 10 of DFRT Determination No. 6 of 1992, Salaries.

See: Chapter 3 Part 1 Division 1 Clause 10 of DFRT Determination No. 6 of 1992, Salaries.

1. A member is entitled to a salary increment (advancement to the next rate in the salary scale for their rank) only if they have completed either of these periods of service at their salary point.
   a. 12 months of continuous full-time service.
   b. 24 months of reserve service.

2. Continuous full-time service in this clause includes acting or temporary service at a higher rank. This service must be immediately before the date of a member's promotion. Service at a higher rank that entitles the member to higher duties allowance counts for salary increments in the substantive rank, but not in the higher rank.
3. A period when the member is not entitled to salary ('non-effective service') cannot be counted for salary increments.

**Examples:** Leave without pay, absence without leave.

**Exception:** Part-time leave without pay counts as continuous full-time service for salary increment purposes, but only on a pro-rata basis.

**See:** Chapter 5 Part 8 Division 2 clause 5.8.16, Effect on salary increments.

4. If a general salary increase (for example under an ADF workplace remuneration arrangement) changes a member's rate of salary without changing their rank or pay group (if any), the new rate is their rate for salary increment purposes. However, a salary increase that is not a salary increment under subclause 1 does not affect the date for the next increment.

**Example:** A member began continuous full-time service at a particular rate of salary on 1 September 2003. On 1 December 2003, salary rates increased by 2% under a DFRT Determination. If the competence requirement is met, the member is entitled to a salary increment on 1 September 2004 at the new rate.

### 3.2.9 Specialist officers – salary advancement and promotion

**Note:** Specialist officer salary structures apply only to chaplains and legal, medical and dental officers. All other officers are paid under the officers' common scale – see Annex 3.1.D.

1. A member becomes eligible for a salary increment (advancement) in the specialist officer salary structure 12 months after one of these two dates, whichever is the later.
   a. The day the officer is posted to a position requiring a higher competency level that the officer holds.
   b. The day they are promoted to a higher rank.

**Example 1:** A Captain Medical Officer is assessed as CL2-1 on 15 March 2007. The increment to CL2-2 is paid on 15 March 2008.

**Example 2:** A Captain Medical Officer assessed as CL2-2 is promoted to Major CL2-1 with effect from 1 January 2008. The date for the next increment to Major CL2-2 is 1 January 2009.

**Example 3:** A Captain Medical Officer receives an increment to CL2-3 with effect from 15 March 2007. They are then promoted to Major CL2-1 with effect from 13 September 2007. The anniversary for the next increment is 13 September 2008, not 15 March 2008.

2. A Medical or Dental Officer who transfers to the specialist officer salary structure is eligible for a salary increment (advancement) 12 months after the day they became eligible for payment under it.

**Example 1:** A Medical Officer moves to the specialist officer salary structure and is eligible for back pay under it to 31 July 2003. They will be eligible for salary advancement on 31 July 2004.

**Example 2:** A Dental Officer moves to the new structure with effect from 2 June 2003, but is not eligible for back pay. Their salary advancement date is 2 June 2004.

3. On promotion, a specialist officer retains the same competency level (CL1, 2, 3, 4 or 5) but is paid the lowest increment for that level at the new rank.

**Example:** A Captain at CL2-3 level is promoted to Major. They will be paid at CL2-1, the lowest CL2 increment level for a Major.
3.2.10 Promotion after previous service at temporary or acting rank

1. This clause describes how earlier service in a higher rank can affect a member's increment when they are promoted. This is known as their new substantive rank.

   **Note:** This provision applies to a member who is promoted while in service. It is not to be confused with provisions dealing with salary on appointment or enlistment.

2. The member must have served at their new substantive rank, or a higher one. This could have been at temporary or acting rank.

3. Periods of service must add up to full years of service to apply under this clause. Periods of service that add up to part-years (ie less than one year of service) do not count for salary increments in the higher rank.

4. Periods of earlier service that meet either of these conditions can count towards increments.
   
   a. A period of service at temporary or acting rank that is **continuous** with service in the member's new substantive rank. This continuous service counts directly and in full towards the date of the member's next increment. There must be no break at all between the two periods of service.

      **Example:** A Flying Officer acted as a Flight Lieutenant for 18 months immediately before they were promoted permanently to Flight Lieutenant. They are entitled to be paid at the first incremental point on promotion. This is as if they had completed one year's service as a substantive Flight Lieutenant. The remainder of six months' acting service cannot be carried over as credit towards the next increment.

   b. Periods of service at temporary or acting rank that are **not continuous** with service in the member's new substantive rank. This service must be within an overall period of double the number of years needed to qualify for the particular salary increment in that rank. Periods of service can be added together, provided they are within that overall period.

      **Note:** This is sometimes known as the 'one in two' rule, ie one year in the last two years, two years in the last four, three years in the last six, etc.

      **Example 1:** A Sergeant acted as a Warrant Officer Class 2 for three periods totalling one year, during the two years before they were promoted to Warrant Officer Class 2. They are entitled to be paid at the first incremental point on promotion. This is as if they had completed one year's service as a substantive Warrant Officer Class 2.

      **Example 2:** A Captain acted as a Major for a total of two years three months during the four years before they were promoted permanently to Major. Their acting service was not continuous with service on promotion. They are entitled to be paid at the second incremental point on promotion. This is as if they had completed two years' service as a substantive Major. The remainder of three months' acting service cannot be carried over as credit towards the next increment.

3.2.11 Salary – other rank member undergoing training

1. This clause applies to an other rank member undergoing training who meets all of these conditions.

   a. They are undertaking any of these forms of initial training.

      i. Officer training.
      
      ii. Category training.
      
      iii. Trade training.
      
      iv. Apprentice training.
b. They were on continuous full-time service immediately before the training began.
c. They continue to be on continuous full-time service.

2. This clause does not apply to any of the following:
   a. Officer undergraduate training.
   b. Officer category transfers.
   c. Members on Reserve service.

3. This clause does not apply to a member described in subparagraph 1.a.iv, unless the CDF approves it. The CDF must consider all these factors.
   a. The reason the member is doing the training.
   b. The likely benefit to the service of them doing the training.
   c. The rank they held immediately before they began the training.

4. During training, the member continues to be paid the salary and Service allowance for the rank and pay group that they held immediately before they began training.

### 3.2.12 Salary – Private Proficient

1. This clause applies to an Army member with the rank of Private. The member is paid as Private Proficient if they meet all of these conditions.
   a. They have completed initial training for their employment category.
   b. They have completed at least 12 months’ service after finishing training.
   c. They are proficient in their military trade or skill.

2. A member on Reserve service can hold the rank of Private Proficient for salary purposes only if both these conditions are met.
   a. At least 24 months have passed since they finished initial employment category training.
   b. They remain proficient in their trade or skill.

### 3.2.13 Salary on reduction of rank

1. If a member’s rank is reduced, they are entitled to salary at a rate in the scale of the lower rank. The rate must be appropriate to both of the following conditions.
   a. Their previous service at the lower rank.
   b. Any service in the higher rank that the CDF approves for this purpose.

2. For paragraph 1.b, the CDF must consider the circumstances of the reduction in rank.

### 3.2.14 Salary on promotion to rank previously held

1. This clause applies to a member who meets both these conditions.
   a. They are reduced in rank.
   b. They are later promoted to a rank that they held substantively before the reduction in rank.
2. Unless the reduction in rank was for inefficiency, the member is entitled to salary at a rate in the scale for the higher rank that takes account of any period of their service in the higher rank approved by the CDF for this purpose.

3. For subclause 2, the CDF must consider the circumstances of the reduction in rank.

**Note:** Clauses 3.2.13 and 3.2.14 apply only to a member who meets both these conditions.

a. They are reduced in rank.

b. They are then repromoted within the one period of service.
Part 3: Salary packaging

This Part is reserved for publication in the *ADF Pay and Conditions Manual* of an administrative description of flexible remuneration packaging (salary packaging).
Part 4: Overpayments and recovery

3.4.1 Overview

This Part describes what happens if a member is paid more than their entitlement.

3.4.2 Overpayment

1. If a member has been paid more than they are entitled to, they must repay to the Commonwealth the difference between their entitlement and the amount they were paid.

   **Example:** If the member received vehicle allowance, travelling allowance, or used a travel card in advance and they do not undertake the travel, they must repay the whole amount. If the travel is shorter than expected, they must repay the excess part of the allowance.

2. When tax has been deducted from the amount overpaid and the amount was paid in a previous financial year, then either of these two options is available.

   a. Defence will amend the member’s Payment Summary for the previous financial year. The member must then amend their income tax return for that year by excluding the overpaid amount. The member will receive a refund from the Australian Taxation Office of the tax overpaid. The member repays the overpaid amount, including any Pay as You Go (PAYG) Withholding, to Defence.

   b. The member’s gross salary is reduced by the gross amount overpaid.

      **Example:** A member received a promotion but was paid a higher salary from an incorrect date. They were not notified of the error until after 1 July. The member repays the gross amount either in full or by instalments, by arranging for a reduction in their gross salary.

3.4.3 Recovery of overpayment

1. Defence may recover an overpaid amount of salary or allowances from the salary and allowances that are or become payable to a member.

2. The Commonwealth reserves the right to recover the overpaid salary or allowances by other means.
Part 5: Retention and completion benefits

3.5.1 Overview
This Part contains guidelines for a range of payments that encourage certain members to continue serving in the Permanent Forces.

3.5.2 Contents
This Part includes the following Divisions:
- Division 1: Military Superannuation and Benefits Scheme retention benefit – overview
- Division 2: Military Superannuation and Benefits Scheme retention benefit – amounts and payments
- Division 3: Air Force Logistics Officers retention bonus
- Division 4: Completion bonuses
- Division 5: Retention allowance
- Division 6: Completion bonus for specified senior positions
Division 1: Military Superannuation and Benefits Scheme retention benefit – overview

This Division is reserved for publication in the ADF Pay and Conditions Manual of an administrative description of the main features of the Military Superannuation and Benefits Scheme retention benefit authorised under Part 8 of the Military Superannuation and Benefits Act 1991.
Division 2: Military Superannuation and Benefits Scheme retention benefit – amounts and payments

This Division is reserved for publication in the ADF Pay and Conditions Manual of an administrative description of the amounts and payment of the Military Superannuation and Benefits Scheme retention benefit authorised under Part 8 of the Military Superannuation and Benefits Act 1991.
Division 3: Air Force Logistics Officers retention bonus

3.5.23 Purpose

The purpose of this Part is to establish a bonus scheme to assist in the retention of qualified and experienced Logistics Officers in the Permanent Air Force.

3.5.24 Definitions

In this Part:

**effective service**, for a member, means continuous full-time service for which salary is payable, other than:

a. a period of training or a posting that gives rise to a return of service obligation, unless the training is relevant training, or the posting is an overseas posting, that begins after the member signs an undertaking; or

b. a period for which a return of service obligation applies, unless that obligation is for relevant training, or for an overseas posting, that begins after the member signs an undertaking; or

c. a period of prospective service; or

d. a period of detention.

**overseas posting**, for a member, means a posting that is directly relevant to the member’s occupation specified in this Part.

**relevant training**, for a member, means postgraduate or other professional or trade training that is directly relevant to the member’s occupation specified in this Part.

**undertaking**, for a member, means an undertaking signed by the member in the form of Annex 3.5.B, to render the required period of effective service beginning on the day ascertained under subclause 3.5.27.1.

3.5.25 Members this Part applies to

1. A member is an **eligible member** for this Part if the member:

   a. is an officer in the Logistics specialisation of the Permanent Air Force with the substantive rank of:

      i. Flight Lieutenant with two or more years’ substantive service in that rank; or

      ii. Squadron Leader; or

      iii. Wing Commander; and

   b. meets the minimum level of readiness for duty as a Logistics Officer in the Permanent Air Force; and

   c. is otherwise suitable for continued service as a Logistics Officer in the Permanent Air Force because of the member’s efficiency and competence.

2. For subparagraph 1.a.i, an officer with the rank of Flight Lieutenant who achieves two years’ substantive service in that rank at any time between 1 January 2003 and 31 December 2005 is also an eligible member, if the member meets the other requirements of subclause 1.
3. A member does not cease to be an eligible member by reason only that the member is promoted to a rank higher than Wing Commander.

3.5.26 Members this Part does not apply to

A member who:

a. ceases service in the Permanent Naval Forces or the Australian Regular Army; and
b. is appointed as an officer in the Permanent Air Force after 11 September 2002, and within six months of ceasing service under paragraph a,

is not an eligible member for the purposes of this Part.

3.5.27 Required period of effective service

1. For an eligible member, the required period of effective service is taken to begin on:

a. for a member who signed an undertaking under clause 2.2B.5 of Defence Determination 2000/1, Conditions of Service, before 31 March 2003 — the day the member would have first become an eligible member under this Part if it had commenced on 1 January 2003; or
b. for any other member — the day the member signs an undertaking,

and ends on the completion of three years’ effective service.

2. Members may incur a return of service obligation arising from non-effective service as defined in paragraph a, b, or c. of the definition of effective service in clause 3.5.24. The following table sets out the order in which the member is to complete the different kinds of service obligations in these circumstances.

<table>
<thead>
<tr>
<th>Item</th>
<th>This type of service obligation…</th>
<th>is to be completed in full before completing…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>a return of service obligation under paragraph a or b of the definition of effective service</td>
<td>a required period of service under this Part, or a period of prospective service under paragraph c. of the definition of effective service.</td>
</tr>
<tr>
<td>2.</td>
<td>a required period of service under this Part.</td>
<td>a period of prospective service under paragraph c. of the definition of effective service.</td>
</tr>
</tbody>
</table>

3. The required period of effective service under this Part is to be suspended to allow the completion of any return of service obligation under paragraph a. or b. of the definition of effective service.

4. If the member takes leave without pay or part-time leave without pay during the required period of effective service under this Part, the required period of service is to be extended by:

a. for leave without pay — the period of leave without pay granted to the member; and
b. for part-time leave without pay — the total number of working days of absence (excluding weekend days and public holidays) in the overall period of part-time leave without pay granted to the member.

3.5.28 Retention bonus

1. The member becomes entitled to a retention bonus if all of these conditions are met.

a. The member becomes an eligible member at any time between 1 January 2003 and 31 December 2005.
b. The member applies in writing for a retention bonus under this Part by signing the undertaking at Annex 3.5.B to this Determination.

c. The CDF approves the member’s application.

2. The entitlement arises on the day the CDF approves the application.

3. The amount of the bonus is $45,000.

3.5.29 Member has sufficient service remaining to complete undertaking

1. The CDF must not approve a member’s application for a retention bonus or offer a member a retention bonus unless the CDF is satisfied that the member is able to fulfil an undertaking.

2. For subclause 1, the CDF must have regard to any return of service obligation or period of prospective service which the member is required to complete.

3.5.30 Discharge of member’s undertaking

1. A member’s undertaking is not binding on any party unless and until the member’s application for a retention bonus is approved.

2. The discharge of a member’s required period of effective service under an undertaking begins or is taken to have begun (as the case requires) on the day the member signs an undertaking.

3.5.31 Repayment of gross amount to the Commonwealth

1. If the member ceases (other than for the specified reasons) to be an eligible member at any time before the completion of the required period of effective service, the member must repay to the Commonwealth the gross (pre-tax) amount of the bonus received.

2. For subclause 1, the specified reasons are the member’s:

   a. death; or

   b. medical incapacity; or

   c. involuntary redundancy or retrenchment.
Division 4: Completion bonuses

3.5.32 Purpose
1. The purpose of this Division is to establish a bonus scheme to assist in the retention of qualified and experienced members in certain occupations.
2. These occupations are currently:
   a. medical and dental officers;
   b. certain members in the Submarine Arm of the Navy.

3.5.33 Structure of this Division
This Division is structured as follows:

a. the main body of the Division sets out the general provisions applicable to all completion bonus schemes, including the general eligibility requirements and conditions of payment; and
b. Annex 3.5.C sets out the provisions on occupation-specific matters (including particular features of eligibility, the amount of bonus and the required periods of effective service).

3.5.34 Definitions
In this Part:

*effective service*, for a member, means:
   a. continuous full-time service for which salary is payable, other than:
      i. a period of training or a posting that gives rise to a return of service obligation, unless the training is relevant training, or the posting is an overseas posting, that begins after the member acknowledges an offer; or
      ii. a period for which a return of service obligation applies, unless that obligation is for relevant training, or for an overseas posting, that begins after the member acknowledges an offer; or
      iii. a period of prospective service; or
      iv. a period of detention; and
   b. a period of leave without pay not longer than 21 days.

*overseas posting*, for a member, means a posting that is directly relevant to the member’s occupation specified in the Part of Annex 3.5.C that applies to the member.

*relevant training*, for a member, means postgraduate or other professional or trade training that is directly relevant to the member’s occupation specified in the Part of Annex 3.5.C that applies to the member.
3.5.35 Eligible member

1. A member is an eligible member for this Part if the member:
   a. is a member to whom a Part of Annex 3.5.C applies; and
   b. is rendering full-time service for which salary is payable; and
   c. meets the medical fitness standards for duty in the relevant occupation; and
   d. is otherwise suitable for continued service because of the member’s efficiency and competence.

2. A member does not cease to be an eligible member by reason only that the member is promoted to a rank higher than the rank (if any) specified for the relevant occupation in Annex 3.5.C.

3.5.36 Offer of completion bonus

1. The CDF may offer a completion bonus to an eligible member.

2. The offer must state a required period of effective service equal to a period mentioned in column 1 of the table in the Part of Annex 3.5.C that applies to the member.

3. The completion bonus offered must be the amount mentioned in column 2 of the table opposite the period in column 1 equal to the required period of effective service stated in the offer.

3.5.37 Completion bonus

1. An eligible member who receives an offer under clause 3.5.36 is entitled to the completion bonus offered if the member:
   a. acknowledges the offer in writing; and
   b. renders the required period of effective service (or periods of effective service the sum of which equal the required period) stated in the offer; and
   c. during the required period (or periods the sum of which equal the required period) continues to be an eligible member.

2. For paragraph 1.a, if the Part of Annex 3.5.C that applies to the member specifies a date, the member must acknowledge the offer on or before that date.

3. For paragraph 1.b, the required period of effective service does not include any period of service rendered before the member acknowledges the offer.

3.5.38 Early payment in certain circumstances

1. This clause applies if a member does not render the required period of effective service in relation to an offer under this Division because the member:
   a. dies; or
   b. the CDF considers that the member ceased to be eligible for reasons beyond their control.
2. The member (or if the member has died, the member’s legal personal representative) is entitled to an amount worked out using the formula:

\[
\text{bonus amount} \times \frac{\text{effective service rendered}}{\text{required period of effective service}}
\]

where:

- **bonus amount** is the completion bonus amount offered to the member.
- **effective service rendered** is the number of days of effective service rendered by the member after the member acknowledged the offer.
- **required period of effective service** is the required period of effective service (in days) stated in the offer.

3.5.39 Special provisions for eligible member

A Part of Annex 3.5.C may set out special provisions for an eligible member to whom that Part applies.
Division 5: Retention allowance

3.5.40 Purpose

The purpose of an allowance under this Division is to enhance retention of certain members in the categories specified in the Determination provision.

Note 1: The allowance is expressed as an annual rate (payable fortnightly in addition to normal salary), and is taxable but not superannuable.

Note 2: Action may be taken to revoke a retention allowance if the policy reasons for making it have ceased to apply.

3.5.41 Retention allowance – aerospace engineers

1. In this clause:

   aerospace engineer means a member who:
   a. for a Lieutenant Colonel or below — is categorised as an aerospace engineer; or
   b. for a Colonel or Brigadier — holds the qualifications for categorisation as an aerospace engineer.

2. This clause applies to a member who:
   a. is rendering full-time service for which salary is payable; and
   b. holds the rank of Captain, Major, Lieutenant Colonel, Colonel or Brigadier; and
   c. is certified by the CDF as liable to perform duty as an aerospace engineer.

The member is entitled to aerospace engineer retention allowance at the rate of:
   a. for a Captain — $5,000 a year;
   b. for a Major — $10,000 a year;
   c. for a Lieutenant Colonel — $15,000 a year;
   d. for a Colonel — $10,000 a year;
   e. for a Brigadier — $10,000 a year.

3.5.42 Retention allowance – air traffic controllers

1. In this clause:

   air traffic control record means a member’s Royal Australian Air Force Air Traffic Control Record of Training and Proficiency.

   approach control rating means an endorsement as P (proficient) against an approach control entry in a member’s air traffic control record.

   designated air traffic control position means:
   a. a position that is designated as an air traffic control position in the Defence Force; and
   b. any other position for which the CDF certifies that air traffic control is a significant part of the primary duties.
**tower control rating** means an endorsement as P (proficient) against a tower control entry in a member’s air traffic control record.

2. This clause applies to a member who meets these conditions.
   a. The member meets the requirements for duty as an air traffic controller in the Defence Force
   b. The member is:
      i. a member of the Permanent Forces
      ii. a member of the Air Force Reserve rendering continuous full-time service under the terms of an undertaking made under subsection 4J (3) of the Air Force Act 1923, and where the CDF certifies that the member is subject to the same requirements of the service as a member of the Permanent Forces
   c. The CDF considers that the member is liable for continued service in a designated air traffic control position.
   d. The member is entitled to salary.

3. For subparagraph 2.b.ii, the CDF must have regard to the member’s ability to be posted or deployed.

4. When a member first obtains, and holds, a tower control rating, the member is entitled to a retention allowance of $4,000 a year.

5. When a member first obtains, and holds, an approach control rating, the member is entitled to a retention allowance of $4,000 a year.

6. When a member holds:
   a. an approach control rating at more than one base; and
   b. a Training Officer or Supervisor rating, in either approach control or tower control,
      the member is entitled to a retention allowance of $3,000 a year.

7. When a member holds:
   a. an approach control rating or a tower control rating obtained in Darwin, Townsville or Williamtown; or
   b. an Instructor qualification at the School of Air Traffic Control,
      the member is entitled to a retention allowance of $4,000 a year.

8. Members may qualify for the allowances authorised by subclauses 4 to 7 in any order, and hold them in any combination, concurrently.

3.5.43 Retention allowance non-reduction – air traffic controllers

1. This clause applies to a member who was entitled to retention allowance for air traffic controllers under clause 2.3A.1 of Defence Determination 2000/1, Conditions of Service, as in force on 31 March 2003 (“the former retention allowance”), if:
   a. the CDF certifies that the member may be required in the future to occupy a position in which air traffic control is a significant part of the member’s primary duties; and
   b. the member is entitled to salary; and
c. for a member of the Air Force Reserve rendering continuous full-time service under the terms of an undertaking made under subsection 4J (3) of the Air Force Act 1923 — the CDF certifies that the member is subject to the same requirements of the service as a member of the Permanent Forces.

2. For paragraph 1.c, the CDF must have regard to the member’s ability to be posted or deployed.

3. If the member’s former retention allowance rate exceeds the rate of retention allowance calculated under clause 3.5.41 as in force on or after 1 April 2003 (whether under Defence Determination 2003/21, Conditions of Service, or under this Division), the member is entitled to an additional annual rate of retention allowance equal to the difference.

4. The additional retention allowance is to be reduced by any increase in the member’s rate of allowance under clause 3.5.41.

5. This clause ceases on 1 April 2009.

Example:
A member who was receiving a former retention allowance of $15,000 a year, and who is entitled to $4,000 a year under clause 3.5.41, will get an additional retention allowance under this clause of $11,000 a year. If the member’s allowance under clause 3.5.41 increases to $7,000 a year (because the member attains a further qualification), the non-reduction allowance under this clause will drop to $8,000 a year.
Division 6: Completion bonus for specified senior positions

3.5.44 Purpose

This bonus has these two purposes.

a. To promote stability in certain key positions in the Defence Force, by providing an incentive for occupants to serve a minimum tenure.

b. To recognise that those positions require a higher level contribution to Defence capability than that generally required for other positions at the same rank.

3.5.45 Member this Division applies to

1. This Division applies to a member who occupies one of these positions.

   a. Chief Information Officer.
   
   b. Deputy Chief Joint Operations.
   
   c. Director Defence Intelligence Organisation.
   
   d. Head Defence Personnel Executive.

2. This Division does not apply to a member who temporarily performs the duties of a position listed in subclause 1.

3.5.46 Annual bonus for additional accountability and requirements

1. A member who occupies a position listed in subclause 3.5.45.1 is entitled to a completion bonus for each year they hold the position and perform all the duties required of it.

2. The member is entitled to the bonus on 1 July each year.

3. The amount of the bonus is 19% of the base salary for a Major-General, as determined from time to time by the Defence Force Remuneration Tribunal in Schedule 2 of Determination No. 6 of 1992, Salaries.

   See: Chapter 3 Part 1 Annex 3.1.D, Scale of annual rates – Officer of the Permanent Force.

4. The member might contribute by performing all the duties of a position listed in subclause 3.5.45.1 for part of a year. The member is entitled to a pro rata amount for each calendar month they have completed in that year.
Annex 3.5.A Eligible members – employment categories

This Annex is reserved for publication in the ADF Pay and Conditions Manual of an administrative description of eligible members and employment categories for payment of the Military Superannuation and Benefits Scheme retention benefit authorised under Part 8 of the Military Superannuation and Benefits Act 1991.
Annex 3.5.B: Air Force Logistics Officer retention bonus – application and undertaking to serve

I, ........................................................................................................... for the purposes of
(Name) (Rank) (Service number)

Chapter 3 Part 5 Division 3 of Defence Determination 2005/15, Conditions of Service, undertake to render
three years' effective service beginning on the date of signature of this undertaking, in the Logistics
specialisation of the Permanent Air Force, having regard to the provisions relating to any period of
prospective service or return of service obligation as set out in that Part.

I acknowledge that the provisions of Chapter 3 Part 5 Division 3 of Defence Determination 2005/15,
Conditions of Service, have been brought to my notice and that I fully understand them.

I acknowledge that the required period of effective service excludes any period which is not effective
service as defined in clause 3.5.24 of the Determination.

I acknowledge that under the Determination I am liable to repay to the Commonwealth the gross (ie pre-
tax) amount of the total retention bonus paid to me if I do not complete the required period of three years’
effective service, except by reason of death, medical incapacity, involuntary redundancy or retrenchment.

I acknowledge that this undertaking is not binding unless and until my retention bonus is approved.

I have/have not* sought independent legal advice in relation to this undertaking.
I have/have not* sought independent financial advice in relation to this undertaking.

Dated this day of 200

______________________________
Signed

______________________________
Witness

Name (printed) ________________________________

Address __________________________________________________________________________
________________________________________________________________________________

Occupation _______________________________________________________________________

Date ____________________________________________________________________________

* delete whichever is not applicable.

I approve this application under Chapter 3 Part 5 Division 3 of Defence Determination 2005/15,
Conditions of Service.

_____________________________________
Authorised person
for and on behalf of
the Chief of the Defence Force
Annex 3.5.C: Completion bonus – occupations, date for acknowledgment of offer and bonus amount

Part 1  Medical and dental officers

1.1 Member this Part applies to

This Part applies to a member who is a medical officer or dental officer.

1.2 Table – required period of effective service and bonus amount

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required period of effective service for offers made in the specified calendar year</td>
<td>Prescribed amount $</td>
</tr>
<tr>
<td>1998</td>
<td></td>
</tr>
<tr>
<td>3 years</td>
<td>90,000</td>
</tr>
<tr>
<td>1999</td>
<td></td>
</tr>
<tr>
<td>3 years</td>
<td>90,000</td>
</tr>
</tbody>
</table>

Part 2  Certain members in the Submarine Arm of the Navy

2.1 Application

1. This Annex applies to a member in the Submarine Arm of the Navy if:
   a. the member holds the substantive rank of Commander or lower on the day the member acknowledges an offer; and
   b. the member has a continuing liability for a sea or shore posting in the Submarine Arm; and
   c. subject to subclause 3 — the member meets the medical fitness standards for sea duty on a submarine; and
   d. any of the following subparagraphs apply in relation to the member:
      i. the member has completed Collins Class submarine conversion training and has occupied a sea or shore posting in the Submarine Arm at any time since the end of 31 December 1996;
      ii. the member has completed Collins Class submarine initial training and is qualified to occupy (but has not occupied) such a posting;
      iii. the member is not qualified to occupy such a posting and begins Collins Class submarine initial training by the end of 31 December 1999;
      iv. the member is qualified to be posted to an Oberon Class submarine and has volunteered to undertake Collins Class submarine conversion training;
      v. the CDF certifies that the member has demonstrated a high level of performance in a submarine crew or support capacity, and that the member’s retention is essential to fill certain critical postings in the Submarine Arm.

2. In order to be entitled to the completion bonus offered, a member mentioned in subparagraph 1.d.iii or iv must complete Collins Class submarine initial or conversion
training, as the case requires, during the required period of effective service, unless the CDF certifies that the member is unable to complete the training because of the exigencies of the Service.

3. A member to whom subparagraph 1.d.v applies is not required to meet medical fitness standards higher than the standards for a shore posting in the Submarine Arm.

2.2 Date for acknowledgment of offer

An offer must be acknowledged by the end of 31 December 1999.

2.3 Beginning of the required period of effective service

The required period of effective service begins on:

a. for a member mentioned in subparagraph 2.1.d.iii — the day the member qualifies for the Submarine Sea Qualification; and

b. otherwise — 1 January 2000.

2.4 Table – required period of effective service and bonus amount

<table>
<thead>
<tr>
<th>Column 1 Required period of effective service</th>
<th>Column 2 Prescribed amount $</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 years</td>
<td>35,000</td>
</tr>
</tbody>
</table>
Part 6: Salary and allowances during detention or suspension

3.6.1 Overview

1. Regulation 68 of the Defence Force Regulations 1952 provides that ADF members undergoing detention under Service law forfeit all allowances, other than those specifically provided for under Defence Determination 2005/15, Conditions of Service.

2. Suspension and forfeiture provisions apply to the salary and allowances of a member in any of these situations.
   a. Absence without leave.
   b. Absence from duty and in civil custody.
   c. Serving a period of detention or imprisonment under Service law.
   d. Serving a period of detention or imprisonment under a law that is not Service law.

3. Clause 3.6.2 lists the allowances a member may be entitled to during a period of detention.

3.6.2 Allowances during detention

A member undergoing a period of detention may be entitled to one or more of the allowances listed in this table.

<table>
<thead>
<tr>
<th>Item</th>
<th>Allowance</th>
<th>For conditions for payment, see</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>District allowance</td>
<td>Chapter 4 Part 4 Divisions 1 and 2</td>
</tr>
<tr>
<td>2.</td>
<td>Woomera allowance</td>
<td>Chapter 4 Part 4 Division 3</td>
</tr>
<tr>
<td>3.</td>
<td>Port Wakefield allowance</td>
<td>Chapter 4 Part 4 Division 4</td>
</tr>
<tr>
<td>4.</td>
<td>Housing assistance</td>
<td>Chapter 7</td>
</tr>
<tr>
<td>5.</td>
<td>Uniform allowance</td>
<td>Chapter 10 Part 1</td>
</tr>
<tr>
<td>6.</td>
<td>Overseas living allowance</td>
<td>Chapter 15 Part 2</td>
</tr>
</tbody>
</table>
Part 7: Annuities and gratuities for medals

3.7.1 Purpose
1. Members who have been awarded certain medals may be entitled to one of the following payments.
   a. A yearly payment (that is, an annuity).
   b. A one-off payment (that is, a gratuity).
2. Members of the Reserves may be entitled to an annuity or gratuity.

3.7.2 Victoria Cross or George Cross – annuity
1. A member who is awarded the Victoria Cross or the George Cross is entitled to an annuity of $250 a year.
2. Their entitlement begins on the day of the act that led to the medal being awarded.
3. If the medal is awarded after the member dies, the total amount payable is $125. Chapter 1 Part 6 clause 1.6.4, Payment of amounts on death of a member, explains how it is paid and to whom.
4. A member who gives up a medal also gives up any entitlement to the annuity. If the medal is later restored, any amount of annuity not paid is payable from the day it is restored.

3.7.3 Other medals – gratuity
1. This clause applies to a member (other than an officer) who is awarded any of these medals.
   a. The Conspicuous Gallantry Medal (however described).
   b. The Distinguished Conduct Medal.
   c. The Distinguished Flying Cross.
   d. The Distinguished Flying Medal.
   e. The Distinguished Service Medal.
   f. The Military Cross.
   g. The Military Medal.
2. The member is entitled to a gratuity of $40. They are also entitled to an additional $40 for each bar added to the medal. This is payable on their discharge or their appointment to commissioned rank – whichever comes first.
3. If the gratuity is not paid before the member dies, the amount is payable under Chapter 1 Part 6 clause 1.6.4, Payment of amounts on death of a member. That clause explains how it is paid and to whom.
4. A member who gives up a medal also gives up any entitlement to the annuity or gratuity. If the medal is later restored, any amount of the gratuity not paid is payable from the day it is restored.
Chapter 4: ADF allowances and reimbursements

Overview

This Chapter contains information relating to the range of allowances and reimbursements for members.

Contents

This Chapter includes the following Parts:

Part 1  Higher duties allowance
Part 2  Service allowance
Part 3  Qualification and occupation-based allowances
Part 4  Location allowances
Part 5  Meal allowances
Part 6  Additional remuneration for star rank officers
Part 7  Training payments
Part 8  Reserves and Cadets
Part 9  Life insurance – additional risk insurance
Part 1: Higher duties allowance

4.1.1 Overview

Higher duties allowance is payable for members who are required to work in a higher level job.

4.1.2 Contents

This Part includes the following Divisions:

- **Division 1**  Introduction
- **Division 2**  Eligibility to perform higher duties
- **Division 3**  How to work out the amount of higher duties allowance
- **Division 4**  Termination of higher duties
Division 1: Introduction

4.1.3 Overview

1. ADF members may be paid higher duties allowance for employment in established higher positions including the Permanent Forces, Reserves, Defence APS positions and exchange positions.

2. Payment of higher duties allowance when a member fills a vacant higher ranked position is not automatic. To be eligible for the allowance, members must meet these conditions.
   a. They must be directed to perform the higher duties for a minimum of five working days.
      See: Division 3 clauses 4.1.13 to 4.1.15.
   b. They must meet all the conditions specified in this Part.

3. These basic principles can be seen in the limits on higher duties allowance in this Part.
   a. Higher duties allowance is not paid when there is no difference between the member's rank and the rank of the higher position.
   b. The member may perform higher duties in a position one rank higher than their own. The member must perform all of the duties of the higher position for the allowance to be payable.
   c. A member cannot be paid higher duties allowance for a level of professional or trade competence that they do not hold. A member must possess all the required skills and experience to be effective at the higher level or rank, before they can be paid at a higher rate.

      Example 1: A member who is a specialist officer, or an Other Rank member using skills specific to their employment category, must be competent to perform the full duties belonging to the higher employment level, skill grade or rank if full performance is claimed.

      Example 2: Higher duties allowance is not payable for movement between employment levels within a rank.

   d. The requirements of specialist officer and Other Rank employment category skills and experience are set out administratively under the career structures approved by the DFRT.
   e. Trainees are not eligible for higher duties.

4. An eligible member may be paid higher duties allowance for any of these situations.
   a. Full performance of a position one rank higher.
   b. Full performance of a position two or more ranks higher.
   c. Partial performance of a position two or more ranks higher.
   d. Performance of duties in a higher position outside the ADF.
4.1.4 Contents

This Part includes these Divisions.

<table>
<thead>
<tr>
<th>Division</th>
<th>Title</th>
<th>What is in it</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Introduction</td>
<td>Purpose, structure and definitions relating to this Part.</td>
</tr>
<tr>
<td>2.</td>
<td>Eligibility to perform higher duties</td>
<td>Describes the classes of member that are and are not eligible to perform higher duties.</td>
</tr>
<tr>
<td>3.</td>
<td>How to work out the amount of higher duties allowance</td>
<td>Describes how to work out the allowance. Includes conditions on the allowance.</td>
</tr>
<tr>
<td>4.</td>
<td>Termination of higher duties</td>
<td>Explains how a direction to perform higher duties ends.</td>
</tr>
</tbody>
</table>

Note: It is important to read Division 2 before Division 3. This is because Division 2 affects how the rules in Division 3 will apply.

4.1.5 Purpose

This Part has two purposes.

a. To recognise when a member performs the duties of a position that attracts a higher responsibility than their own position.

b. To set out who is eligible for higher duties allowance, how the allowance is worked out, and how it can be ended.

4.1.6 Definitions

This table defines terms used in this Part.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Part</th>
</tr>
</thead>
<tbody>
<tr>
<td>Competency level</td>
<td>This term applies only to specialist officers and Other Ranks. a. For a specialist officer, the competency level refers to their employment level. b. For an Other Rank member, the competency level is taken to refer to the skill grade they hold within their employment category.</td>
</tr>
<tr>
<td>Eligible member</td>
<td>A member who meets the conditions for eligibility set out in this Part.</td>
</tr>
<tr>
<td>Employment level</td>
<td>This term applies only to specialist officers. It refers to a recognised level of competence within a specialist officer competency based career structure. The term specifies the member's level of competence within their profession, instead of a remuneration level based solely on the member's rank. The employment level is the primary way that salary is set for a specialist officer.</td>
</tr>
<tr>
<td>Higher duties</td>
<td>Duties of a vacant position that is of a higher rank or employment level than the member's substantive position, performed temporarily.</td>
</tr>
<tr>
<td>Other Rank member</td>
<td>A member who is paid under Schedule 6 to DFRT Determination No. 6 of 1992, Salaries. See: Annex 3.1.L, Scale of annual rates – Other rank of the Permanent Force.</td>
</tr>
</tbody>
</table>
| **Specialist officer** | A commissioned officer who is not a general service officer.  
**See:** Schedules to DFRT Determination No. 6 of 1992, Salaries, other than:  
  a. Schedule 2 - [Annex 3.1.D](#), Scale of annual rates – Officer of the Permanent Force  
  b. Schedule 3 - [Annex 3.1.E](#), Scale of annual rates – Officer of the Permanent Force enlisted before appointment as officer  
  c. Schedule 9 - [Annex 3.1.N](#), Scale of daily rates – Officer of the Reserve Forces  
**Example:** Specialist officers such as Chaplains, Medical Officers, Dental Officers, Legal Officers are paid primarily for achieving competency levels within their career structure, rather than by the rank they hold. Their establishment position may specify the employment level required by the position, with rank as a secondary consideration. |
| **Total remuneration** | Salary and any annual rate of allowance payable to the member.  
Total remuneration does not include rent, uniform and higher duties allowances. |
| **Vacant position** | A position that is vacant for either of these reasons.  
  a. It is temporarily vacant.  
  b. A unit establishment position has not been filled.  
**Exception:** It does not include a position that has not been formally established.  
**Examples:**  
1. A position might be defined as vacant when its occupant is absent for one of these reasons.  
   a. They are on leave.  
   b. They are on a training course.  
   c. They are on temporary duty in another unit.  
2. A member may be posted to an establishment vacancy.  
3. A member may be directed to perform the duties of a vacant position within their unit.  
4. The posting into an establishment vacancy in Example 2 may be a direction to perform long-term higher duties. The direction in Example 3 may be a direction to perform short-term higher duties. |
Division 2: Eligibility to perform higher duties

4.1.7 Member eligible to perform higher duties

A member is eligible to perform higher duties if they meet all these conditions.

a. They are entitled to salary.

b. They are directed to perform the higher duties for a period by another member. The directing member must meet all these conditions.
   i. They are at least one rank higher than the vacant position.
   ii. They are in the chain of command of the member who they direct to perform in the vacant position.
   iii. They are satisfied that the duties of the vacant position are not already, or cannot be, distributed among other members.
   iv. They are satisfied that the member can perform the duties of the position competently. They must consider whether the member meets paragraph c.

c. They have the recognised professional, trade or specialist skills needed to perform the duties in either of these ways.
   i. The full duties of the vacant position.
   ii. Partial duties of the vacant position under clause 4.1.20.

See: Division 3 Clause 4.1.20, Partial performance and performance in a position two or more ranks higher.

Example: A non-commissioned officer is directed to act at a higher rank in a commissioned officer's position. They are able to satisfy the requirements for the higher rank and position. They would be entitled to higher duties allowance at the lowest salary rate for the higher rank, subject to clause 4.1.13.

Non-example: The principle in paragraph 4.1.7.c means that a specialist officer may be directed to perform the duties of a higher rank and employment level. However, they might not meet the qualification requirements for the higher employment level. The specialist officer would be ineligible to perform higher duties in that position. They could act at a higher rank, but would only be eligible for higher duties allowance for positions at their existing employment level.

See: Division 3 clause 4.1.20 for how partial higher duties might apply.

4.1.8 Member not eligible to perform higher duties

1. A trainee is not eligible to perform higher duties.

2. A specialist officer or Other Rank member is not eligible to perform higher duties where the higher position requires them to have a qualification in a professional or trade competence that they do not hold.

Exception: They may still be eligible to perform partial higher duties based on the rank component of the higher position.

See: Division 3 clause 4.1.20, Partial performance and performance in a position two or more ranks higher.
4.1.9 Period of higher duties

The direction to perform higher duties under paragraph 4.1.7.b can be given for a maximum period of three months, unless the member has been posted into the higher position, when the direction can be for a longer period.

See: The table in subclause 4.1.11.2, which shows some specific situations with a maximum fixed period for the direction to perform higher duties. A direction can be made more than once.

See also: Division 3 clause 4.1.19, which deals with payment of higher duties allowance during leave.

4.1.10 Posting to higher duties

A posting order may only be taken as a direction to perform higher duties in the posted position if the member's Commanding Officer is satisfied that the member meets both of these conditions.

a. The member is able to competently perform the full higher duties of the position.

b. The member will be performing the higher duties in the posted position.

Example 1: If a member's ability to perform higher duties is in doubt, the member's competence to perform the duties as directed in the posting order may be assessed. This assessment should occur as soon as practicable on commencement of duties. Once the Commanding Officer is satisfied, the member can be paid for higher duties from the start of the assessment period.

Example 2: The Commanding Officer may not know enough about the specialist career structure or trade duties required by a higher position to work out whether a member would be competent to perform in that position. The Commanding Officer should consult the relevant Service authority for setting competency levels within the member's employment category or profession. They can explain whether the competency levels held are sufficient to perform the higher duties. If the advice says that the member's competency levels are sufficient, then the Commanding Officer can make the decision about whether the member is competent to perform the duties of the higher position.

4.1.11 Conditions and limits on higher duties

1. Table 1 below shows the eligibility for higher duties allowance that applies to members in various situations.

2. Table 2 below shows the eligibility for higher duties allowance that applies to specialist officers in various situations.

Related Information: Division 3 clause 4.1.21 explains when a member may perform higher duties in a position outside the ADF.
<table>
<thead>
<tr>
<th>Item</th>
<th>A member who is...</th>
<th>is then...</th>
</tr>
</thead>
</table>
| 1.   | posted into a higher ranked position | entitled to higher duties allowance for the higher rank of the posted position, if the Commanding Officer assesses that the member meets both these conditions.  
  a. They are competently performing the full duties of the position.  
  b. They hold the required competencies for the position.  
  See: Clause 4.1.7, Member eligible to perform higher duties. |
| 2.   | directed to perform higher duties continuously for up to three months | eligible to perform higher duties for up to three months. |
| 3.   | directed to perform higher duties continuously for longer than three months (without a posting order) | Note: A new direction to perform higher duties may be made on review of the arrangements after three months. |
| 4.   | directed to perform higher duties while on part-time leave without pay | eligible to perform higher duties only if they are posted to the vacant position and the Commanding Officer does not revoke the direction to perform higher duties. |
| 5.   | directed to perform higher duties in a position two or more ranks higher than their substantive position | if the CDF approves under clause 4.1.20, entitled to higher duties allowance for either partial or full performance. |
| 6.   | on continuous full time service and directed to perform duty in a higher position in the Reserves that is not a full-time position | not entitled to higher duties allowance. |
| 7.   | a trainee or member undergoing training | See: Chapter 1 Part 3 Division 1 |
| 8.   | in the rank of Second Lieutenant and performs higher duties in the position of a Lieutenant | not entitled to higher duties allowance because there is no significant increase in responsibility between these ranks. |
| 9.   | in the rank of Seaman, Private or Aircraftman and performs higher duties in the position of an Able Seaman, Private Proficient or Leading Aircraftman | |
| 10.  | in the rank of Private and performs higher duties in the position of Lance Corporal in the Army | only entitled to higher duties if the higher ranked position is an established position.  
  Example: The position is an established position in an infantry unit. |
### Table 2  SPECIALIST OFFICERS

<table>
<thead>
<tr>
<th>Item</th>
<th>A member who is a specialist officer directed to perform...</th>
<th>is then...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>at a higher rank at their existing employment level, when the higher rank does not include that employment level</td>
<td>entitled to higher duties allowance at the relevant rate listed in the applicable salary schedule. <strong>Note:</strong> If no relevant rate of salary exists, see <strong>Division 3</strong> clause 4.1.18.</td>
</tr>
<tr>
<td>2.</td>
<td>in a position which is at a higher rank and higher employment level (which they do not hold)</td>
<td>if CDF approves under Division 3 clause 4.1.20, entitled to higher duties allowance for partial performance of the rank element only.</td>
</tr>
<tr>
<td>3.</td>
<td>in a position which is at a higher rank and employment level (which they do not hold) and who is not approved for partial performance</td>
<td>not entitled to higher duties allowance.</td>
</tr>
<tr>
<td>4.</td>
<td>at a higher employment level within their substantive rank</td>
<td></td>
</tr>
</tbody>
</table>
Division 3: How to work out the amount of higher duties allowance

4.1.12 Purpose

This Division sets out these conditions for higher duties allowance.

a. The period of higher duties that must be served before payment of higher duties allowance begins.

b. The amount of the allowance.

c. Other variations and conditions.

4.1.13 Qualifying period – member of the Permanent Forces

1. A member becomes entitled to higher duties allowance after they perform higher duties for a continuous period of five days.

a. The five-day qualifying period begins on the day the direction to perform the higher duties begins.

b. The period does not include days when the member is not required to attend for duty.

Example 1: An eligible member on continuous full-time service works from Monday to Friday. They begin higher duties on Thursday. They complete the five days’ continuous performance of the duties at the end of the following Wednesday. Because they are not normally required to attend for duty on Saturday, Sunday or public holidays, these days do not break the five-day period. Those days when the member is not required to attend for duty are not counted as part of the five-day period.

Example 2: An eligible member on continuous full-time service works on a shift roster and begins higher duties on a shift day. They count the five-day qualifying period from the start of that day’s work. They cannot count any days when they are rostered off duty toward the five days. However, the off-duty period does not break the continuity of the five days. This works the same way as a weekend would for a member working a normal business week.

2. When the member has completed the qualifying period they are entitled to be paid higher duties allowance from the first day of the qualifying period.

4.1.14 Qualifying period – member on Reserve service

1. This clause applies to a member on Reserve service.

2. The member becomes entitled to higher duties allowance after they perform higher duties for a continuous aggregate period totalling five days.

a. The period begins on the day the direction to perform the higher duties begins.

b. The period includes any part-days when the member performs the higher duties.

c. The period does not include days when the member is not required to attend for duty.

Example: An eligible member on Reserve service performs 10 half-days continuously in a higher position. They add up those part-days to make a continuous period of five days.

Non-example: An eligible member on Reserve service begins performing higher duties on Monday. They spend Tuesday working in another position performing other duties. They have broken the qualifying period of five days’ continuous service in the higher position. They re-start the five-day period on the next day they perform higher duties.
3. When the member has completed the qualifying period they are entitled to be paid higher duties allowance from the first day of the qualifying period.

4.1.15 Qualifying period – member on assessment

1. If required for the purposes of determining eligibility for higher duties, a member’s competence to perform the duties may be assessed by a Commanding Officer before a decision is made under clause 4.1.7 or 4.1.10.

2. The assessment must be completed within three months of the member’s commencement of duties in the higher position.

3. The member can be paid for higher duties when these conditions are met.
   a. The Commanding Officer decides that the member can competently perform the higher duties.
   
   See:
   Division 2 clause 4.1.7, Member eligible to perform higher duties.
   Division 2 clause 4.1.10, Posting to higher duties.

   b. A five-day qualifying period in either clause 4.1.13 or 4.1.14 (whichever applies to the member) has been performed after the start of the assessment period.

   Note: This means that when the member has completed the qualifying period and the Commanding Officer has decided they can competently perform the duties under paragraph a., they are entitled to be paid higher duties allowance from the first day of the qualifying period.

4.1.16 Amount of higher duties allowance – general

1. An eligible member entitled to higher duties allowance is entitled to the difference between these two amounts.
   a. Their total remuneration.
   b. The total remuneration they would be entitled to if they were promoted to the rank belonging to the higher position, at the base ('on promotion') rate for that rank and, if applicable, a relevant competency level actually held by the member.

   Example: This means that the rate of higher duties allowance is worked out using the 'on-promotion', or base rate, of salary for the rank of the higher position. An eligible specialist officer or other rank is paid at the lowest rate for the competency level they hold at the higher rank.

2. A member does not get an incremental salary advancement for work in the higher position.

   Note: The short-term nature of higher duties means that increment rates are not relevant to higher duties allowance.

4.1.17 Amount of higher duties allowance – exception for non-commissioned officers

1. This clause applies to an eligible member who meets all these criteria.
   a. They are a non-commissioned officer.
   b. They perform higher duties in a commissioned officer’s position.
   c. They would be entitled to higher duties allowance under subclause 4.1.16, but their total remuneration is already higher than that of the higher position.
2. The member is entitled to an allowance of 5% of their salary for the period of higher duties.

**Example:** When a non-Commissioned officer performs higher duties in a position with the rank of a Commissioned officer, the total remuneration for the higher ranked position may be less than the amount they would usually receive. No higher duties allowance would be payable under clause 4.1.16. This clause provides that the member would get an extra 5% of their salary (excluding service allowance) for the period of the higher duties.

### 4.1.18 Amount of higher duties allowance – exception for specialist officers

1. This clause applies to an eligible member who meets all these criteria.
   a. They are in a specialist officer career structure.
   b. They perform higher duties.
   c. They would be entitled to higher duties allowance under subclause 4.1.16, but their total remuneration is already higher than that of the higher position.

2. The member is entitled to an allowance for the period of higher duties. The allowance is equal to the difference between these two amounts.
   a. Their substantive salary.
   b. The salary at the next highest increment for their competency level at the higher rank.

3. If there is no higher increment at the member’s competency level that can be used to work out a higher duties allowance, then the member is entitled to an allowance of 5% of their salary for the period of higher duties.

### 4.1.19 Member on leave or returning from leave

1. This clause applies to an eligible member who is performing higher duties and goes on any period of paid leave.

2. The member's period of higher duties includes the period of leave if both these conditions are met.
   a. They are posted to the higher position.
   b. The period of leave is two months or less.

   **Note:** This rule applies for each individual absence.

3. The member's period of higher duties includes the period of leave if all these conditions are met.
   a. They are not posted to the higher position.
   b. The period of leave is one month or less.

   **Note:** This rule applies for each individual absence.

   **Exception:** If the leave occurs immediately before the member goes on a new posting, subclause 4 applies.

   c. They continue to perform in the higher position on return from leave.

4. The member's period of higher duties includes the period of leave if all these conditions are met.
   a. They are not posted to the higher position.
b. The period of leave meets either of these conditions.
   i. It extends for between one and two months.
   ii. It occurs immediately before the member goes on a new posting.

   **Note:** This rule applies for each individual absence.

c. The CDF certifies in writing the period that the member would have continued to
   perform the duties but for the leave. The CDF must justify an extension of payment
   for higher duties for a maximum period of two months of leave.

5. This clause applies even if another person performs the higher duties while the member is
   on leave.

### 4.1.20 Partial performance and performance in a position two or more ranks higher

1. This clause applies if a member is directed to perform some or all of the duties of a vacant
   position that is two or more ranks higher than the member’s substantive rank.

   **Note 1:** If a member is to perform only part of the duties of a higher position, they must be
   informed which of the duties they need to perform.

   **Note 2:** A non-Commissioned Officer performing the duties of an officer does not of itself
   require performance of duties that are two or more ranks higher.

   **Example:** A Sergeant performing the duties of a Captain would be a difference in
   responsibility that could be considered under this clause.

   **Non-example:** A Sergeant performing the duties of a Lieutenant would normally be
   considered under Division 2 clause 4.1.7.

2. The CDF may determine a suitable higher rank or employment level for the purpose of
   working out a rate of higher duties allowance under this clause.

3. The rate of higher duties allowance worked out under subclause 2 is limited to the ‘on-
   promotion’ or base rate of salary for the higher rank or employment level.

4. For subclause 2, the CDF must consider all these factors.
   a. The duties that the member is required to perform.
   b. The member’s level of competence in performing the duties.
   c. Any restriction on the rank the member can be promoted to.

   **Example:** The difference between a specialist officer’s or Other Rank member’s
   actual competency level and the competency level of the higher position.

   d. Any other factor relevant to the member’s performance of the duties.

   **Example:** A member is directed to act in a position two ranks higher than their substantive
   rank. The CDF determines to pay them at a salary only one rank higher than their
   substantive rank because the member cannot perform all of the duties of the position.

5. Partial performance is not payable to a specialist officer or Other Rank member who
   performs duties at a higher competency level within their substantive rank.

6. If a member would be entitled to higher duties allowance at the next highest rank as a result
   of the decision under subclause 2, then both that decision and the direction to the member
   to perform partial higher duties may be made by a member (the **directing member**) who
   meets all of these conditions.
   a. The vacant position to be filled is at the rank of Major or below.
b. The vacant position is not a specialist officer position.

c. The directing member is within the same unit as the member they direct to perform higher duties.

d. The directing member is at least one rank higher than the vacant position.

e. The directing member is in the chain of command of the member who they direct to perform in the vacant position.

f. The directing member is satisfied that the duties of the vacant position are not already, or cannot be, distributed among other members.

g. The directing member is satisfied that the member can perform the duties competently.

Note: Each decision under this subclause must be made separately after considering the individual member's ability. It is not possible to direct several members to perform higher duties at once.

4.1.21 Duties not in the ADF

1. This clause applies if an eligible member is directed to perform higher duties in a position that is not in the ADF. This includes a position in a foreign force or the APS.

Note 1: A member who serves in a foreign force is remunerated under an administrative arrangement. It is called a memorandum of understanding (MOU) and is made between the Commonwealth and the foreign force’s governing body.

Note 2: The member does not become a member of the other Service.

2. The member's rate of higher duties allowance is worked out using the rank, employment category or employment level that the CDF determines as suitable for the duties.

3. For subclause 2, the CDF must consider a written submission from the member's Commanding Officer or supervisor. The submission must address all these criteria.

a. The nature and complexity of the duties.

b. The responsibilities involved in performing the duties.

c. The level of supervision to be exercised when performing the duties.

d. The level of accountability for personnel, finance, machinery or other equipment.

e. If applicable, any APS classification that would normally apply to the duties.

f. Any other factor relevant to performance of the duties.
Division 4: Termination of higher duties

4.1.22  Early termination of higher duties

1. A direction to perform higher duties can be rescinded, revoked, or varied by giving written notice to the member. The notice may be made by a member who meets both these conditions.
   a. They are at least one rank higher than the vacant position.
   b. They are in the chain of command of the member performing the higher duties.

2. A change in the direction to perform higher duties can be effective from the latest of these days.
   a. The day that the member is notified of the change.
   b. A later day specified in the notice.

Example: A member is directed to fill a higher position for a specific period. During that period they are required to go on operations at their substantive (lower) rank. They continue to be eligible for higher duties allowance unless they get a notice to stop acting in the higher position. The change to a direction to perform higher duties cannot be made retrospectively.

4.1.23  Automatic termination of higher duties

A member's entitlement to higher duties allowance ends on the earliest of these days.

a. The day the direction to perform the higher duties ends.

b. If the member is not posted into the vacant position, three months after the start of the direction to perform higher duties.

c. The effective date of a new posting order issued to the member.
Part 2: Service allowance

This Part is reserved for publication in the *ADF Pay and Conditions Manual* of DFRT Determination No. 11 of 1994, Service Allowance, made under section 58H of the *Defence Act 1903*. 
Part 3: Qualification and occupation-based allowances

This Part is reserved for publication in the *ADF Pay and Conditions Manual* of the following DFRT Determinations made under section 58H of the *Defence Act 1903*:

- Determination No. 4 of 1992, Flight Duties Allowance
- Determination No. 14 of 1992, Language Proficiency Allowance
- Determination No. 9 of 1995, Submarine Service Allowance
- Determination No. 14 of 1995, Field Allowance
- Determination No. 1 of 1996, Seagoing Allowance
- Determination No. 10 of 1996, Hard Lying Allowance
- Determination No. 15 of 1996, Adventurous Training Instructor Allowance
- Determination No. 7 of 1997, Flying Allowance
- Determination No. 12 of 1997, Arduous Conditions Allowance
- Determination No. 6 of 1998, Diving Allowance
- Determination No. 20 of 1999, Experimental Diving Allowance
- Determination No. 21 of 1999, Submarine Escape Allowance
- Determination No. 2 of 2001, Paratrooper Allowance
- Determination No. 11 of 2002, Special Action Forces Allowance
- Determination No. 19 of 2002, Specialist Operations Allowance
- Determination No. 17 of 2004, Navy Medical Grades (Additional Responsibility) Allowance
Part 4: Location allowances

4.4.1 Overview

This Part sets out entitlements to a range of allowances that may be available to a member serving in a remote location within Australia.

4.4.2 Contents

This Part includes the following Divisions and Annexes:

Division 1  District allowance – general and rates
Division 2  District allowance – movement to or from remote location
Division 3  Woomera allowance
Division 4  Port Wakefield allowance
Division 5  Air-conditioning allowance
Division 6  Bare base allowance
Division 7  Allowances for service in the Antarctic – overview
Division 8  Allowances for service in the Antarctic – Antarctic allowance
Division 9  Allowances for service in the Antarctic – Common duties allowance
Division 10 Allowances for service in the Antarctic – Antarctic parity allowance
Annex 4.4.A Remote locations for district allowance
Division 1: District allowance – general and rates

4.4.3 Purpose

District allowance compensates for service in a location in Australia that involves hardship. The hardship must be caused by remoteness, harsh climate and cost of living.

4.4.4 Definitions

This table defines terms used in this Division.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade</td>
<td>For a remote location, the grade specified for it in Annex 4.4.A.</td>
</tr>
<tr>
<td>Harbour craft</td>
<td>A vessel that is not liable, in the ordinary course of duty with the ADF, to be ordered to sea.</td>
</tr>
<tr>
<td>Remote location</td>
<td>A location mentioned in Annex 4.4.A.</td>
</tr>
</tbody>
</table>

4.4.5 Members who are entitled

1. A member is entitled to district allowance if they meet any of these conditions.
   a. They are posted to, and live at, a remote location.
   b. They serve on temporary duty at a remote location for a continuous period of more than 21 days.
   c. They are posted for service in a seagoing ship based at a remote location.

2. A member on Reserve service is entitled to district allowance if they meet both these conditions.
   a. They serve on temporary duty at a remote location.
   b. Their temporary duty is for a continuous period of more than 21 days.

4.4.6 Members who are not entitled

A member is not entitled to district allowance for any period when they are entitled to either of these allowances.

a. Woomera allowance at a rate higher than the rate of district allowance they would be entitled to under this Division.

   See also: Division 2, District allowance – movement to or from remote location

   b. Antarctic allowance.

   See: Division 8, Allowances for service in the Antarctic – Antarctic allowance
### 4.4.7 Period of entitlement

This table sets out an eligible member's period of entitlement to district allowance.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member is…</th>
<th>then their period of entitlement is…</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>from</td>
</tr>
<tr>
<td>1.</td>
<td>posted for duty at a remote location and they live there</td>
<td>the later of these two days: a. the effective date of their posting to the location b. the day they arrive at the location. This means the day that the member arrives. It does not mean the day their dependants arrive if that is on an earlier day</td>
</tr>
<tr>
<td>2.</td>
<td>serving on temporary duty at a remote location for a continuous period of more than 21 days</td>
<td>the day they begin the period of temporary duty</td>
</tr>
<tr>
<td>3.</td>
<td>posted for service in a seagoing ship based at a remote location, and they are one of these members. a. A member with dependants who stay at the location during any absences of the member at sea, on temporary duty or on recreation leave</td>
<td>the period of the posting.</td>
</tr>
<tr>
<td></td>
<td>b. Any other member</td>
<td>any period that the ship is in port at the location.</td>
</tr>
</tbody>
</table>

**Example 1:** A member is posted to a remote location to begin duty in January. They move their dependants to the location in December so they can settle into accommodation and sort out schooling. The member arrives in January to begin duty. Their entitlement to district allowance begins on the day the member arrives.

**Example 2:** A member posted to Canberra undertakes 24 days' continuous temporary duty in Townsville. The member qualifies for district allowance after 21 days. The allowance is paid with effect from their first day of temporary duty in Townsville.

### 4.4.8 Grading of locations

Remote locations are graded A, B, C or D according to how difficult they are. Annex 4.4.A contains a list of currently approved locations and grades.

**See:** Annex 4.4.A, Remote locations for district allowance

### 4.4.9 Rate of allowance – member living in

This table sets out the rates of district allowance payable to a member who lives in at a remote location. The rates in this table apply to a member without dependants or with dependants (separated).
<table>
<thead>
<tr>
<th>Item</th>
<th>If the member is living in at a location graded...</th>
<th>then their yearly rate of allowance is ($)...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>A</td>
<td>520</td>
</tr>
<tr>
<td>2.</td>
<td>B</td>
<td>1,340</td>
</tr>
<tr>
<td>3.</td>
<td>C</td>
<td>1,900</td>
</tr>
<tr>
<td>4.</td>
<td>D</td>
<td>3,040</td>
</tr>
</tbody>
</table>

### 4.4.10 Rate of allowance – member living out

1. This table sets out the rate of district allowance payable to a member who lives out at a remote location.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member is a member...</th>
<th>and they are living out at a location graded...</th>
<th>then their yearly rate of allowance is... ($)...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>with dependants, and items 2, 3 or 4 do not apply</td>
<td>A</td>
<td>1,460</td>
</tr>
<tr>
<td></td>
<td></td>
<td>B</td>
<td>3,520</td>
</tr>
<tr>
<td></td>
<td></td>
<td>C</td>
<td>4,770</td>
</tr>
<tr>
<td></td>
<td></td>
<td>D</td>
<td>7,010</td>
</tr>
<tr>
<td>2.</td>
<td>with dependants, and one or more of those dependants meets all these criteria.</td>
<td>A</td>
<td>740</td>
</tr>
<tr>
<td></td>
<td>a. They are employed.</td>
<td>B</td>
<td>1,920</td>
</tr>
<tr>
<td></td>
<td>b. They are paid a similar allowance by their employer.</td>
<td>C</td>
<td>2,710</td>
</tr>
<tr>
<td></td>
<td>c. The rate of their allowance is the same as or more than the rate of allowance a member would get under item 1.</td>
<td>D</td>
<td>4,340</td>
</tr>
<tr>
<td>3.</td>
<td>with dependants, and each dependant normally living with them has a yearly income of $16,830 or more</td>
<td>A</td>
<td>740</td>
</tr>
<tr>
<td></td>
<td></td>
<td>B</td>
<td>1,920</td>
</tr>
<tr>
<td></td>
<td></td>
<td>C</td>
<td>2,710</td>
</tr>
<tr>
<td></td>
<td></td>
<td>D</td>
<td>4,340</td>
</tr>
<tr>
<td>4.</td>
<td>with dependants (separated)</td>
<td>A</td>
<td>740</td>
</tr>
<tr>
<td></td>
<td></td>
<td>B</td>
<td>1,920</td>
</tr>
<tr>
<td></td>
<td></td>
<td>C</td>
<td>2,710</td>
</tr>
<tr>
<td></td>
<td></td>
<td>D</td>
<td>4,340</td>
</tr>
<tr>
<td>5.</td>
<td>without dependants</td>
<td>A</td>
<td>740</td>
</tr>
<tr>
<td></td>
<td></td>
<td>B</td>
<td>1,920</td>
</tr>
<tr>
<td></td>
<td></td>
<td>C</td>
<td>2,710</td>
</tr>
<tr>
<td></td>
<td></td>
<td>D</td>
<td>4,340</td>
</tr>
</tbody>
</table>

2. This subclause applies to a member living out who must live in for Service reasons then go back to living out immediately afterwards. The member is taken to be living out for these periods.

   a. The period they live in, up to 30 days.

   b. Any further part of the period they live in while any dependants remain at the remote location.
Division 2: District allowance – movement to or from remote location

4.4.11 Absence for temporary duty

1. This clause applies if a member on district allowance is away from a remote location for either of these reasons.
   a. They are serving a period of temporary duty.
   b. They are serving in a harbour craft temporarily commissioned as a seagoing ship.

2. The member is entitled to district allowance for up to 30 days if they return to the remote location immediately after the absence.

3. The member is entitled to the allowance for more than 30 days if they meet either of these conditions.
   a. They are a member with dependants (separated) whose dependants stay at the remote location.
   b. They are a member with no dependants living at the remote location and the temporary duty is in another remote location.

4. A member may not return to the remote location immediately after their absence because they are posted to another location. In this case, their entitlement to the allowance ends on the effective date of posting.

Exceptions: This subclause does not apply if clause 4.4.12, 4.4.13, 4.4.14 or 4.4.15 applies.

4.4.12 On leave and returning to duty

This table sets out a member's entitlement to district allowance if they go on leave while they are getting the allowance.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member goes on a period of…</th>
<th>then they are entitled to the allowance for…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>long service leave</td>
<td>the period, while they or at least one of their dependants stays at a remote location.</td>
</tr>
<tr>
<td>2.</td>
<td>recreation leave</td>
<td>the period, if they are to return to duty at a remote location at the end of the period.</td>
</tr>
<tr>
<td>3.</td>
<td>compassionate or carer's leave</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>absence from duty while ill or in hospital</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>leave without pay</td>
<td>no period of the leave.</td>
</tr>
</tbody>
</table>

4.4.13 Payment after completion of duty

1. This clause applies if a member meets any of these conditions immediately after the end of a period of duty at a remote location.
   a. They are granted a period of recreation leave. This includes any period of travelling leave.
   b. They are granted an absence from duty for illness.
   c. They are hospitalised.

2. The period of leave or absence is taken to be a period of duty at the remote location. The member is entitled to district allowance for the period, subject to subclause 3.
3. The period under subclause 2 must not be more than the period of recreation leave that the member accrued for service at the remote location.

4. For Service reasons, the member may not be able to take a period of recreation leave immediately after a period of duty at the remote location. In this case, they are entitled to the allowance as if they had taken the leave.

5. For Service reasons, the member may not be able to take all or part of the leave they accrued in the remote location immediately after they complete their posting. In this case, they are entitled to a lump sum. The lump sum will be equal to the amount of district allowance for the leave they accrued and did not take.

4.4.14 Posting from one remote location to another remote location

1. This subclause applies if a member is posted from one remote location to another remote location.

2. The member is entitled to district allowance at the rate for the old posting until the beginning of their posting period at the new location. This is unless subclause 4 applies.

   Example: A member is posted to Townsville, and is then posted to Darwin. The member remains on the Townsville rate until the date the Darwin posting takes effect. This includes periods the member may have spent in transit.

3. Subclause 4 applies if a member meets all these conditions.
   a. The member is posted from one remote location to another remote location.
   b. They are a member with dependants (separated).
   c. Their dependants remain at the former remote location.

4. This subclause applies to a member described in subclause 3. The member's allowance rate for the period is the greater of these two amounts.
   a. Their rate at the remote location they are posted from.
   b. Their rate if their dependants had accompanied them to the remote location they are posted to.

4.4.15 Posting from a remote location to non-remote location

1. This clause applies if a member meets all these conditions.
   a. They are posted from a remote location to another location. The new location is not a remote location.
   b. They are a member with dependants (separated).
   c. Their dependants stay at the remote location.

2. The member is entitled to district allowance for the period their dependants stay at the remote location.
4.4.16 Member serving a period of detention

1. This clause applies to a member with dependants who is serving a period of detention under Service law.

2. The member is entitled to the allowance they would have been paid if they meet all these conditions.
   
   a. The allowance was payable to them immediately before they began to serve a period of detention.
   
   b. At that time, they were entitled to the allowance at the full rate for a member with dependants.
      
      See: Item 1 of the table in Division 1 clause 4.4.10, Rate of allowance – member living out.
   
   c. Their dependants continue to live in the location that the allowance was payable for.

Note: Regulation 68 of the Defence Force Regulations 1952 says that a member in detention under Service law loses all allowances except those specified under this Determination.
Division 3: Woomera allowance

4.4.17 Purpose

Woomera allowance compensates a member for the isolation, harsh climate and cost of living involved in serving at Woomera.

4.4.18 Definition

’Woomera’ means the area within a radius of 80 km of the Woomera Post Office.

4.4.19 Member who is entitled

A member, including a member on Reserve service, is entitled to Woomera allowance if they meet either of these conditions.

a. They are posted to, and live at, Woomera.

b. They serve on temporary duty at Woomera for a continuous period of more than 21 days.

4.4.20 Member who is not entitled

A member is not entitled to Woomera allowance when they are entitled to a higher rate of district allowance than the rate of Woomera allowance they would be entitled to.

See: Division 1, District allowance – general and rates

4.4.21 Period of entitlement

This table sets out an eligible member's period of entitlement to Woomera allowance.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member…</th>
<th>then their period of entitlement begins on…</th>
<th>and ends on…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>is posted for duty at Woomera and they live there</td>
<td>the later of these two dates: a. the day they are posted to Woomera b. the day they arrive at Woomera. This means the day that the member arrives. It does not mean the day their dependants arrive if that is on an earlier day.</td>
<td>the day immediately before they leave Woomera.</td>
</tr>
<tr>
<td>2.</td>
<td>is on temporary duty at Woomera for a continuous period of more than 21 days</td>
<td>the day they begin the period of temporary duty</td>
<td>the day immediately before they leave Woomera.</td>
</tr>
</tbody>
</table>
4.4.22 Rate of allowance

This table sets out the rate of Woomera allowance payable to a member.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member is a member…</th>
<th>then their yearly rate of allowance is…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>with dependants and items 2, 3 or 4 do not apply</td>
<td>2,770</td>
</tr>
<tr>
<td>2.</td>
<td>with dependants, and their spouse is also a member</td>
<td>1,600</td>
</tr>
<tr>
<td>3.</td>
<td>with dependants, and at least one of the dependants living with them or their spouse is: a. employed, and b. paid an allowance by their employer the same as or more than the rate of allowance a member would get under item 1</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>with dependants, and each dependant normally living with them has a yearly income of $16,830 or more</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>of any other kind</td>
<td>1,600</td>
</tr>
</tbody>
</table>

4.4.23 Absence from Woomera

The conditions for absence from a remote location under Division 2 apply to a member’s absence from Woomera.
Division 4: Port Wakefield allowance

4.4.24 Purpose

Port Wakefield allowance compensates a member for the isolation, harsh climate and cost of living involved in serving at the Port Wakefield establishment.

4.4.25 Definition

This table defines term used in this Division.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establishment</td>
<td>Proof and Experimental Establishment at Port Wakefield in South Australia.</td>
</tr>
</tbody>
</table>

4.4.26 Entitlement

1. A member is entitled to Port Wakefield allowance if they are posted to the establishment and must live there.
2. This table sets out the rate of Port Wakefield allowance payable to a member.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member…</th>
<th>then their yearly rate of allowance is… ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>has at least one dependant living at the establishment</td>
<td>1,460</td>
</tr>
<tr>
<td>2.</td>
<td>is a member of any other kind</td>
<td>740</td>
</tr>
</tbody>
</table>

3. Port Wakefield allowance is paid from the date the member takes up residence at the establishment and ends when they leave it.

4.4.27 Member not entitled

A member serving at the establishment on temporary duty is not entitled to the allowance.

4.4.28 Absence from the establishment

The conditions for absence from a remote location under Division 2 apply to a member's absence from the establishment.
Division 5: Air-conditioning allowance

4.4.29 Purpose

Air conditioning allowance assists a member with the cost of electricity they use to operate air-conditioning units. The units must meet both these conditions.

a. They are used in a Service residence in qualifying locations within Australia.

b. They are used during a qualifying period of certain approved months of a year.

4.4.30 Member this Division applies to

This Division applies to a member who meets all these conditions.

a. They are posted to a qualifying location.

b. They live at the location in a Service residence where refrigerative air-conditioning is installed.

c. They must pay the charges listed on an acceptable account for the residence.

4.4.31 Definitions

This table defines terms used in this Division.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acceptable account</td>
<td>An account that meets all these conditions.</td>
</tr>
<tr>
<td></td>
<td>a. It is an account of charges by an electricity supply authority.</td>
</tr>
<tr>
<td></td>
<td>b. It is for the supply of electricity to a member's Service residence.</td>
</tr>
<tr>
<td></td>
<td>c. It is for electricity used for domestic purposes.</td>
</tr>
<tr>
<td></td>
<td>d. All or part of it is for refrigerative air-conditioning.</td>
</tr>
<tr>
<td></td>
<td>e. All or part of it covers all or part of the qualifying period.</td>
</tr>
<tr>
<td>Ducted air-conditioning system</td>
<td>A refrigerative air-conditioning system that uses either of these systems.</td>
</tr>
<tr>
<td></td>
<td>a. Ducting to carry cooled air to outlets in two or more rooms in a residence.</td>
</tr>
<tr>
<td></td>
<td>b. Pipes to carry refrigerant to cooling units in two or more rooms in a residence.</td>
</tr>
<tr>
<td>Refrigerative air-conditioning system</td>
<td>An electro-mechanical heat pump that uses a compressor and refrigerant fluid. It uses the fluid to cool all or part of the inside of a residence.</td>
</tr>
<tr>
<td>Qualifying location</td>
<td>A location listed in the table at clause 4.4.32.</td>
</tr>
<tr>
<td>Qualifying period</td>
<td>The period mentioned in the table opposite the qualifying location.</td>
</tr>
<tr>
<td>Room air-conditioner</td>
<td>A single refrigerative air-conditioning unit mounted in the wall or window of the room to which it provides cooled air.</td>
</tr>
<tr>
<td>Separate meter</td>
<td>A meter that records only electricity used by an air-conditioning system.</td>
</tr>
<tr>
<td>Service residence</td>
<td>Includes a residence for which a member is entitled to rent allowance.</td>
</tr>
<tr>
<td>Total charge</td>
<td>The total charge for the supply and use of electricity in the period set out on an acceptable account. The total charge does not include charges for connection, disconnection or reconnection of supply, overdue charges or other charges, or adjustment not associated with the normal supply and use of electricity.</td>
</tr>
<tr>
<td>Unit</td>
<td>One kilowatt hour.</td>
</tr>
</tbody>
</table>
4.4.32 Qualifying locations and periods

This table sets out qualifying locations and periods for air-conditioning allowance.

<table>
<thead>
<tr>
<th>Location</th>
<th>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Northern Territory</strong></td>
<td></td>
</tr>
<tr>
<td>Darwin</td>
<td>September – May</td>
</tr>
<tr>
<td>Katherine</td>
<td>September – May</td>
</tr>
<tr>
<td><strong>Queensland</strong></td>
<td></td>
</tr>
<tr>
<td>Thursday Island (including Horn Island)</td>
<td>November – March</td>
</tr>
<tr>
<td>Weipa (including RAAF Scherger)</td>
<td>October – March</td>
</tr>
<tr>
<td><strong>Western Australia</strong></td>
<td></td>
</tr>
<tr>
<td>Broome</td>
<td>September – April</td>
</tr>
<tr>
<td>Carnarvon</td>
<td>January – February</td>
</tr>
<tr>
<td>Derby</td>
<td>August – May</td>
</tr>
<tr>
<td>Exmouth (including Learmonth)</td>
<td>October – March</td>
</tr>
<tr>
<td>Karratha (including Dampier)</td>
<td>September – April</td>
</tr>
<tr>
<td>Kununurra</td>
<td>August – May</td>
</tr>
<tr>
<td>Newman</td>
<td>November – March</td>
</tr>
<tr>
<td>Port Hedland (including South Hedland)</td>
<td>October – April</td>
</tr>
<tr>
<td>Tom Price</td>
<td>October – March</td>
</tr>
</tbody>
</table>

4.4.33 Allowance – no separate meter

1. This clause applies to a member who meets both these conditions.
   a. Their air-conditioning meter is not a separate meter.
   b. They submit an acceptable account.

2. This table sets out the amount of allowance if the period covered by the account is wholly within the qualifying period.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the service residence has installed…</th>
<th>then the allowance is equal to…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>one room air-conditioner</td>
<td>50% of the total charge.</td>
</tr>
<tr>
<td>2.</td>
<td>two room air-conditioners</td>
<td>65% of the total charge.</td>
</tr>
<tr>
<td>3. a.</td>
<td>three or more room air-conditioners, or</td>
<td>70% of the total charge.</td>
</tr>
<tr>
<td>3. b.</td>
<td>a ducted air-conditioning system</td>
<td></td>
</tr>
</tbody>
</table>

3. If the period covered by the account is partly outside the qualifying period, this is how the amount of allowance is worked out.

   \[
   \text{The amount worked out under item 1, 2 or 3 in the table above} \times \frac{2 \times A}{(A + B)}
   \]

   where:

   A is the number of days covered by the account that are within the qualifying period.

   B is the number of days covered by the account.

**Example:** A member begins duty in Broome on 1 July. They live in a Service residence with a ducted air-conditioning system. Their air-conditioning meter is not a separate meter. In October, they get an acceptable account for $300 for the three-month period from 1 July to 30 September. Their allowance is $103.28, as worked out below.
\[
\frac{210}{30 + 92} \times \frac{2 \times 30}{30 + 92} = 103.28
\]

### 4.4.34 Allowance – separate meter

This table sets out the entitlement of a member who provides an acceptable account for a separate meter.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the period covered by the account is…</th>
<th>then the allowance is equal to…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>wholly within the qualifying period</td>
<td>85% of the total charge.</td>
</tr>
<tr>
<td>2.</td>
<td>partly outside the qualifying period</td>
<td>[\frac{2 \times A}{A + B}]</td>
</tr>
</tbody>
</table>

where:
- A is the number of days covered by the account that are within the qualifying period.
- B is the number of days covered by the account.

**Example of item 2:** A member begins duty in Katherine on 1 April. They live in a Service residence. Their air-conditioning is on a separate meter. In July, they get an acceptable account for $300 for the three-month period from 1 April to 30 June. Their allowance is $204.67, as worked out below.

\[
\frac{255}{61 + 91} \times \frac{2 \times 61}{61 + 91} = 204.67
\]

### 4.4.35 Member absent from location

1. This clause applies if all these conditions are met.
   a. A member and all their dependants (if any) are absent from the qualifying location. They are absent for all or part of the period of an acceptable account.
   b. Their absence is for more than one day.
   c. Their absence is wholly or partly within the qualifying period.
   d. During their absence, a person who is not a member occupies their Service residence.

2. For working out the amount of allowance under subclause 4.4.33 or 4.4.34, the period of absence is taken to be outside the qualifying period.

### 4.4.36 Special arrangements for Nhulunbuy

1. This clause applies if a member meets all these conditions.
   a. They are posted to Nhulunbuy.
   b. They live at Nhulunbuy during all or part of the period from September to June in consecutive years.
   c. They live in a Service residence that has one or more room air-conditioners installed.
d. They are responsible for paying the charges listed in an electricity account for the residence.

2. The member is entitled to an allowance equal to the cost of 1120 units of electricity for each of September, October, November, December, January, February, March, April, May and June.

3. The amount of allowance is worked out using the lowest rate in the scale of charges for the supply of general domestic electricity to a Service residence at Nhulunbuy. The amount does not include any fixed charge or service fee.

4. Rates for electricity supply may change during the approved months. In this case, the allowance is payable pro rata, based on the number of days of the month that each rate applies to.

   Example: On January 15, the lowest rate in the scale of electricity charges increases by 10%. A member's air-conditioning allowance is paid at the earlier rate from 1 to 15 January, and at the higher rate from 16 to 31 January.

5. This subclause applies if the member and all their dependants (if any) are absent from Nhulunbuy for all or part of the approved months. In this case, the member’s entitlement reduces pro rata for each full day of absence or non-residence.

4.4.37 When there are non-dependant occupants

1. A member's entitlement to air-conditioning allowance is reduced if they share their Service residence with an adult who is not their dependant.

2. The reduced amount is worked out this way.

   | The amount the member would be entitled to if no-one else lived with them | divided by | the number of non-dependant adults (plus the member) who occupy the residence during the qualifying period.

   Example: A member is entitled to $100 air-conditioning allowance a month over the qualifying period. They begin sharing a house with one other person during that period. The other person is an adult not dependent on the member. The member becomes entitled to $50 a month air-conditioning allowance. This is worked out by dividing the $100 a month initial entitlement by the two people in the household.
Division 6: Bare base allowance

4.4.38 Purpose

Bare base allowance compensates a member for the additional isolation involved in caretaker duties on Air Force bare bases when both these conditions apply.

a. The bare base is distant from its nearest town.
b. The nearest town is itself a remote location.

4.4.39 Definition

'Bare base' means RAAF Base Curtin, RAAF Base Learmonth and RAAF Base Scherger.

4.4.40 Member who is eligible

A member is eligible for bare base allowance if they meet all these conditions.

a. They are posted in a caretaker role to a bare base for at least 12 months.
b. They are required for operational reasons to live on the base.
c. They live on the base for the period of the posting.

4.4.41 Rate of allowance

This table sets out the rate of allowance a member is entitled to.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member is posted to…</th>
<th>then their yearly rate of allowance is ($)…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>a. RAAF Base Curtin, or</td>
<td>1,530</td>
</tr>
<tr>
<td></td>
<td>b. RAAF Base Learmonth</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>RAAF Base Scherger</td>
<td>1,530 plus 4,580 – a total of 6,110.</td>
</tr>
</tbody>
</table>
Division 7: Allowances for services in Antarctica – overview

4.4.42 Purpose
A range of allowances may be available to compensate a member for the demands of service in Antarctica.

4.4.43 Definitions – general
This table defines terms used in Divisions 7 to 10.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antarctica</td>
<td>The area south of the Antarctic Convergence. It includes Macquarie Island.</td>
</tr>
<tr>
<td>Antarctic Convergence</td>
<td>The same meaning as in the Convention on the Conservation of Antarctic Marine Living Resources, as set out in the Schedule to the Antarctic Marine Living Resources Conservation Act 1981.</td>
</tr>
<tr>
<td>Note:</td>
<td>Clause 4 of the Convention defines the Antarctic Convergence as follows:</td>
</tr>
<tr>
<td></td>
<td>&quot;4. The Antarctic Convergence shall be deemed to be a line joining the following points along parallels of latitude and meridians of longitude:</td>
</tr>
<tr>
<td></td>
<td>50° S, 0°; 50° S, 30° E; 45° S, 30° E; 45° S, 80° E; 55° S, 80° E; 55° S, 150° E; 60° S, 150° E; 60° S, 50° W; 50° S, 50° W; 50° S, 0°.&quot;</td>
</tr>
<tr>
<td>Day of embarkation</td>
<td>See clause 4.4.43 below.</td>
</tr>
<tr>
<td>Day of disembarkation</td>
<td>See clause 4.4.44 below.</td>
</tr>
<tr>
<td>Expedition</td>
<td>An Australian National Antarctic Research Expedition to Antarctica.</td>
</tr>
<tr>
<td>Port</td>
<td>The port specified in the expedition itinerary as the port of embarkation or disembarkation of the expedition.</td>
</tr>
</tbody>
</table>

4.4.44 Definition – day of embarkation
This table defines 'day of embarkation'.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the ship sails from a port…</th>
<th>then the day of embarkation is…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>at or before 1200</td>
<td>the day the ship sails.</td>
</tr>
<tr>
<td>2.</td>
<td>after 1200</td>
<td>the day after the ship sails.</td>
</tr>
</tbody>
</table>

4.4.45 Definition – day of disembarkation
This table defines 'day of disembarkation'.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the ship docks in a port…</th>
<th>then the day of disembarkation is…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>at or before 1200</td>
<td>the day before the ship docks.</td>
</tr>
<tr>
<td>2.</td>
<td>after 1200</td>
<td>the day the ship docks.</td>
</tr>
</tbody>
</table>
Division 8: Allowances for services in Antarctica – Antarctic allowance

4.4.46 Purpose
Antarctic allowance compensates a member for the demands of service in Antarctica.

4.4.47 Member this Division applies to
This Division applies to a member posted for duty or serving in Antarctica who meets either of these conditions.

a. They are directed to undertake duties as an integral part of an expedition. It must be intended that they remain on duty with, or support, that expedition during the summer or winter season in Antarctica.

b. They travel to Antarctica with an expedition but are not part of the expedition.

4.4.48 Rate of allowance
This table sets out the rate of Antarctic allowance a member is entitled to.

<table>
<thead>
<tr>
<th>Item</th>
<th>If subclause…</th>
<th>then they are entitled to the allowance at a rate of ($)…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>4.4.47.a applies to the member</td>
<td>8,969 a year.</td>
</tr>
<tr>
<td>2.</td>
<td>4.4.47.b applies to the member</td>
<td>4,942 a year.</td>
</tr>
</tbody>
</table>

Example 1: A member is part of a four-month expedition to Antarctica. The period includes the three months of summer. The member is entitled to an allowance of $2,990 (four-twelfths of $8,969).

Example 2: A member travels to Antarctica for a month with an expedition. The member is not part of the expedition. The member is entitled to an allowance of $411.80 (one-twelfth of $4,942).

4.4.49 Period of entitlement
1. A member’s entitlement to Antarctic allowance begins at 0001 on the day of embarkation. It ends at 2359 on the day of disembarkation.

2. If a member does not return directly to Australia immediately after service in Antarctica, payment of the allowance ends at 2359 on the last day they serve in Antarctica.

   Exception: If clause 4.4.52 applies.

4.4.50 Effect of receiving other allowances
1. This clause applies to a member who would be entitled to both Antarctic allowance and any one of these allowances.

   a. Seagoing allowance.

      See: Chapter 4 Part 3 Division 11.

   b. Submarine service allowance.

      See: Chapter 4 Part 3 Division 15.
c. Hard lying allowance.

See: Chapter 4 Part 3 Division 7.

2. The member is paid only the higher of the two allowances.

4.4.51 Member on long service leave

The allowance is not included in a member’s salary during a period of long service leave unless they remain in Antarctica during the period.

4.4.52 Recreation leave after duty in Antarctica

1. This clause applies to a member who completes service in Antarctica and is granted a period of recreation leave before beginning duty in Australia.

2. The member is entitled to Antarctic allowance for the number of days of recreation leave they accrued for service in Antarctica. The rate of allowance is the rate that applies under clause 4.4.48.

3. Subclause 1 applies to recreation leave granted immediately after any of these periods.
   a. A period of travelling leave taken immediately after the member’s period of service in Antarctica.
   b. A period of hospitalisation or absence from duty for an illness that began on or before the day the member completed service in Antarctica.
   c. A period of duty that meets both these criteria.
      i. It must be performed by the member before recreation leave can be granted.
      ii. It is performed immediately after the member’s period of service in Antarctica.
Division 9: Allowances for service in the Antarctic - Common duties allowance

4.4.53 Entitlement

1. This Division applies to a member who meets all these conditions.
   a. They are entitled to Antarctic allowance.
   b. The officer-in-charge of an expedition directs them to perform duties that are additional and unrelated to their ordinary duties.
   c. They perform the duties for a period.

2. The member is entitled to common duties allowance for the period at the rate of $8,221 a year.
Annex 4.4.A: Remote locations for district allowance

See: Chapter 4 Part 4 Division 1 clause 4.4.4

This table sets out the remote locations and their grades for district allowance.

<table>
<thead>
<tr>
<th>Remote location</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>New South Wales</strong></td>
<td></td>
</tr>
<tr>
<td>Bogan Gate</td>
<td>A</td>
</tr>
<tr>
<td>Broken Hill</td>
<td>A</td>
</tr>
<tr>
<td><strong>Northern Territory</strong></td>
<td></td>
</tr>
<tr>
<td>Alice Springs (including Jindalee)</td>
<td>B</td>
</tr>
<tr>
<td>Darwin</td>
<td>B</td>
</tr>
<tr>
<td>Jaboru (including Nourlangie, Jim Jim, Cannon Hill and East Alligator)</td>
<td>D</td>
</tr>
<tr>
<td>Katherine</td>
<td>D</td>
</tr>
<tr>
<td>Nhulunbuy</td>
<td>D</td>
</tr>
<tr>
<td>Tennant Creek</td>
<td>D</td>
</tr>
<tr>
<td>Tindal</td>
<td>D</td>
</tr>
<tr>
<td><strong>Queensland</strong></td>
<td></td>
</tr>
<tr>
<td>Atherton</td>
<td>A</td>
</tr>
<tr>
<td>Ayr</td>
<td>A</td>
</tr>
<tr>
<td>Biloela</td>
<td>A</td>
</tr>
<tr>
<td>Bowen</td>
<td>A</td>
</tr>
<tr>
<td>Cairns</td>
<td>A</td>
</tr>
<tr>
<td>Charters Towers</td>
<td>A</td>
</tr>
<tr>
<td>Ingham</td>
<td>A</td>
</tr>
<tr>
<td>Innisfail (including Cowley Beach Training Area)</td>
<td>A</td>
</tr>
<tr>
<td>Macrossan</td>
<td>A</td>
</tr>
<tr>
<td>Mount Isa</td>
<td>B</td>
</tr>
<tr>
<td>Palm Island</td>
<td>B</td>
</tr>
<tr>
<td>Roma</td>
<td>A</td>
</tr>
<tr>
<td>Shoalwater Bay Training Area</td>
<td>B</td>
</tr>
<tr>
<td>Thursday Island (including Horn Island)</td>
<td>D</td>
</tr>
<tr>
<td>Townsville</td>
<td>A</td>
</tr>
<tr>
<td>Tully</td>
<td>A</td>
</tr>
<tr>
<td>Weipa (including RAAF Scherger)</td>
<td>D</td>
</tr>
<tr>
<td>Western Australia</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>---</td>
</tr>
<tr>
<td>Broome</td>
<td>C</td>
</tr>
<tr>
<td>Carnarvon</td>
<td>A</td>
</tr>
<tr>
<td>Derby</td>
<td>D</td>
</tr>
<tr>
<td>Exmouth (including Learmonth)</td>
<td>C</td>
</tr>
<tr>
<td>Kalgoorlie</td>
<td>A</td>
</tr>
<tr>
<td>Karratha (including Dampier)</td>
<td>C</td>
</tr>
<tr>
<td>Kununurra</td>
<td>D</td>
</tr>
<tr>
<td>Newman</td>
<td>C</td>
</tr>
<tr>
<td>Port Hedland (including South Hedland)</td>
<td>C</td>
</tr>
<tr>
<td>Tom Price</td>
<td>C</td>
</tr>
<tr>
<td><strong>Other Territories</strong></td>
<td></td>
</tr>
<tr>
<td>Cocos (Keeling) Islands</td>
<td>D</td>
</tr>
</tbody>
</table>
Part 5: Meal allowance

4.5.1 Overview
This Part tells when a member, who has to work long hours, can get assistance with meals.

a. The assistance may include an allowance to pay for meals.

b. The member may have to pay towards the cost of their meals.

4.5.2 Purpose
Meal allowance assists a member to buy a meal if a Service-provided meal is not available.

See: Chapter 7 Part 7, Meals, for information relating to meals provided by the Commonwealth at low cost.

4.5.3 Member this Part applies to
This Part applies to a member who meets either of these conditions, unless clause 4.5.4 applies.

a. They are serving in Australia. This includes a member on Reserve service.

b. They are an applicant for entry into the ADF and clause 2.1.4 applies to them.

4.5.4 Meal allowance not paid
Meal allowance is not paid for a meal period when any of these conditions are met.

a. The member is entitled to travelling allowance or use of the travel card.

b. The Commonwealth makes a meal available to the member.

c. A meal is included in the fare for a journey.

d. A transport operator makes a meal available to the member.

Exception: An in-flight meal on a commercial aircraft does not count as a meal for this Part. Meal allowance is still payable to a member who gets an in-flight meal.

4.5.5 Meal period – definition
For a member who lives in, a meal period under this Part includes the periods when their mess provides meals.
4.5.6 Member who lives in

1. This clause applies to a member who lives in and pays a contribution for meals under Chapter 7 Part 7 clause 7.7.5. The member must meet one of these conditions.
   a. They are on duty away from their normal place of duty during a meal period.
   b. They are performing duty at their normal place of duty during a meal period.
   c. They perform extra duty before or after normal duty and one of these conditions is met.
      i. They get a meal break between the normal duty and the extra duty.
      ii. They do not get a meal break after the normal duty. The extra duty runs until after the next meal period.
   d. Their normal place of duty is in a capital city. This applies for lunch only.

2. The member is entitled to a meal allowance for the meal period. This is only if it is not reasonably practical for them to do one of the following.
   a. Return to their normal mess during the meal period.
   b. Get a meal at Commonwealth expense during the meal period.

4.5.7 Member who lives out

1. This clause applies to a member who lives out and buys a meal during a meal period.

2. The member is entitled to a meal allowance for the meal period if they cannot go home for the meal for any of these reasons.
   a. They perform extra duty before or after normal duty and one of the following happens.
      i. They get a meal break between the normal duty and the extra duty.
      ii. They do not get a meal break and the extra duty extends through the next meal period after the normal hours of duty.
   b. They are on duty at a place where the Commonwealth does not provide a meal and the duty meets one of these conditions.
      i. It starts three or more hours before their rostered time for starting duty.
      ii. It finishes three or more hours after their rostered time for finishing duty.
   c. All of these circumstances prevent the member going home for lunch.
      i. They begin normal duty after a period of extra duty overnight.
      ii. They cannot go home before starting the normal duty.
      iii. They finish the normal duty at or after 1400 hours.
4.5.8 Country applicants to the ADF

1. This clause applies to a person who applies to be appointed or enlisted in the ADF.

2. The person may be entitled to a meal allowance. They must meet all these conditions.
   a. They are required to have an examination or interview to check if they can be appointed or enlisted.
   b. They attend a recruiting centre for the examination or interview.
   c. They live at a location not served by the public transport system of the city or town where the recruiting centre is located.
   d. They travel between their home and the recruiting centre for a period that meets both these conditions.
      i. It does not extend overnight.
      ii. It includes a period that would be a meal period under this Part.

Exception: Meal allowance is not payable if a meal is provided at Commonwealth expense.

4.5.9 Rates of allowance

This table sets out the rates of meal allowance.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the meal is…</th>
<th>then the rate of allowance is ($)…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. breakfast</td>
<td></td>
<td>16.40</td>
</tr>
<tr>
<td>2. lunch</td>
<td>under paragraph 4.5.6.1.d</td>
<td>7.50</td>
</tr>
<tr>
<td>3. any other lunch</td>
<td></td>
<td>18.75</td>
</tr>
<tr>
<td>4. dinner</td>
<td></td>
<td>27.60</td>
</tr>
</tbody>
</table>
Part 6: Additional remuneration for star rank officers

4.6.1 Purpose

The purpose of this Part is threefold.

a. To recognise and reward the professional contribution of star rank officers in meeting the greater internal and external demands involved in giving effect to the Government's Defence policy.

b. To provide employment conditions that reflect contemporary management practices.

c. To retain highly skilled star rank officers.

4.6.2 Member this Part applies to

1. This Part applies to a member who holds a star rank.

2. Clauses 4.6.4 to 4.6.7 inclusive also apply to members of the Reserves who hold a star rank.

4.6.3 Definitions

This table defines terms used in this Part.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Part</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Vehicle Scheme guidelines</td>
<td>Any of these guidelines or instructions.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Privately-plated Defence vehicle</td>
<td>For a member, a privately-plated vehicle that is:</td>
</tr>
<tr>
<td></td>
<td>a. leased by the Department of Defence; and</td>
</tr>
<tr>
<td></td>
<td>b. allocated to the member under the Executive Vehicle Scheme guidelines.</td>
</tr>
<tr>
<td>Salaries Determination</td>
<td>Determination No. 6 of 1992, Salaries, as in force from time to time.</td>
</tr>
<tr>
<td></td>
<td><strong>See:</strong> Chapter 3 Part 1, Entitlement and calculation of salaries..</td>
</tr>
<tr>
<td>Special Defence vehicle</td>
<td>A vehicle (other than a privately-plated Defence vehicle) that is owned or leased by the Department of Defence and is one of the following.</td>
</tr>
<tr>
<td></td>
<td>a. A Z-plated vehicle.</td>
</tr>
<tr>
<td></td>
<td>b. An Army, Navy or Air Force plated vehicle.</td>
</tr>
<tr>
<td></td>
<td>c. Any other Commonwealth vehicle that is on loan to the member for home garaging.</td>
</tr>
<tr>
<td>Star rank</td>
<td>The substantive rank of Brigadier or Major General. This includes a reference to that rank in relation to a member who is promoted for a specified period under regulation 35 of the Defence (Personnel) Regulations 2002.</td>
</tr>
</tbody>
</table>

4.6.4 Air ticket may be downgraded to fund extra ticket

1. A member who is entitled to a business class air ticket may do the following.

a. Choose in writing to take an economy class ticket instead of the business class ticket.
b. Use the difference in the cost of fares to fund a second economy class ticket.

c. Personally provide any extra amount necessary to pay for the purchase of the second ticket and related fringe benefits tax liability.

2. The member may not do either of the following.

   a. Receive a refund if the cost of the second ticket is less than the difference between the business class and economy fares.

   b. Use official frequent flyer points to upgrade the travel from economy class.

### 4.6.5 Membership of airline club

A member is entitled to membership of the airline club for the airline that is contracted to provide domestic air travel services to the Department of Defence.

### 4.6.6 Home computing facilities

1. A member is entitled to departmental computing equipment, software and ongoing support and maintenance for home use.

   **Examples of computing equipment:**

   Personal computer with monitor or laptop computer, laser printer and modem.

   **Examples of software:**

   Internet, word processing and statistical software.

2. The member is not entitled to be reimbursed costs for Internet use.

3. A member of the Reserves is only entitled under this clause when both these conditions apply.

   a. The member is undertaking full-time service or an appointment listed in Schedule 12 to the Salaries Determination.

      **See:** [Annex 3.1.T](#), Scale of annual rates – Officers of the Reserve Forces who hold specified appointments.

   b. The member’s commanding officer or manager approves that the entitlement be made available, having regard to the duties that the member is required to perform.

### 4.6.7 Mobile telephone

1. The member is entitled to a mobile telephone.

2. The Department of Defence will meet the cost of providing and operating the telephone, including limited personal use.

3. A member of the Reserves is only entitled under this clause when both these conditions apply.

   a. The member is undertaking full-time service or an appointment listed in Schedule 12 to the Salaries Determination.

   b. The member’s commanding officer or manager approves that the entitlement be made available, having regard to the duties that the member is required to perform.
4.6.8 Privately-plated Defence vehicle

1. A member is entitled to a privately-plated Defence vehicle.

   Exception: A period when both these conditions apply.

   a. The member is offered the use of a special Defence vehicle by virtue of the command appointment that the member holds.

   b. The member chooses to take that vehicle.

2. A member who holds the temporary or acting rank of Brigadier or Major General is entitled to privately-plated Defence vehicle if both these conditions apply.

   a. The member holds the temporary or acting rank for continuous period of four weeks or more

   b. A privately-plated Defence vehicle is available to be allocated to them.

3. The member may use the fuel card for their privately-plated vehicle while they are on a period of paid leave up to four weeks long.

4.6.9 Allowance instead of privately-plated Defence vehicle

1. This clause applies to a member to whom subclause 4.6.8.1 or 2 would otherwise apply, if both these conditions are met.

   a. The member asks to be paid an allowance instead of receiving a privately-plated Defence vehicle. The request must be in writing.

   b. The CDF approves the member’s request.

2. For subclause 1, the CDF must consider all these matters.

   a. The operational requirements of the Defence Organisation.

   b. The status of the lease on member’s current privately-plated Defence vehicle (if any).

   c. If the member is serving overseas on an operational deployment.

   d. Reports on the level of usage of the member’s privately-plated Defence vehicle (if any) for official purposes.

   e. The need for a vehicle for official use by other personnel in the member’s workplace.

   f. The cost of alternative transport arrangements for the member and other personnel in the member’s workplace.

   g. The absence of a vehicle to satisfy the member’s entitlement under subclause 4.6.8.2.

   h. Any other factor relevant to the member’s use of a privately-plated Defence vehicle.

3. The member is entitled to an allowance at the rate of $17,000 a year. The allowance is not paid if the member meets both these conditions.

   a. The member is offered the use of a special Defence vehicle by virtue of the command appointment that the member holds.

   b. The member chooses to take that vehicle.

4. If the member is overseas on an operational deployment, the CDF may approve a request by the member to be paid an allowance under this clause before the end of the lease on their privately-plated Defence vehicle. This is subject to any early return fees being deducted from the allowance before any payment of the allowance is made.
Example 1: A decision-maker decides not to approve the allowance option unless the current lease on the member’s privately-plated Defence vehicle (if any) has expired, having regard to paragraph 4.6.9.2.b.

Example 2: A decision maker chooses to approve a request, if there is no pressing official use for the vehicle (under paragraph 4.6.9.2.a). In doing so, they would note that its removal may impose costs on Defence in relation to other personnel who no longer have access to it (under paragraph 4.6.9.2.f). The decision maker may also consider the cost of alternative transport arrangements for the member (such as cab charges) under paragraph 4.6.9.2.f.

Example 3: If the reported usage of the vehicle is in the low or very low category, then the decision maker might approve the request, having regard to paragraph 4.6.9.2.d. Approval in relation to vehicles with high or very high use for official purposes would only be given in exceptional circumstances, because of the potentially high costs of providing alternative transport (paragraph 4.6.9.2.f).

Example 4: Members who cash out their vehicles are to make optimum use of shuttle services and other official vehicles for transport for official purposes. The use of cab charges and private vehicles for which vehicle allowance may be claimed is to be kept to a minimum.

Example 5: A decision-maker would normally approve payment of an allowance to a member who holds acting or temporary rank, but who is not able to be given a privately-plated Defence vehicle because none are available to be allocated to the member, having regard to paragraph 4.6.9.2.g.

4.6.10 Parking space

The member is entitled to a free parking space at or near their workplace.
Part 7: Training payments

4.7.1 Overview

This Part outlines allowances that may be available to either of these members.

a. A trainee with an eligible dependant.

b. A member who undertakes a period of compulsory medical residency at a civilian hospital.

4.7.2 Contents

This Part includes the following Divisions:

- Division 1: Trainee’s dependant allowance
- Division 2: Medical residency – additional salary
- Division 3: Former medical or dental officer – refresher training
- Division 4: Australian Defence Force Academy textbooks
- Division 5: In-service medical officers – refresher training
Division 1: Trainee's dependant allowance

4.7.3 Purpose
Trainee's dependant allowance supplements a trainee's salary when they are supporting one or more eligible dependants.

4.7.4 Definition
This table outlines the definition used in this Division.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligible dependant</td>
<td>a. The trainee's dependant, or</td>
</tr>
<tr>
<td></td>
<td>b. Another person who is:</td>
</tr>
<tr>
<td></td>
<td>- under 16 years old, and</td>
</tr>
<tr>
<td></td>
<td>- living with the trainee, and</td>
</tr>
<tr>
<td></td>
<td>- wholly or substantially dependent on the trainee.</td>
</tr>
</tbody>
</table>

4.7.5 Member this Division applies to
This Division applies to a trainee in the Permanent Forces whose salary is less than the salary of a Private in Pay Group 1.

Note: For the salary of a Private in Pay Group 1, Schedule 6 to DFRT Determination No 6 of 1992
See: Annex 3.1.L, Scale of annual rates – other rank of the Permanent Force.

4.7.6 When this Division does not apply
This Division does not apply if any of these criteria are met.

a. If the trainee's eligible dependant has an income of $16,830 or more in a financial year.

b. The trainee is not entitled to salary.

c. The member is on Reserve service.

4.7.7 Rate of entitlement
1. The rate of trainee's dependant allowance is the difference between their rate of salary, plus service allowance (if any), and the annual salary for a Private in Pay Group 1.

Example: A trainee receives a salary of $23,666. The annual salary for a Private in Pay Group 1 is $30,919. In this case, the annual trainee's dependant allowance is $7,253.

2. Trainee's dependant allowance is paid fortnightly based on the annual amount.

4.7.8 Dual entitlement
1. If the trainee's spouse is a member and is also entitled to the trainee's dependant allowance, they will share the allowance.

2. This table describes the rates under dual entitlement.
<table>
<thead>
<tr>
<th>Item</th>
<th>If the trainee and spouse have…</th>
<th>the rate for each is…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>the same rate of salary</td>
<td>half the difference between their individual rate and the salary of a Private in Pay Group 1.</td>
</tr>
<tr>
<td>2.</td>
<td>different rates of salary</td>
<td>half the difference between the lower individual rate and the salary of a Private in Pay Group 1.</td>
</tr>
</tbody>
</table>
Division 2: Medical residency – additional salary

4.7.9 Purpose

1. This Division supplements the salary for a member who works as a resident medical officer at a civilian hospital.

2. A member is paid additional salary to equal the salary and allowances they would have received if they had been a civilian resident medical officer at the hospital.

4.7.10 Members this Division applies to

This Division applies to a member who undertakes a period of compulsory residency at a civilian hospital with the approval of the CDF.

4.7.11 Rate of entitlement

The rate of additional salary is worked out by calculating the difference between these two amounts.

a. What the civilian hospital pays Defence for the member's services.

b. What the member receives by way of the total of all these payments from Defence.

   i. Salary.

   ii. Service allowance.

   iii. District allowance, if applicable.

4.7.12 Payment for accrued leave

The member is entitled to payment for any leave accrued but not granted during their period of compulsory residency, less any payment instead of leave made by the hospital.

4.7.13 Conditions of entitlement

1. The sponsored member works full-time at the hospital providing the training.

2. The member remains in ADF service. They work under an arrangement agreed between the hospital and the Commonwealth. The member will not become an employee of the hospital.

3. The member retains all the conditions of service of full-time members.
Division 3: Former medical or dental officer – refresher training

4.7.14 Purpose
Refresher training assistance assists a former member who served as a medical or dental officer with the costs of training to better equip them for civilian practice or employment.

4.7.15 Definition

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refresher training course</td>
<td>A course of study, approved by the CDF, to be undertaken by a former member in aspects of medical or dental practice that are not normally found in the ADF.</td>
</tr>
</tbody>
</table>

4.7.16 Members this Division applies to
This Division applies to a former member who served on a fixed-term appointment as a medical or dental officer, if they meet all of these criteria.

a. They were appointed before graduation or within two years after first registration as a medical or dental practitioner.
b. They completed at least four years’ continuous full-time service as a medical or dental officer before ceasing to be a member.
c. They begin a refresher training course within 12 months of ceasing service.
d. They have not, on the day they begin the training course, been appointed as an officer on an indefinite appointment.

4.7.17 Conditions for refresher training payment
1. The former member is entitled to a payment for the refresher training course if the CDF considers it reasonable for them to undertake it.
2. In deeming it reasonable, the CDF must consider all of these criteria.
   a. How much the length and nature of the former member’s service has impaired their ability to undertake civilian medical or dental practice or employment.
   b. How much the former member’s completion of the course would remedy any impairment.
   c. Any other factor relevant to the former member’s ability to undertake such practice or employment.
3. Payment is available for the period of a course to a maximum of 90 days.
4. Only one payment can be made to a member under this Division.

4.7.18 Amount of payment
1. The amount of payment is worked out by calculating the difference between these two amounts.
   a. The salary the former member would have been receiving (including any higher duties allowance) if, on the day the training course begins, they were still in the ADF with the rank they had when they left it.
b. The salary (excluding overtime or penalty rates) a civilian employer would pay them on the day they begin the course.

2. If the member's salary in a. is more than that in b, a daily payment is worked out for the period of the course up to a maximum of 90 days.

**Example 1:** A medical officer left the ADF on 30 June on a salary of $70,000 a year. They begin a 90-day refresher training course on 1 February the following year. The salary for their rank in the ADF had risen to $75,000 during those seven months.

The salary payable to them at the start of the course by the civilian employer is $65,000.

Their daily rate is therefore $111, worked out as follows:

$$75,000 - 65,000 = 10,000 \div 90 = 111$$

**Example 2:** A dental officer left the ADF on 30 June on a salary of $50,000 a year. They begin a 90-day refresher training course on 1 February the following year. The salary for their rank in the ADF had risen to $55,000 over that period.

The salary payable to them at the start of the course by the civilian employer is $50,000.

The dental officer is not entitled to a payment.

3. Applications should be forwarded to the Defence Force Pay Accounting Centre after they are approved. The payment will be made as if it was salary paid on ceasing continuous full-time service.
Division 4: Australian Defence Force Academy textbooks

4.7.19 Purpose

Members of the Australian Defence Force Academy are entitled to assistance with the costs of buying textbooks.

4.7.20 Member this Part applies to

This Part applies to a trainee who is an undergraduate posted to the Australian Defence Force Academy.

4.7.21 Reimbursement for cost of textbooks

1. The member is entitled to be reimbursed for what they pay for books listed by the Australian Defence Force Academy for use in an academic year.

2. The amount of reimbursement in an academic year will be no more than $323.
Division 5: In-service medical officers – refresher training

4.7.22 Purpose

In-service training assistance is provided to serving medical officers to allow them to undertake refresher training or experience, except where the training is a Service requirement.

4.7.23 Members this Division applies to

This Division applies to a medical officer serving on an indefinite appointment.

4.7.24 Conditions of training

1. The CDF may approve the member to undertake refresher training for a maximum of 12 months on full salary after each completed six years of service.

2. The CDF may approve the member to do the training in one or more periods over the member's service, subject to Service requirements.

3. These persons can approve applications from members under subclause 1 or 2.
   a. Director Naval Officers' Postings.
   b. Director Officer Career Management.
   c. Director Personnel Officers – Air Force.
   d. Director General Navy Personnel and Training.
   e. Commander Australian Navy Systems Command.
   f. Director General Personnel – Army.
   g. Director General Personnel – Air Force.

4.7.25 Additional allowance

1. When the member's refresher training takes place at a civilian hospital, they are entitled to an allowance if their hospital remuneration is greater than the remuneration they would otherwise be paid by the ADF.

2. For subclause 1, the member's Service remuneration is worked out as sum of these amounts that were payable to the member, at the rank they held immediately before they started the training course.
   b. Service allowance.

   Note: The member remains in ADF service. They work under an arrangement agreed between the hospital and the Commonwealth that allows them to continue to receive ADF salary. The member will not become an employee of the institution.

3. The allowance is paid at the end of each three-month period of training.

4. The amount of the allowance is worked out by subtracting the amount of hospital remuneration payable to them from the amount of Service remuneration they would otherwise have received for the same period.
### Step 1
Contact the civilian hospital and find out the annual salary paid to a civilian medical officer doing the same work as the member.

### Step 2
Calculate the member's annual Service salary and allowances. This includes the sum of these amounts.
- **a. Base salary.**
- **b. Service allowance.**

### Step 3
Subtract the amount obtained in step 2 from the amount obtained in step 1.
**Result:** The difference is the annual rate of additional allowance.

### Step 4
Divide the annual amount of additional allowance payable to the member by 4.
**Result:** The amount calculated is the quarterly rate of additional allowance payable to the member.

---

### 4.7.26 Expenses associated with training

1. The member is entitled to be reimbursed for these costs.
   - **a.** Compulsory fees for the training.
   - **b.** The cost of textbooks prescribed for a course.

2. The ADF may make available, for the duration of the training, medical instruments the member must use in the training.

3. The member is responsible for costs of any travel or removal needed to complete the training.
Part 8: Reserves and Cadets

4.8.1 Overview

The ADF provides a range of fees and bonuses for members of the Reserves, including legal officers, members of the former Emergency Forces, and Airfield Defence Guards.

4.8.2 Contents

This Part includes the following Divisions:

Division 1 Legal officer sessional fee
Division 2 Airfield Defence Guards (annual proficiency bonus)
Division 3 Emergency Forces gratuity and Army Individual Reserve entitlements – transitional provisions
Division 4 Army’s Reserve Response Force – annual bonus
Division 5 Attendance allowance
Division 6 Cadet forces allowance
Division 1: Legal officer sessional fee

4.8.3 Purpose

The ADF compensates Reserve legal officers for certain professional work they perform for the ADF. This compensation is known as a legal officer sessional fee.

4.8.4 Members this Division applies to

This Division applies to a legal officer who is a member of the Reserves.

4.8.5 Duties attracting a sessional fee

1. A legal officer is entitled to a sessional fee if they meet both criteria a. and b. below.
   a. They perform legal duties in the ADF when they would otherwise be working in a private professional capacity as a barrister or solicitor during normal working hours. 
      
      Note: ‘Normal working hours’ are between 0900 and 1700 hours Monday to Friday (inclusive), unless the day is a public holiday in the State or Territory where the legal officer lives.
   b. They perform one or more of the duties described in subparagraphs i to viii below. The duties must be approved in advance by the CDF.
      
      i. Military duty as a Judge Advocate or Defence Force Magistrate in a disciplinary proceeding.
      
      ii. Military duty as a prosecutor or defending officer, or their assistant, while appearing before a:
           • Court Martial
           • Defence Force Magistrate, or
           • Summary Authority.
      
      iii. Military duty as a legal officer assisting a Court or Board of Inquiry.
      
      iv. Military duty as a legal officer representing a member, or assisting in the representation of a member, before a Court or Board of Inquiry.
      
      v. Military duty as an examining officer under an appointment made under the Defence Force Discipline Act 1982, or representing a member in proceedings before an examining officer.
      
      vi. Giving urgent legal advice to an ADF commander concerning performance of military duties.
      
      vii. Giving legal advice to a member.
      
      viii. Attending and giving legal assistance to a member who has requested the assistance of a legal officer while being questioned by an investigating officer in accordance with a caution issued under the Defence Force Discipline Act 1982.

2. Duty mentioned in subparagraphs 1.b.i to 1.b.v does not include time spent in preparation for the duty.
4.8.6 Sessional fee not payable

Fees for legal officers are not payable when they are entitled to a day's pay for Reserve service, including duty in respect to staff appointments, annual training commitments, evening parades, seminars, conferences, lectures and the normal legal aid services.

4.8.7 Amount of sessional fee

1. The relevant rate for a sessional fee is:
   a. a daily rate of $1,215; and
   b. an hourly rate of one-sixth of the daily rate.

2. If a duty mentioned in subparagraphs 4.8.5 b.vi to 4.8.5 b.viii is performed by a legal officer for a number of periods in a calendar month, each of less than one hour, the relevant rate is the hourly rate for the sum of periods in the month, worked out to the nearest half hour.

Example: A legal officer who is not a Senior Counsel or Queen's Counsel gives urgent legal advice to the Chief of Army on matters relating to performance of military duties. The duty is performed during one calendar month for 40 minutes on one day, 45 minutes three days later, 30 minutes a week later and 45 minutes two days after that. The officer is entitled to $507 worked out below.

   a) 40 mins + 45 mins + 30 mins + 45 mins = 160 mins or 2.5 hrs to the nearest half-hour.
   b) 2.5 x $202.50 = $507

3. This table outlines the amount of sessional fee payable.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the legal officer is…</th>
<th>then the sessional fee is…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>a prosecutor or defending officer appearing before a Summary Authority</td>
<td>half the relevant rate, worked out to the nearest dollar</td>
</tr>
<tr>
<td>2.</td>
<td>giving legal advice to a member with the approval of the CDF</td>
<td>half the relevant rate, worked out to the nearest dollar</td>
</tr>
<tr>
<td>In all other circumstances specified in 4.8.5.1.b:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>a Senior Counsel or Queen's Counsel</td>
<td>1.5 times the relevant rate, worked out to the nearest dollar</td>
</tr>
<tr>
<td>4.</td>
<td>any other legal officer</td>
<td>the relevant rate, worked out to the nearest dollar</td>
</tr>
</tbody>
</table>

4. The relevant daily rate applies when, for any one day of duty, the legal officer meets either of these conditions.
   a. The legal officer performs more than three hours military duty described in 4.8.5 b.i to 4.8.5 b.v.
   b. The legal officer works more than six hours performing the duties described in 4.8.5 b.vi to 4.8.5 b.viii.

5. The hourly rate (one-sixth of the daily rate) applies in all other cases.

Example 1: A legal officer who is not a Senior Counsel or Queen's Counsel represents a member before a Board of Inquiry. The duty is performed for seven hours on one day and six hours the next day. The officer is entitled to $2,430 (the daily rate x two days).

Example 2: A Senior Counsel defends a member before a Court Martial. The duty takes three hours. The Senior Counsel is entitled to $912 (the hourly rate for three hours, multiplied by 1.5):

\[202.50 \times 3 = 608 \times 1.5 = 912\]
6. If a legal officer performs a particular duty attracting sessional fees for more than five days, whether the days are consecutive or not, the officer is entitled to a sessional fee the CDF considers reasonable in the circumstances, having regard to the advice of the Attorney-General's Department.
Division 2: Airfield Defence Guards (annual proficiency bonus)

4.8.8 Purpose

The ADF provides an annual proficiency bonus to certain members of the Air Force Reserve Ground Defence Reserve Group (Operations) who do more than the minimum required training.

4.8.9 Members this Division applies to

This Division applies to a member who meets both of these criteria.

a. volunteers to serve for five years in the Air Force Reserve as a Ground Defence Officer or Airfield Defence Guard in the Ground Defence Reserve Group (Operations), and

b. undertakes duty (other than continuous full-time service) for up to 18 days more than the minimum 32 days' annual training they are required to do in any one year.

4.8.10 Conditions of entitlement

1. The member must meet all of these criteria.

a. They must volunteer to do the additional duty before the start of each 12-month period of service.

b. They must actually do the additional duty within that 12-month period or within an extra period that the officer-in-charge approves in writing.

c. They must meet the medical fitness standards for operational duty as a Ground Defence Officer or Airfield Defence Guard.

d. They must meet their service obligations.

e. They must demonstrate proficiency in the skills needed by a Ground Defence Officer or Airfield Defence Guard.

2. Duty undertaken for more than the additional 18 days in any year does not attract a bonus payment.

4.8.11 Rate and date of entitlement

1. The member is entitled to the bonus at the following rates.

a. $50 a day from the 1st to the 4th day (inclusive) of additional duty.

b. $75 a day from the 5th to the 8th day (inclusive).

c. $100 a day from the 9th to the 18th day (inclusive).

2. The bonus cannot be more than $1,500 in any one year.

3. The bonus is for duty performed in the 12 months before each anniversary of the member’s appointment or enlistment. It is payable on the later of these days.

a. The anniversary of the member’s appointment or enlistment.

b. The last day of the extra period approved in writing by the officer-in-charge.

See: Paragraph 4.8.10.1.b, Conditions of entitlement.
4.8.12 Preservation of entitlement on transfer

1. A member who is not serving in the Ground Defence Reserve Group (Operations) on the day the bonus would be paid is still entitled to it, if they meet all of these criteria.
   a. They must meet the eligibility conditions in clause 4.8.9.
   b. They must have been transferred from the Group before that day without a break in their continuity of service.
   c. They must be a member of the ADF on that day.

2. The bonus is payable on that day as if they had not been transferred from the Group.
Division 3: Emergency Forces gratuity and Army Individual Emergency Reserve entitlements – transitional provisions

4.8.13 Cessation

This Division ceases operation on 30 November 2007.

4.8.14 Definitions

This table defines terms used in this Division.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>member of the former Emergency Forces</td>
<td>A member who meets both of these conditions.</td>
</tr>
<tr>
<td>a. The member was a member of the former Emergency Forces on 30 November 2002.</td>
<td></td>
</tr>
<tr>
<td>b. Since 1 December 2002, the member has continued to be a member of the Reserves.</td>
<td></td>
</tr>
<tr>
<td>member of the former Army Individual Emergency Reserve</td>
<td>A member who meets both of these conditions.</td>
</tr>
<tr>
<td>a. The member was a member of the former Army Individual Emergency Reserve on 30 November 2002.</td>
<td></td>
</tr>
<tr>
<td>b. Since 1 December 2002, the member has continued to be a member of the Reserves.</td>
<td></td>
</tr>
</tbody>
</table>

4.8.15 Emergency Forces – call-out gratuity

1. This clause applies to a member who meets both these conditions.
   a. They were a member of the former Emergency Forces.
   b. They begin continuous full-time service because they are called-out under section 50D of the Act.

2. The member is entitled to a gratuity of $110.

4.8.16 Former Army Individual Emergency Reserve – recovery of payment for enlistment

1. This clause applies to a member who meets all these conditions.
   a. They were a member of the former Army Individual Emergency Reserve.
   b. They became a member of the Reserves after ceasing to be a member of the Permanent Forces.
   c. When the member became a member of the Reserves, the member could have served in the Permanent Forces for at least five years before reaching the compulsory retiring age for rank.
   d. When the member became a member of the Reserves, the member was entitled to an amount of $1,000 under either of these Determinations.
      i. Chapter 2 Part 7 Division 4 of Defence Determination 2003/21, Conditions of Service, as amended.
ii. Chapter 2 Part 7 Division 4 of Defence Determination 2000/1, Conditions of Service, as amended.


2. Both these conditions apply to a member who completes less than five years of service in the Reserves.

Exceptions: See subclause 3.

a. The member must repay part of the $1,000 payment to the Commonwealth.

b. The member can keep a pro rata amount worked out for the period of service completed.

Example: The member completes two years of service in the Reserves. The member can keep:

\[
\frac{2}{5} \text{ of } 1000 = 400
\]

The member must repay the remaining $600 to the Commonwealth.

3. Subclause 2 does not apply to a member who meets either of these conditions.

a. The member ceased to be a member of the Reserves to become a member of the Permanent Forces.

b. The CDF is satisfied that continued service in the Reserves would be detrimental to the member. This must be because of health, financial or personal circumstances of the member or the member's dependant.

4.8.17 Former Army Individual Emergency Reserve – efficiency allowance

1. This clause applies to a member who meets all of these conditions.

a. They were a member of the former Army Individual Emergency Reserve.

b. They meet the basic ADF physical fitness standard.

c. They maintain any trade skill they held on ceasing to be a member of the Permanent Forces.

d. They comply with any requirement to report for duty or medical examination.

2. The member is entitled to an annual efficiency allowance of $500. The allowance is payable on each anniversary of becoming a member of the Reserves.

3. No amount is payable to a member under this clause after the fifth anniversary of the member's enlistment, unless the member's period of enlistment is extended.
**Division 4: Army's Reserve Response Force – annual bonus**

4.8.18 Definitions

This table defines terms used in this Division.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reserve Response Force anniversary day</td>
<td>For a member, the anniversary of whichever of these dates applies to the member.</td>
</tr>
<tr>
<td></td>
<td><strong>If the member was transferred to the Army's Reserve Response Force...</strong> <strong>the member's anniversary day is...</strong></td>
</tr>
<tr>
<td></td>
<td>before 1 December 2003</td>
</tr>
<tr>
<td></td>
<td>on or after 1 December 2003</td>
</tr>
</tbody>
</table>

4.8.19 Eligible member

1. This Division applies to a member who meets all these conditions.

   a. They are a member of the Army's Reserve Response Force.

   b. They have signed an undertaking for service. The undertaking must be in the form set out in Annex A to *Defence Instruction (Army) Administration 79-6*, *Management of the High Readiness Reserve within the Army*.

   c. They are certified by the CDF as proficient for service in the Army's Reserve Response Force.

2. For paragraph 1.c, the CDF must consider the extent to which the member meets all these criteria.

   a. They have completed the required annual training obligation and scheduled periods of military training.

   b. They meet the annual readiness requirements for their employment category, as set out in the Army Individual Readiness Notice.

   c. They are available for call-out on continuous full-time service when required.

4.8.20 Entitlement

An eligible member is entitled to an annual bonus of $700 on their Reserve Response Force anniversary day.
Division 5: Attendance allowance

4.8.21 Purpose

Attendance allowance assists a member with travel expenses when they must attend at a specified place in Australia to carry out Reserve service.

4.8.22 Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specified place</td>
<td>One of these locations within Australia.</td>
</tr>
<tr>
<td>a.</td>
<td>The unit the member is permanently posted to.</td>
</tr>
<tr>
<td>b.</td>
<td>The training depot or base where they normally carry out service if it is different from the unit they are posted to.</td>
</tr>
<tr>
<td>c.</td>
<td>If the member must travel by their own means from home to a designated transport terminal for further travel to the Reserve unit – the transport terminal.</td>
</tr>
</tbody>
</table>

**Examples:** From home by private car to a train or bus station. From home by train to an airport.

4.8.23 Member this Division applies to

This Division applies to a member who must attend at a specified place to carry out Reserve service, unless they travel to the specified place at Commonwealth expense.

4.8.24 Member this Division does not apply to

The allowance is not payable to a legal officer when they are entitled to a sessional fee. For information on sessional fees.

**See:** Division 1, Legal officer sessional fee.

4.8.25 Period of entitlement

This table outlines when attendance allowance can be paid.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member attends on…</th>
<th>then the allowance is payable for…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>one day only</td>
<td>the first attendance on the day.</td>
</tr>
<tr>
<td>2.</td>
<td>consecutive days</td>
<td>a. the first day they attend, if they are required to live in for Service reasons.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b. each day they attend if:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>i. they are not required to live in for Service reasons, or no living-in accommodation is available, and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ii. they return to their normal place of residence each day.</td>
</tr>
</tbody>
</table>
4.8.26 Amount of entitlement

The amount of entitlement is worked out according to the distance in a straight line between the member's usual residence and the specified place. This table shows the amounts that apply.

<table>
<thead>
<tr>
<th>Distance (kms)</th>
<th>Amount ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 or less</td>
<td>4.20</td>
</tr>
<tr>
<td>26–60</td>
<td>10.00</td>
</tr>
<tr>
<td>61–120</td>
<td>20.55</td>
</tr>
<tr>
<td>More than 120</td>
<td>25.00</td>
</tr>
</tbody>
</table>

4.8.27 Travel beyond 120 kilometres

1. When the member must attend a specified place more than 120 kilometres from where they usually live, the commanding officer may authorise travel at Commonwealth expense.

   **Note:** Chapter 9 Part 5 Division 2 authorises travelling allowance if the commanding officer, acting on behalf of the CDF, considers it necessary for the member to stay overnight after a period of Reserve service.

   **See:**
   Chapter 9 Part 5 Division 2 clause 9.5.24, Following a period of Reserve service (Travel card)
   Chapter 9 Part 5 Division 3 clause 9.5.42, Following a period of Reserve service (Travelling allowance)

   **Note:** If the member travels at Commonwealth expense, they are not entitled to attendance allowance.

2. If the member must travel more than 120 kilometres from where they usually live to the normal place of duty, the commanding officer must, where necessary, work out a parade routine for them that:

   a. takes into account their travelling arrangements, and
   b. balances the need for their attendance with the occupational health and safety responsibilities of the ADF.

4.8.28 Vehicle allowance not payable

A member cannot claim attendance allowance when they are entitled to vehicle allowance for travel to a specified place.

For information on vehicle allowance, see Chapter 9 Part 6.
Division 6: Cadet forces allowance

4.8.29 Purpose
1. Cadet forces allowance compensates a person who meets both of these criteria.
   a. They have been appointed as an officer or instructor of cadets.
   b. They help train, instruct or administer activities of these cadet forces.
      i. Australian Navy Cadets.
      ii. Australian Army Cadets.
      iii. Australian Air Force Cadets.
2. An officer or instructor of cadets serves as a member of the Australian Defence Force Cadets. They are taken to be members of the ADF for the purpose of this Part.

4.8.30 Period and rate of entitlement
1. This table outlines the rates of entitlement for periods of duty served. Cadet force allowance is made up of the sum of the full-day rate and the part-day rate.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the officer or instructor must attend a training activity for…</th>
<th>then they are entitled to...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>a full day – that is, six or more hours on any training day</td>
<td>one day’s salary at the minimum rate payable to a member of the Reserves (other than a trainee) who has the same rank as they do. <strong>Note:</strong> An officer's or instructor's rank is the rank they hold under the <a href="https://example.com">Cadet Forces Regulations 1977</a>.</td>
</tr>
<tr>
<td>2.</td>
<td>a part day – that is, three or more hours but less than six hours on any training day</td>
<td>half the rate payable for a full day.</td>
</tr>
</tbody>
</table>

**Example:** A Major in the cadet forces trains cadets for 10 full days and four hours on three other days during a year. The lowest daily rate for a Major is the on-promotion rate of $154.58 a day. His allowance is therefore $1,777.67, worked out as follows.

a. 10 days x $154.58 = $1,545.80
b. 3 days x ($154.58 ÷ 2) = $231.87
c. $1,545.80 + $231.87 = $1,777.67

2. This table shows the maximum amount payable to an eligible person in any training year. A training year means a year beginning on 1 July.

<table>
<thead>
<tr>
<th>Item</th>
<th>For duty done at…</th>
<th>the maximum amount payable in any year is…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>the full-day rate</td>
<td>28 times the full-day rate</td>
</tr>
<tr>
<td>2.</td>
<td>the part-day rate</td>
<td>40 times the part-day rate</td>
</tr>
</tbody>
</table>

3. An eligible person who was a non-commissioned officer might be appointed as an officer. If this occurs, the amount of cadet forces allowance that the person is entitled to is the sum of amounts worked out using the applicable rates under paragraphs a. and b.
a. The full-day rate is the higher of these amounts.
   i. The rate that the member is entitled to under subclause 1, table item 1.
   ii. The minimum daily rate payable to a member of the Reserves (other than a trainee) at the rank that the eligible person last held as a non-commissioned officer.

b. The part-day rate is the higher of these amounts.
   i. Half the rate that the member is entitled to under subclause 1, table item 2.
   ii. Half the minimum daily rate payable to a member of the Reserves (other than a trainee) at the rank that the eligible person last held as a non-commissioned officer.

4.8.31 Travelling, meal and vehicle allowance
1. An eligible officer or instructor is entitled to these allowances.
   a. Payment of travel costs.
      See: Chapter 9 Part 5
   b. Meal allowance.
      See: Chapter 4 Part 5
   c. Vehicle allowance.
      See: Chapter 9 Part 6
2. An eligible officer or instructor is entitled to these allowances at the same rate as a member of the ADF with the same rank and in the same circumstances as the person.
Part 9: Life insurance – additional risk insurance

4.9.1 Purpose
A member may be reimbursed the part of a life insurance policy premium they pay because of the additional risk involved in doing their duties. This includes a member on Reserve service. This additional risk premium is the difference between these two amounts.

a. The premium the member would pay for life insurance if their duties did not involve additional risk.
b. The premium they pay because of the nature of their duties.

4.9.2 Members entitled
A member may be reimbursed their additional risk insurance costs if they do either of the following.

a. They pay more than a normal yearly life insurance policy premium because of the nature of their duties.

Examples: A member serving in flying or submarine categories.
b. They pay a higher premium on a life insurance policy they take out on a dependant because of the nature of their duties.

4.9.3 Members not entitled
A member will not be reimbursed their additional risk insurance costs if they pay additional only because of the location they are serving in.

4.9.4 Amount of reimbursement
1. The member is entitled to be reimbursed the additional risk premium they paid for each insurance policy. No more than $1,585 can be paid in a financial year, in total.
2. The CDF may grant an additional reimbursement, up to the amount of the additional risk premium. The CDF must consider all these criteria.

a. The member’s age, rank and duties.
b. The nature of the policy and the commencement and maturity dates of the policy.
c. The value of the policy.
d. The reason for the additional risk premium.
e. The additional risk premium offered by other insurers.
f. Any other factor relevant to the member’s life insurance.
3. No more than one year’s premium may be reimbursed each year.
4.9.5 Timing of reimbursement

1. A member is entitled to reimbursement once a year.

2. The premium for the additional risk insurance must be paid in full before reimbursement can be made.

Note: The member must provide evidence of the payment. It is the member’s responsibility to provide enough detail to allow the entitlement to be verified.
Chapter 5: Leave

Overview

This Chapter sets out the entitlements and conditions for the various kinds of leave available to members.

Contents

This Chapter includes the following Parts:

- **Part 1** Overview
- **Part 2** Recreation leave
- **Part 3** Long service leave
- **Part 4** Maternity leave
- **Part 5** Parental leave
- **Part 6** War service leave
- **Part 7** Other leave with pay
- **Part 8** Leave without pay
- **Part 9** Short absence
- **Part 10** Public holidays – Australia
- **Part 11** Cancellation of, or recall from, leave
Part 1: Overview

5.1.1 Purpose

This Part gives a general outline of leave for ADF members and describes the various kinds of leave available.

5.1.2 Leave – overview

1. Each type of leave has conditions that accompany it, and these are described later in this Chapter.

2. Some leave accrues to a member in return for performing eligible service. Once earned it must be credited to the member, and cannot be removed by the ADF unless this Chapter allows for it. Members may apply for leave at any time, and approving authorities may grant or refuse it. On ceasing continuous full-time service, some leave types provide that any leave not taken (that has not lapsed) will be paid out.

   Examples: Basic recreation leave, long service leave.

3. Other leave types only apply when the member meets some qualifying criteria. A member who meets the criteria may be granted the leave, but may also be refused. If refused, there is no right to take it at a later time. A later application will be assessed on its merits.

   Examples: Leave without pay, compassionate leave.

   Exception: Maternity leave is the only form of leave that cannot be refused.

4. Other forms of absence are not an entitlement. They do not accrue and are granted solely at management discretion.

   Examples: Examination leave, short absence following long or unusual duty.

5.1.3 Leave types

1. Key features of the major ADF leave types are set out in this table.

2. This table is a summary. For full details of each condition see the relevant part of this Chapter.
<table>
<thead>
<tr>
<th>Item</th>
<th>Leave type</th>
<th>Purpose</th>
<th>Accrues</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Additional recreation leave for non-warlike service</td>
<td>To enable a member to obtain relief from military and environmental hazards in an operational area.</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>See:</strong> Chapter 17 Part 9 Division 5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Additional recreation leave – remote location</td>
<td>To compensate members for the effects of service over time in a remote location.</td>
<td>Y</td>
<td>It is automatically credited during eligible service.</td>
</tr>
<tr>
<td></td>
<td><strong>See:</strong> Chapter 5 Part 2 Division 3 clause 5.2.16</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Additional recreation leave – sea, field and flying duty (ARL)</td>
<td>To compensate members for the effects of service over time in certain situations. These are under a continuous full-time shipboard routine, in the field and in military flying and flight duties.</td>
<td>Y</td>
<td>The leave is linked to payment of an associated disability allowance.</td>
</tr>
<tr>
<td></td>
<td><strong>See:</strong> Chapter 5 Part 2 Division 3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Additional recreation leave for training ('trainee leave')</td>
<td>Additional recreation leave for training is for a member who must take a break from a course and who does not have enough recreation leave credit to cover the absence.</td>
<td>N</td>
<td>This form of leave was formerly referred to as trainee leave.</td>
</tr>
<tr>
<td></td>
<td><strong>See:</strong> Chapter 5 Part 2 Division 5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Basic recreation leave (BRL)</td>
<td>Recreation leave allows a member time to rest for a substantial period each year or to attend to personal matters. A period of leave should help them remain efficient and effective in their duties.</td>
<td>Y</td>
<td>It is automatically credited to members.</td>
</tr>
<tr>
<td></td>
<td><strong>See:</strong> Chapter 5 Part 2 Division 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Carers leave Compassionate leave</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td><strong>See:</strong> Special leave (including compassionate and carer’s leave) – item 22</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Examination leave</td>
<td>To attend examinations connected with a course of study for which the member is given Commonwealth financial assistance for the payment of fees.</td>
<td>N</td>
<td>It is granted on occurrence.</td>
</tr>
<tr>
<td></td>
<td><strong>See:</strong> Chapter 5 Part 7 Division 4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Extra recreation leave (ERL)</td>
<td>To give a member time for rest after they perform arduous or prolonged hours of duty.</td>
<td>Y</td>
<td>It is credited at management discretion.</td>
</tr>
<tr>
<td></td>
<td><strong>See:</strong> Chapter 5 Part 2 Division 4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Notes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 9 | Field leave Flying leave  
**See:** Additional recreation leave – sea, field and flying duty (ARL) – item 3 | -                                                                     |
| 10| Leave without pay  
**See:** Chapter 5 Part 8 | To provide for absence from duty where no other leave entitlement is sufficient or appropriate, in circumstances where the member wishes to continue to serve in the Defence Force.  
N It is granted at management discretion. It is generally regarded as leave of last resort. |
| 11| Long service leave  
**See:** Chapter 5 Part 3 | To provide members who have served for 10 years or more with the opportunity for an extended period away from work. Some previous service may count towards this.  
Y Long service leave is automatically credited to members. It is a seven-day-week leave type. It is granted for a continuous period of calendar days, including weekends and public holidays. |
| 12| Maternity leave  
**See:** Chapter 5 Part 4 | The leave recognises the physical aspects of the later stages of pregnancy, childbirth and recovery after childbirth. It also provides time for initial care of the child.  
N Maternity leave consists of paid and unpaid leave. An application cannot be refused for any reason. New members may not have access to the paid leave component. The leave includes a period of required absence. |
| 13| Parental leave  
**See:** Chapter 5 Part 5 | To assist members and their dependants to spend time with their newborn or adopted dependent child.  
N |
| 14| Part-time leave without pay  
**See:** Chapter 5 Part 8 Division 2 | To allow members to serve part-time in the Permanent Forces for a period, to meet family, study or other personal commitments.  
N It is equivalent to part-time work in civilian employment. |
| 15| Pre-deployment leave  
**See:** Chapter 5 Part 7 Division 6 | To enable members proceeding on duty to prescribed areas overseas for at least six months to finalise their personal affairs and make their farewells immediately before their departure from Australia.  
N It is granted subject to operational requirements. Time limits apply. |
| 16| Remote location leave  
**See:** Additional recreation leave – remote location – item 2 | -                                                                     |
| 17| Seagoing leave  
**See:** Additional recreation leave – sea, field and flying duty (ARL) – item 3 | -                                                                     |
| 18. | Short absence | To rest and recover. To compensate for long or unusual duty. To attend to urgent personal circumstances that a member would not be able to deal with in some other way because of Service requirements. This is if no other leave is available. | N | It is granted at commanders’ discretion. It is not a formal leave type and does not accrue. |
| 19. | Short absence for removal purposes | To enable members to complete the variety of tasks associated with a removal. | N | It is granted at commanders’ discretion. It is not a formal leave type and does not accrue. |
| 20. | Short absence when not required for duty | To technically cover absence when a member is not required for duty. This includes nights, weekends and stand-down hours. | N | It is granted at commanders’ discretion. It is not a formal leave type and does not accrue. |
| 21. | Short leave | - | - | - |
| 22. | Special leave (including compassionate and carer’s leave) | To deal with the death of the member’s spouse, child or parent, or if a crisis occurs in the member’s family, financial or personal affairs. | N | It is granted at management discretion. |
| 23. | Special leave for private purposes | To provide the specified members with a period of leave equal to a period of recreation leave credits that have expired. | N | It applies to the CDF, VCDF and Service Chiefs only. |
| 24. | Trainee leave | - | - | - |
| 25. | Travelling leave | To enable eligible members to spend all the leave period granted at the leave destination, regardless of location. | N | It is granted on occurrence. |
| 26. | War service leave | To provide an additional leave entitlement for members who were on warlike service, to allow them to adjust back to living in Australia and rest from the rigours of warlike service. | Y | War service leave is intended to be taken on return to Australia from warlike service. It must be taken before recreation leave. |
Part 2: Recreation leave

5.2.1 Purpose

This Part has these purposes.

a. To set out these conditions of service for a member.
   i. The accrual of recreation leave credits each fortnight.
   ii. The conditions on which a period of recreation leave may be granted to a member.

b. To encourage commanding officers and members to manage recreation leave effectively.

5.2.2 Contents

This Part includes the following Divisions:

Division 1 Purpose, eligible members, definitions
Division 2 Basic recreation leave
Division 3 Additional recreation leave
Division 4 Extra recreation leave
Division 5 Additional recreation leave for training ('trainee leave')
Division 6 Administration and payment for recreation leave
Annex 5.2.A Remote locations within Australia – additional recreation leave
Division 1: Purpose, eligible members, definitions

5.2.3 Purpose
Recreation leave allows a member time to rest for a substantial period each year or to attend to personal matters. A period of leave should help them remain efficient and effective in their duties.

5.2.4 Members this Part applies to
This Part applies to a member on continuous full-time service.

5.2.5 Members this Part does not apply to
This Part does not apply to a member who meets any of these criteria.

a. They are undertaking a medical residency at a hospital.
b. They are on Reserve service.
c. They are on non-effective service.

5.2.6 Definitions
This table defines terms used in this Part.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Part</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leave year</td>
<td>The 12 months from 1 July to 30 June.</td>
</tr>
<tr>
<td>Non-effective service</td>
<td>A period of more than 24 hours when the member is in any of these situations.</td>
</tr>
<tr>
<td></td>
<td>a. On leave without pay.</td>
</tr>
<tr>
<td></td>
<td>b. Absent without leave.</td>
</tr>
<tr>
<td></td>
<td>c. Suspended, on detention or in prison immediately before a conviction.</td>
</tr>
<tr>
<td></td>
<td>d. On detention or in prison after a conviction.</td>
</tr>
<tr>
<td>Start date</td>
<td>a. For a period of recreation leave: the first day of the member's absence.</td>
</tr>
<tr>
<td></td>
<td>b. For payment instead of recreation leave to the member: the earliest of these dates.</td>
</tr>
<tr>
<td></td>
<td>i. The day the member begins career transition training.</td>
</tr>
<tr>
<td></td>
<td>ii. The day they are transferred to a transition centre.</td>
</tr>
<tr>
<td></td>
<td>iii. The day they begin a period of recreation leave or long service leave that is immediately before they cease continuous full-time service.</td>
</tr>
<tr>
<td></td>
<td>iv. The day they cease continuous full-time service.</td>
</tr>
</tbody>
</table>

Note: This definition refers to when the entitlement to be paid arises. The actual payment takes longer.
Division 2: Basic recreation leave

5.2.7 Purpose

This Division sets out basic recreation leave entitlements and conditions.

5.2.8 Entitlement

1. A member may accrue a credit of up to 20 days basic recreation leave a year.

2. Leave credit accrues fortnightly throughout the year. It is credited on each payday based on the part of the annual maximum rate that has been accrued.

3. A member is not entitled to a recreation leave credit for any day they are on non-effective service. The member is entitled to recreation leave credit for the part of the fortnight for which they performed effective service. This is worked out on a pro rata basis.

Example: A member takes leave without pay for one week. The member's credit for the fortnight is:

\[ \frac{7}{14} \times 0.054795 \text{ of a day} \]
Division 3: Additional recreation leave

5.2.9 Purpose

A member may be credited with additional recreation leave to compensate for the effects of service over time, in any of these situations.

a. When serving at sea.

b. In the field.

c. In military flying and flight duties.

d. In a remote location.

5.2.10 Definitions

This table defines terms used in this Division.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clearance Diving Team</td>
<td>A team of members who have the qualifications required by the Navy for clearance divers under Determination No.19 of 2002, Specialist Operations Allowance. See: Chapter 4 Part 3 Division 13</td>
</tr>
<tr>
<td>Field service</td>
<td>Service living and working in the field for the purposes of Determination 14 of 1995, Field Allowance. See: Chapter 4 Part 3 Division 4</td>
</tr>
<tr>
<td>Fleet Supply Team</td>
<td>The same meaning as in Determination No. 1 of 1996, Seagoing Allowance. See: Chapter 4 Part 3 Division 11</td>
</tr>
<tr>
<td>Flight</td>
<td>A flight in a Service aircraft or commercial aircraft on charter to the Commonwealth.</td>
</tr>
<tr>
<td>Flight duties</td>
<td>The same meaning as in Determination No. 4 of 1992, Flight Duties Allowance. See: Chapter 4 Part 3 Division 5</td>
</tr>
<tr>
<td>Flying duties</td>
<td>Duties performed as a member of an aircrew on an airborne Service aircraft or commercial aircraft on charter to the Commonwealth.</td>
</tr>
<tr>
<td>Sea Training Group</td>
<td>The same meaning as in Determination No. 1 of 1996, Seagoing Allowance. See: Chapter 4 Part 3 Division 11</td>
</tr>
<tr>
<td>TAG East</td>
<td>The Tactical Assault Group (counter-terrorism company), 4th Battalion, Royal Australian Regiment</td>
</tr>
</tbody>
</table>

5.2.11 How additional leave accrues

1. The tables in clauses 5.2.13, 5.2.14 and 5.2.15 set out how additional recreation leave for sea service, field service and flying duty accrues.

2. A member will not be credited with a rate of additional recreation leave until they are entitled to the allowance that the leave is conditional upon.

**Example:** A member does not become entitled to field allowance until they have been in the field for 2 days. Once they become entitled to the allowance, they would be credited with additional recreation leave for field service. The credit would be from the first day that the member gets the allowance.
3. If a member would be entitled to accrue credit for more than one type of additional recreation leave for sea service, field service or flying duty on the same day, then they are taken to accrue the higher of the accrual rates that would apply to them that day.

**Example 1:** Additional recreation leave accrues at a rate of 10 days a year when a member is on an annual rate of accrual. Additional recreation leave accrues at the much higher rate of one day of leave for every 10 days of duty when a member is on an 'on-occurrence' (daily) rate of accrual.

A member could be eligible to get an annual and an 'on-occurrence' rate of additional recreation leave credit under clause 5.2.13, 5.2.14 or 5.2.15, for the same day. Instead of getting both amounts, the member would get the credit at the on-occurrence rate only, because it is the higher of the two rates.

**Example 2:** A member may perform flight duties for a 10-day period while they are posted to a ship. During that 10 days, the member accrues 1 day of additional recreation leave for flight duties, instead of their usual rate of accrual at the annual rate for seagoing service.

**Example 3:** A member may be posted to a flying position and go on temporary duty on a ship for 10 days. During that 10 days, the member accrues one day of additional recreation leave for hard lying, instead of their usual rate of accrual at the annual rate of flying allowance.

**Non-example:** In some situations, a member will perform different activities but will still accrue additional recreation leave at their usual rate.

The principle is shown in this situation. Hard lying allowance is never payable to a member while they get an allowance under item 5 of the Schedule to DFRT Determination 11 of 2002, Special Action Forces allowance, see Chapter 4 Part 3 Division 12. If they perform duty on a ship for a fortnight, this member will not be eligible to accrue additional recreation leave for hard lying or seagoing. This is because the member cannot be paid those allowances while on the specific rate of Special Action Forces allowance. They can't meet the precondition for additional recreation leave based on receipt of seagoing or hard lying allowance.

### 5.2.12 Maximum annual credit for sea service, field service and flying duty

1. This clause applies to a member who accrues an additional recreation leave credit under clauses 5.2.13, 5.2.14 and 5.2.15.

2. When the member accrues 10 days additional leave credit in a leave year under the clauses mentioned in subclause 1, no more credit accrues under those clauses for the rest of the leave year.

**Example:** A member accrues five days of additional recreation leave credit for flight duties under clause 5.2.15. They then accrue five days of additional recreation leave credit for sea service under clause 5.2.13. They have accrued 10 days’ additional recreation leave credit. This is their maximum for the leave year. The member will not accrue any further credit for the eligible service they perform under clauses 5.2.13, 5.2.14 and 5.2.15, for the rest of the year.

### 5.2.13 Sea service

1. This clause applies to a member who serves in any of these situations in a leave year.

   a. A seagoing ship or seagoing submarine.

   b. A Sea Training Group or the Fleet Supply Team.

   c. A clearance diving team.
2. This table sets out how the member accrues additional recreation leave credit for the sea service.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member gets…</th>
<th>then each time they get the allowance for…</th>
<th>they accrue credit of…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>hard lying allowance</td>
<td>1 day</td>
<td>0.1 of a day of additional recreation leave.</td>
</tr>
<tr>
<td></td>
<td>See: Chapter 4 Part 3 Division 7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>seagoing allowance</td>
<td>a fortnight</td>
<td>pro rata credit for the fortnight worked out using the 10-day annual maximum</td>
</tr>
<tr>
<td></td>
<td>See: Chapter 4 Part 3 Division 11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>submarine service allowance (disability)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>See: Chapter 4 Part 3 Division 14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>the annual rate of specialist operations allowance (disability) for a clearance diver under Part 2 of the Schedule to Determination No. 19 of 2002, Specialist Operations Allowance</td>
<td>1 day 0.1 of a day of additional recreation leave.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>See: Chapter 4 Part 3 Division 13</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note:** Clause 5.2.12 limits the amount of additional recreation leave that can be accrued under this clause.

**See also:** Subclause 5.2.16.4 for the effect a credit for sea service has on the accrual of additional recreation leave at a remote location.

### 5.2.14 Field service

This table sets out how the member accrues additional recreation leave credit at the end of each period of field service.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member gets…</th>
<th>then each time they get the allowance for…</th>
<th>they accrue a credit of…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>field allowance</td>
<td>1 day</td>
<td>0.1 of a day of additional recreation leave.</td>
</tr>
<tr>
<td></td>
<td>See: Chapter 4 Part 3 Division 4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>a daily rate of special action forces allowance (disability) under:</td>
<td>1 day 0.1 of a day of additional recreation leave.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. item 5 [member on designated special duty], or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b. clause 6 and item 2 [qualified member in a designated Special Forces position not in the SASR or a related unit] of the Schedule to Determination No. 11 of 2002, Special Action Forces Allowance</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>See: Chapter 4 Part 3 Division 12</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3. a daily rate of specialist operations allowance (disability) under:
   a. item 23 [member on designated special duty], or
   b. subclause 7 (b) and item 3 [Commando temporarily assigned for duty with 4RAR] of the Schedule to Determination No. 19 of 2002, Specialist Operations Allowance
   See: Chapter 4 Part 3 Division 13

4. special action forces allowance (disability) for a trainee or qualified special forces member, at an annual rate mentioned in item 1 or 2 of the Schedule to Determination No. 11 of 2002, Special Action Forces Allowance
   See: Chapter 4 Part 3 Division 12

5. specialist operations allowance (disability) for a trainee TAG East member, qualified TAG East member or qualified Commando, at an annual rate mentioned in item 1, 2 or 3 of the Schedule to Determination No. 19 of 2002, Specialist Operations Allowance
   See: Chapter 4 Part 3 Division 13

**Note:** Clause 5.2.12 limits the amount of additional recreation leave that can be accrued under this clause.

**Example 1:** A member receives the daily rate of special action forces allowance (disability) for 10 days. They then receive field allowance for 10 days. They will have accrued the allowances over 20 days. They will be entitled to two days of additional recreation leave.

**Example 2:** A member is entitled to field allowance for 100 days between 1 July and 30 March. They accrue 10 days of additional leave for it. They get field allowance for a further 20 days from 30 March to 30 June. They do not accrue any more leave for those 20 days.

### 5.2.15 Flying service

1. This clause applies to a member who is entitled to either of these allowances in a leave year.
   a. Flying allowance (disability).
      
      See: Chapter 4 Part 3 Division 6
   b. Flight duties allowance.
      
      See: Chapter 4 Part 3 Division 5

2. This table sets out how the member accrues additional recreation leave credit for flying service.

   **Note:** Clause 5.2.12 limits the amount of additional recreation leave that can be accrued under this clause.
<table>
<thead>
<tr>
<th>Item</th>
<th>If the member gets...</th>
<th>then each time they get the allowance for...</th>
<th>they accrue a credit of...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>flight duties allowance</td>
<td>1 day</td>
<td>0.1 of a day of additional recreation leave.</td>
</tr>
<tr>
<td>2.</td>
<td>flying allowance (disability) - daily rate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>flying allowance (disability) annual rate</td>
<td>a fortnight</td>
<td>pro rata credit for the fortnight worked out using the 10-day annual maximum</td>
</tr>
</tbody>
</table>

### 5.2.16 Service in a remote location [NOTE: Subclause 5 commences on 1 July 2005]

1. This clause applies to a member who must perform duty in a remote location – that is, a location in Australia that is harsh or remote. Remote locations are listed in Annex 5.2.A.

**Notes:**
- Additional recreation leave credit for service at overseas hardship posts is authorised by Chapter 16 Part 3 and Annex 16.A.
- Additional recreation leave credit for members on non-warlike service is authorised by Chapter 17 Part 9 Division 5.

2. The member is entitled to an additional recreation leave credit if they serve in one or more remote locations for a continuous period of at least 30 days.

3. The credit is worked out as a pro rata amount based on the annual maximum set out in Annex 5.2.A for the remote location.

**Example 1:** The annual maximum for Tindal is seven days. For each fortnight a member spends there, they are credited a pro rata part of the seven days under this formula. The member must meet the minimum stay in subclause 2.

\[
\frac{7}{360} \times \text{the number of days in the member's stay}
\]

**Example 2:** A member serves in Darwin for 16 days, then travels straight to Townsville and serves there for 15 days. Their total continuous service in remote locations is 31 days, or two fortnights. For the fortnight in Darwin, they are credited a pro rata part of five-day maximum for that location. For the fortnight spent in Townsville, they are credited a pro rata part of two-day maximum for that location. Their total additional leave credit is the sum of the two pro rata amounts. This is worked out as shown below.

\[
\left(\frac{5}{360} \times 16\right) + \left(\frac{2}{360} \times 15\right) = 0.222 \text{ days} + 0.083 \text{ days} = 0.305 \text{ days}
\]

**Note:** The PMKeyS leave management system assumes 360 days in a year, for the purpose of making these calculations.

4. Additional recreation leave does not accrue to a member at a remote location for any day they are entitled to an additional recreation leave credit for sea service.

5. A member's entitlement to accrue an additional recreation leave credit for service in a remote location ends when either of these events happens.
   - a. The member is absent from the location for a period of more than 30 days.
   - b. The member goes on a posting to another location.
Division 4: Extra recreation leave

5.2.17 Purpose

Extra leave gives a member time for rest after they perform arduous or prolonged duty for which no other leave has been granted.

5.2.18 Member this Division does not apply to

This Division does not apply to a member for service on a warlike or non-warlike deployment.

See: Chapter 17 Part 9 Division 5, Non-warlike deployments – additional recreation leave.

5.2.19 Entitlement

1. The CDF may credit a member up to five days of extra recreation leave for service in a leave year. The CDF must be satisfied that they meet both these criteria.
   a. They performed duty outside their normal hours of duty.
   b. They were not given additional pay or time off duty to compensate for the additional duty. Time off duty includes short absence.
   c. The CDF must also be satisfied that the additional duty meets either of these criteria.
      i. It was more difficult than the member's normal duty.
         Example: A member has to perform a difficult repair to a boiler. The member has to work in an uncomfortable position at high temperature. The task is unpleasant and exhausting.
      ii. It could not have been performed in the member's normal hours of duty.

2. Leave under this clause may be credited at either of these times.
   a. During the leave year, after a period of extra duty described in subclause 1.
   b. As soon as practicable after the end of that leave year.
Division 5: Additional recreation leave for training ('trainee leave')

5.2.20 Purpose

Additional recreation leave for training is for a member who must take a break from a course and who does not have enough recreation leave credit to cover the absence. The leave is sometimes called trainee leave.

5.2.21 Member eligible for trainee leave

1. This clause applies to a member who meets all of these conditions.
   a. They are required by their Service to attend a training course, or a series of courses.
   b. They are not required to attend the course during a course break.
   c. They do not have enough recreation leave to cover the period of the course break.

2. The member is entitled to take trainee leave for the period of the course break not covered by recreation leave.

   Example: A member has two days of recreation leave credit. They do a course of training that involves a five-day course break. They can take two days of recreation leave and three days of trainee leave to cover the absence.

3. Recreation leave credits must be used before trainee leave may be granted.

   Example: A member begins a course of training with a recreation leave credit of 10 days. They must use that credit before they can get trainee leave for a course break.

5.2.22 Member on part-time leave without pay

A member given part-time leave without pay to assist them to attend a training course is not eligible for trainee leave.
Division 6: Administration and payment for recreation leave

5.2.23 Purpose

This Division sets out how recreation leave may expire or be re-credited, or paid out instead of taken. It also provides other recreation leave administration rules.

5.2.24 Conditions of granting of leave

1. A member must not be granted recreation leave if they do not hold enough leave credit for the period of the absence. The date for working out credits is the day the member proposes to return from the leave. The member must return with a nil or positive leave credit.

2. There are time limits for taking leave credits.

   See: Clause 5.2.27, Expiration of recreation leave credits ('leave lapsing').

3. Leave can only be granted in whole days.

   See: Subclause 5.2.26.3, Grant of recreation leave.

5.2.25 Recreation leave management

1. As part of their responsibility to manage leave, commanding officers must take all practical steps to do both the following.
   a. Identify times when operational requirements would allow members to apply for and be granted leave.
   b. Inform members of these opportunities.

2. Commanding officers must consider the merits of each application from a member to use their recreation leave credits.

5.2.26 Grant of recreation leave

1. A supervisor in the member's chain of command may grant basic recreation leave. The supervisor must be at one of these ranks or higher.
   a. Warrant Officer Class 2.
   b. APS 4.

2. When a supervisor has made a decision to grant or refuse leave, they must do both the following.
   a. Notify the member of the decision as soon as possible.
   b. Give the member's original application and the decision about it to the relevant administrator for record-keeping and audit purposes.

   Note: The relevant administrator could be the Unit Orderly Room, Military Personnel Administration Centre or Ship's Office responsible for administering the member's leave.

3. Leave may only be granted for whole days. Each day of leave taken reduces the member's accrued leave credits by one day.

   Exception: A member who is on part-time leave without pay on a day may be granted recreation leave for the hours the member would usually have worked on that day. The member is debited the amount of recreation leave actually taken.
Example: A member usually works three hours on Tuesdays and Wednesdays. The member is granted recreation leave for those days. The member is debited for six hours’ leave.

5.2.27 Expiration of recreation leave credits ('leave lapsing')
1. A member should use a recreation leave credit within three years of the end of the leave year in which they accrued it. It expires after that time.
2. The CDF may defer the expiration of the member’s leave credit by an additional year. The CDF must be satisfied that leave could not to be granted because the Commanding Officer needed the member to stay on duty to meet Service needs during the previous three years.
3. The CDF may defer the expiration of the credit for a member more than once.

Example: The CDF has deferred a member’s leave credit once, but the member has to deploy immediately because their special skills are needed for an operation. They cannot take any recreation leave in the following year because of their duty in the operation. In this case, they can ask the CDF to delay the expiration of their leave credit again. However, the rules about payment instead of leave would still apply to the accrued leave credit – see clause 5.2.32.

5.2.28 Re-credit of recreation leave
1. A member may be re-credited a period of recreation leave if they meet all these conditions.
   a. They go on recreation leave.
   b. Illness or injury has made them unfit for duty for at least 24 hours during the leave period.
   c. They provide a doctor’s certificate stating they were unfit for duty for the period of illness or injury.

Example: A member is on recreation leave and gets influenza. The doctor advises they are unfit for duty for three days. The member can be re-credited the working days that fall in that three-day period.

Non-example 1: A member attends a medical appointment to get a prescription refilled while on leave. This takes much less than 24 hours, and in that time the member is not unfit for duty. The member is not eligible to have their recreation leave re-credited.

Non-example 2: A member attends a fitness assessment while on leave. They are not ill, are not formally recalled from leave, and attend for only a short period. The member is not eligible to have their recreation leave re-credited.

2. A member on recreation leave may be re-credited any day's leave that was granted which they did not take if either of the following happens.
   a. They are formally recalled to duty from the leave for operational reasons, for not less than one day.
   b. The member wishes to return to duty early. Management accepts the return to duty.

Note: The member's unit must pay the costs of any recall to duty.

See: Chapter 5 Part 11, Cancellation of, or recall from, leave.

   c. They die.

Example 1: A member is recalled to duty for operational reasons. They are re-credited the recreation leave they did not take between the formal recall and the end of the leave period they would otherwise have taken.
Example 2: A member dies two weeks before they were due to return to duty from recreation leave. The two weeks of leave are re-credited so the member’s entitlements can be paid to their estate.

See: Chapter 11 Part 3, Payment of financial entitlements on death.

5.2.29 Salary for recreation leave
1. A member on recreation leave is paid salary at the rate that applies for their substantive rank, and their pay group if it applies. This is unless subclause 2 applies.

2. A member may hold a temporary or acting rank, or be entitled to higher duties allowance, immediately before their start date. In this case, they are paid salary on leave at the rate for the higher rank, and their pay group if it applies. The direction to perform at the higher rank must not have been reversed for the period the member is on leave.

5.2.30 Payment of allowances on recreation leave
1. These allowances are payable during recreation leave. This is only if the allowance is paid at an annual rate (except for flight duties allowance — see table item 3.). Other allowances may also be payable (see subclause 5 below).

<table>
<thead>
<tr>
<th>Item</th>
<th>Allowance</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Adventurous training instructor allowance</td>
<td>Chapter 4 Part 3 Division 1</td>
</tr>
<tr>
<td>2.</td>
<td>Diving allowance</td>
<td>Chapter 4 Part 3 Division 3</td>
</tr>
<tr>
<td>3.</td>
<td>Flight duties allowance payable in circumstances where clause 5 of Determination No. 4 of 1992, Flight Duties Allowance, applies</td>
<td>Chapter 4 Part 3 Division 5</td>
</tr>
<tr>
<td>4.</td>
<td>Flying allowance</td>
<td>Chapter 4 Part 3 Division 6</td>
</tr>
<tr>
<td>5.</td>
<td>Paratrooper allowance</td>
<td>Chapter 4 Part 3 Division 10</td>
</tr>
<tr>
<td>6.</td>
<td>Retention allowances</td>
<td>Chapter 3 Part 5 Division 5</td>
</tr>
<tr>
<td>7.</td>
<td>Seagoing allowance</td>
<td>Chapter 4 Part 3 Division 11</td>
</tr>
<tr>
<td>8.</td>
<td>Service allowance</td>
<td>Chapter 4 Part 2</td>
</tr>
<tr>
<td>9.</td>
<td>Special action forces allowance</td>
<td>Chapter 4 Part 3 Division 12</td>
</tr>
<tr>
<td>10.</td>
<td>Specialist operations allowance</td>
<td>Chapter 4 Part 3 Division 13</td>
</tr>
<tr>
<td>11.</td>
<td>Submarine escape allowance</td>
<td>Chapter 4 Part 3 Division 14</td>
</tr>
<tr>
<td>12.</td>
<td>Submarine service allowance</td>
<td>Chapter 4 Part 3 Division 15</td>
</tr>
<tr>
<td>13.</td>
<td>Trainee's dependant allowance</td>
<td>Chapter 4 Part 7 Division 1</td>
</tr>
</tbody>
</table>

2. A member entitled to one of the allowances listed in subclause 1 for the day before the start date is entitled to it during a period of recreation leave.

3. A member may have been entitled to one of the allowances listed in subclause 1 for a period before the start date, but not actually on the start date. In this case, they are entitled to the allowance if they meet any of these criteria for the period between their previous entitlement and the start date.

a. They were on travelling leave.

b. They were ill or in hospital.

c. They could not take recreation leave because they had to remain on duty.

d. For an officer — they were involved in retirement proceedings that resulted in their retirement from the ADF because they were physically or mentally incapacitated.
e. For a member other than an officer — they were involved in discharge proceedings that resulted in their discharge from the ADF because they were medically unfit.

4. While a member is on recreation leave, they can be paid one of these allowances only for the period of credit they accrued while they were entitled to the allowance.

Example: A member had accrued 20 days of recreation leave credit while they were posted to a seagoing ship and entitled to seagoing allowance. They take 20 days of recreation leave. They are still paid the allowance during the 20 days.

Non-example: If the same member in the example above had taken 30 days of recreation leave, the allowance would stop being paid after the first 20 days.

5. Other allowances may be paid during recreation leave. This is subject to the conditions for payment of the allowance in other Chapters. It is necessary to refer to the relevant provisions for each allowance.

Examples: Overseas living allowance, location allowances, uniform allowance, rent allowance.

5.2.31 Member seconded or attached for duty

1. This clause applies to a member who is seconded or attached for a period of duty with any of these bodies.

a. The armed forces of a country other than Australia.

b. The United Nations.

c. A treaty organisation.

d. A Commonwealth Government department (other than the Department of Defence).

e. Any other body established or constituted under a law of the Commonwealth or a State or Territory. This does not include an external Territory.

Example: A member who is placed for a period as a resident medical officer at a civilian hospital.

2. The member must accept the recreation leave entitlement authorised by the body they have been seconded or attached to for their period of duty with it. The member is not entitled to recreation leave under this Part for that period, except as provided by subclause 3.

3. The body may give the member less recreation leave credit or additional credit than they would get if they were entitled to credit under this Part. In that case, they are entitled to an additional leave credit to bring them up to the entitlement that would have applied to them under this Part, as if the period of secondment or attachment had been service with the ADF.

5.2.32 Payment instead of recreation leave

1. This clause applies if a member ceases continuous full-time service for reasons other than their death.

See: Chapter 11 Part 3, Payment of financial entitlements on death.

2. On ceasing continuous full-time service, the member is entitled to the sum of these two amounts.

a. An amount equal to salary for their period of recreation leave credit.
b. Two days’ salary for each period of five days' credit.

See: Subclause 5 for the definition of salary under this clause.

Note: This provision recognises that members would ordinarily have weekends during periods of recreation leave. These weekends would be paid, due to the ADF 7-day week pay model.

3. On ceasing continuous full-time service, the member must be paid an amount equal to salary for their period of recreation leave credit.

4. This table sets out the meaning of salary in this clause.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member had a…</th>
<th>then their salary rate under this clause is…</th>
<th>plus…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>substantive rank on ceasing continuous full-time service</td>
<td>the member’s salary for their substantive rank (and pay group if that applied)</td>
<td>allowances that would have been paid during a period of recreation leave that began on the start date.</td>
</tr>
<tr>
<td>2.</td>
<td>temporary or acting rank or higher duties allowance for either of these periods. a. The year before the start date. b. The day before the start date plus three of the five years immediately before the start date. This time may be served in broken periods.</td>
<td>the member’s salary for the higher rank or position (and their pay group if that applied). If the member held more than one higher rank or position during the periods, the salary that applies is for the lowest rank or position they held.</td>
<td></td>
</tr>
</tbody>
</table>

5.2.33 How to apply for leave

1. A member must apply for leave using Form AD097 ADF leave application. They can find it on the Defence Publishing Service Web Forms system.

Exception: If interim verbal approval of leave is granted, the member must still apply under subclause 1.

2. One leave application may be used for multiple types of leave. However, if different approving authorities are required to sign for the different types of leave (for example recreation leave, long service leave and leave without pay), separate leave forms must be used for each type of leave.
Annex 5.2.A: Remote locations within Australia — additional recreation leave

See: Chapter 5 Part 2 Division 3, Clause 5.2.16

This table lists remote locations and the maximum additional days of recreation leave each year that serving in them entitles a member to.

<table>
<thead>
<tr>
<th>Remote location</th>
<th>Maximum additional days of leave for each leave year</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>New South Wales</strong></td>
<td></td>
</tr>
<tr>
<td>Bogan Gate</td>
<td>2</td>
</tr>
<tr>
<td>Broken Hill</td>
<td>2</td>
</tr>
<tr>
<td><strong>Northern Territory</strong></td>
<td></td>
</tr>
<tr>
<td>Alice Springs (including Jindalee)</td>
<td>5</td>
</tr>
<tr>
<td>Darwin</td>
<td>5</td>
</tr>
<tr>
<td>Jabiru (including Nourlangie, Jim Jim, Cannon Hill and East Alligator)</td>
<td>7</td>
</tr>
<tr>
<td>Katherine</td>
<td>7</td>
</tr>
<tr>
<td>Nhulunbuy</td>
<td>7</td>
</tr>
<tr>
<td>Tennant Creek</td>
<td>7</td>
</tr>
<tr>
<td>Tindal</td>
<td>7</td>
</tr>
<tr>
<td><strong>Queensland</strong></td>
<td></td>
</tr>
<tr>
<td>Atherton</td>
<td>2</td>
</tr>
<tr>
<td>Ayr</td>
<td>2</td>
</tr>
<tr>
<td>Bamaga</td>
<td>7</td>
</tr>
<tr>
<td>Biloela</td>
<td>2</td>
</tr>
<tr>
<td>Bowen</td>
<td>2</td>
</tr>
<tr>
<td>Cairns</td>
<td>2</td>
</tr>
<tr>
<td>Charters Towers</td>
<td>2</td>
</tr>
<tr>
<td>Ingham</td>
<td>2</td>
</tr>
<tr>
<td>Innisfail</td>
<td>2</td>
</tr>
<tr>
<td>Macrossan</td>
<td>2</td>
</tr>
<tr>
<td>Mount Isa</td>
<td>3</td>
</tr>
<tr>
<td>Palm Island</td>
<td>3</td>
</tr>
<tr>
<td>Roma</td>
<td>2</td>
</tr>
<tr>
<td>Shoalwater Bay Training Area</td>
<td>3</td>
</tr>
<tr>
<td>Thursday Island (including Horn Island)</td>
<td>7</td>
</tr>
<tr>
<td>Townsville</td>
<td>2</td>
</tr>
<tr>
<td>Tully</td>
<td>2</td>
</tr>
<tr>
<td>Weipa (including RAAF Scherger)</td>
<td>7</td>
</tr>
<tr>
<td><strong>South Australia</strong></td>
<td></td>
</tr>
<tr>
<td>Woomera</td>
<td>2</td>
</tr>
<tr>
<td>Western Australia</td>
<td></td>
</tr>
<tr>
<td>---------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Broome</td>
<td>5</td>
</tr>
<tr>
<td>Carnarvon</td>
<td>2</td>
</tr>
<tr>
<td>Derby</td>
<td>7</td>
</tr>
<tr>
<td>Exmouth (including Learmonth)</td>
<td>5</td>
</tr>
<tr>
<td>Kalgoorlie</td>
<td>2</td>
</tr>
<tr>
<td>Karratha (including Dampier)</td>
<td>5</td>
</tr>
<tr>
<td>Kununurra</td>
<td>7</td>
</tr>
<tr>
<td>Newman</td>
<td>5</td>
</tr>
<tr>
<td>Port Hedland (including South Hedland)</td>
<td>5</td>
</tr>
<tr>
<td>Tom Price</td>
<td>5</td>
</tr>
<tr>
<td>Australian territories</td>
<td></td>
</tr>
<tr>
<td>Antarctica (including Macquarie Island)</td>
<td>10</td>
</tr>
<tr>
<td>Cocos (Keeling) Islands</td>
<td>7</td>
</tr>
</tbody>
</table>
Part 3: Long service leave

5.3.1 Overview

1. This Part sets out a member's entitlement to long service leave. It covers how leave credit is accrued, salary while on leave, and payment instead of leave when members leave continuous full time service.

   **Note:** Long service leave benefits for the ADF are similar to benefits under the Long Service Leave (Commonwealth Employees) Act 1976. They are not identical. ADF members are not covered under that legislation.

2. Long service leave only accrues while a member is on continuous full-time service.

   **See:** Clause 5.3.4, Member this Part applies to

3. A member may apply for long service leave after 10 years of service. This may include some service with other recognised employers.

   **See:** Division 2 clause 5.3.8, How much long service leave?

4. The accrual of long service leave is an entitlement. The grant of long service leave is a discretion. A member's chain of command may recommend the grant or not, depending on local work pressures.

   **See:** Division 2 clause 5.3.9, How long service leave is granted

5. A member may also choose to take long service leave at full or at half pay. All long service leave counts as effective service.

   **See:** Division 2 clause 5.3.9, How long service leave is granted

6. A member may get payment instead of any credit not taken. This only occurs when they cease continuous full time service.

   **See:** Division 5, Payment instead of long service leave

5.3.2 Purpose

Long service leave is intended to give an extended period away from work to a member who has served for 10 years or more.

5.3.3 Contents

This Part includes the following Divisions:

- **Division 1**   Members eligible, definitions and general principles
- **Division 2**   Entitlement to long service leave
- **Division 3**   Accrual of service for long service leave
- **Division 4**   Salary for long service leave
- **Division 5**   Payment instead of long service leave
Division 1: Members eligible, definitions and general principles

5.3.4 Member this Part applies to

This Part applies to a member on continuous full-time service.

Note: This means members of the Permanent Forces, and members of the Reserves on continuous full-time service.

5.3.5 Definitions

This table defines terms used in this Part.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Part</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compulsory retirement age</td>
<td>The retirement age specified for the member in the Defence (Personnel) Regulations 2002</td>
</tr>
<tr>
<td>Start date</td>
<td>a. For a period of long service leave: the first day of the member's absence.</td>
</tr>
<tr>
<td></td>
<td>b. For payment instead of long service leave to the member: the earliest of these dates.</td>
</tr>
<tr>
<td></td>
<td>i. The day the member begins career transition training.</td>
</tr>
<tr>
<td></td>
<td>ii. The day they are transferred to a transition centre.</td>
</tr>
<tr>
<td></td>
<td>iii. The day they begin a period of recreation leave or long service leave that is immediately before they cease continuous full-time service.</td>
</tr>
<tr>
<td></td>
<td>iv. The day they cease continuous full-time service.</td>
</tr>
<tr>
<td></td>
<td>Note: This is relevant to recognition of prior service.</td>
</tr>
</tbody>
</table>

5.3.6 Administrative concepts

1. A member who has 10 years of accrued service is entitled to a long service leave credit.

   See: Division 3 for details of how service is accrued.

2. Long service leave credits are expressed in months and decimal parts of a month.

   Example: 2.7 months

3. A month's leave may be a calendar month or may span two calendar months. A month is measured from the start date to the day before the same date in the next month. This rule applies no matter how many days there are in that month.

   Examples: 15 July to 14 August (return to duty 15 August), 9 February to 8 March (return to duty 9 March)

4. When working out parts of a month, a month is taken to have 30 days.

   Example: 0.7 of a month = 0.7 x 30 days = 21 days.
5. Long service leave is a 7-day week leave. Leave is granted for each calendar day, including weekends and public holidays when the member would not normally have worked.

**Example:** A member has a long service leave credit of 2.6 months (equal to 2 months 18 days). They use the whole credit for a grant of leave from Monday 13 December 2004 to Wednesday 2 March 2005, inclusive. All of the weekend days and Christmas/New Year public holidays in that period count as days of leave that are deducted from their credit. As at Thursday 3 March 2005, their credit is zero.

6. Leave may be granted in months and whole days.

**See:** Division 2 subclause 5.3.9.2 for the minimum period of leave that can be granted.

7. Long service leave must not start or finish on a weekend or public holiday.

8. For the purpose of payment instead of long service leave, a month's salary is one-twelfth of a year's salary. This rule applies no matter how many days there are in that month.

### 5.3.7 How to apply for leave

1. A member must use separate leave forms for long service leave and any other leave to be taken at the same time.

2. The original application must be sent to:
   
   CP2-6-166
   Campbell Park Offices
   Canberra ACT 2600

3. Applications must reach the Directorate of Entitlements at least one month before the start date of the leave.

**See:** Form AD493, ADF Long Service Leave Application on the Defence Publishing Service Webforms system.
Division 2: Entitlement to long service leave

5.3.8 How much long service leave?

1. A member is entitled to three months of long service leave credit for 10 years of accrued service.

   **See:** Part 3 Division 3 for how service is accrued for long service leave.

2. After 10 years, the member earns a credit at 0.3 of a month of long service leave for every further completed year of accrued service. This equates to an annual credit of nine days, based on the standard 30-day month used in working out long service leave entitlements.

3. Credit is not given for part years.

   **Example:** A member has 15 years, 3 months of service. The long service leave credit available to the member is based on the 15 years of service only.

   **Note:** Payment for part-years is given for payment instead of long service leave.

   **See:** Chapter 9 Part 3 Division 5, Payment instead of long service leave.

4. This table sets out credits earned for completed years of accrued service.

<table>
<thead>
<tr>
<th>Service (years)</th>
<th>Credit</th>
<th>Service (years)</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Months</td>
<td>Months / Days</td>
<td>Months</td>
</tr>
<tr>
<td>1</td>
<td>0.3</td>
<td>0  9</td>
<td>21</td>
</tr>
<tr>
<td>2</td>
<td>0.6</td>
<td>0 18</td>
<td>22</td>
</tr>
<tr>
<td>3</td>
<td>0.9</td>
<td>0 27</td>
<td>23</td>
</tr>
<tr>
<td>4</td>
<td>1.2</td>
<td>1  6</td>
<td>24</td>
</tr>
<tr>
<td>5</td>
<td>1.5</td>
<td>1 15</td>
<td>25</td>
</tr>
<tr>
<td>6</td>
<td>1.8</td>
<td>1 24</td>
<td>26</td>
</tr>
<tr>
<td>7</td>
<td>2.1</td>
<td>2  3</td>
<td>27</td>
</tr>
<tr>
<td>8</td>
<td>2.4</td>
<td>2 12</td>
<td>28</td>
</tr>
<tr>
<td>9</td>
<td>2.7</td>
<td>2 21</td>
<td>29</td>
</tr>
<tr>
<td>10</td>
<td>3.0</td>
<td>3  0</td>
<td>30</td>
</tr>
<tr>
<td>11</td>
<td>3.3</td>
<td>3  9</td>
<td>31</td>
</tr>
<tr>
<td>12</td>
<td>3.6</td>
<td>3 18</td>
<td>32</td>
</tr>
<tr>
<td>13</td>
<td>3.9</td>
<td>3 27</td>
<td>33</td>
</tr>
<tr>
<td>14</td>
<td>4.2</td>
<td>4  6</td>
<td>34</td>
</tr>
<tr>
<td>15</td>
<td>4.5</td>
<td>4 15</td>
<td>35</td>
</tr>
<tr>
<td>16</td>
<td>4.8</td>
<td>4 24</td>
<td>36</td>
</tr>
<tr>
<td>17</td>
<td>5.1</td>
<td>5  3</td>
<td>37</td>
</tr>
<tr>
<td>18</td>
<td>5.4</td>
<td>5 12</td>
<td>38</td>
</tr>
<tr>
<td>19</td>
<td>5.7</td>
<td>5 21</td>
<td>39</td>
</tr>
<tr>
<td>20</td>
<td>6.0</td>
<td>6  0</td>
<td>40</td>
</tr>
</tbody>
</table>

5.3.9 How long service leave is granted

1. The CDF may grant a period of long service leave for a period up to the member's long service leave credit.

   **See:** Clause 5.3.8, How much long service leave?

2. The minimum period of long service leave that may be granted is 15 days. This applies to both full and half pay long service leave.
3. The CDF may grant a shorter period of long service leave in compassionate circumstances.

4. A member may choose to take a period of long service leave at half pay. The period may be up to twice the member’s long service leave credit.

5. The member’s long service leave credit is reduced as follows.
   a. For a member granted long service leave on full pay – by the period of leave taken.
   b. For a member granted long service leave on half pay – by half the period of leave taken.

6. Weekends and public holidays during the period of long service leave are counted as part of the period of leave for the purpose of subclause 4.

   Note: Weekends and public holidays form part of the period of long service leave. However, the period of leave would not start or end on a weekend or public holiday. Permanent shift workers should start and finish long service leave on a day they are rostered to work.

5.3.10 Grant of other leave with long service leave

1. Long service leave is intended to be a single period. Members may not break long service leave with other leave.

   Non-example: A member may want to apply for this pattern of leave.

   Long service leave 1 March to 28 March
   Recreation leave 29 March to 15 April
   Long service leave 16 April to 15 May

   This pattern of leave is not allowed.

2. The minimum break between two periods of long service leave is two weeks. During this period the member must be on duty, rather than on another form of leave.

5.3.11 Grant of long service leave to members on part-time leave without pay

1. This clause applies to a member who meets both these conditions.
   a. The member is on part-time leave without pay.
   b. The member applies for long service leave.

2. The member's part-time leave without pay must stop for the period of the long service leave.

3. The member's long service leave is paid based on the member's full time salary.

5.3.12 Re-credit of long service leave

1. A member on a period of long service leave is to be re-credited with leave if either of the following happens.
   a. They are admitted to hospital.
   b. They provide a certificate from an ADF medical officer stating that they were not fit for duty.

2. If the member meets the condition in subclause 1 for less than a full day, long service leave is not re-credited.

3. A member on a period of long service leave is to be re-credited for the leave on any day they are recalled to duty for operational reasons.
4. The CDF may extend a member's period of leave by the amount of long service leave re-credited.
Division 3: Accrual of service for long service leave

5.3.13 Accrued service

In this Part, a member's accrued service is the sum of these periods.

a. Their period of continuous full-time service.

b. Prior Reserve service, measured under clause 5.3.14.

c. Any prior service described in clauses 5.3.15 or 5.3.16.

Exception: Special arrangements exist where a member had two employers at the same time.

See: Clause 5.3.16, Overlapping prior service.

5.3.14 Prior Reserve service

1. Reserve service counts for long service leave as shown in this table.

<table>
<thead>
<tr>
<th>Item</th>
<th>If a day of Reserve service...</th>
<th>then the member...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>is for less than 6 hours</td>
<td>does not accrue long service leave for the day.</td>
</tr>
<tr>
<td>2.</td>
<td>is for 6 hours or more</td>
<td>accrues long service leave for the full day.</td>
</tr>
</tbody>
</table>

Note: Members of the Reserves are subject to the break in service rules in subclause 5.3.15.2.

2. Thirty days of Reserve service counts as a month of service.

Example: A member parades twice a month, for a full day each time. It would take the member 15 months to give one month's service for long service leave purposes.

5.3.15 Prior service

1. A period that could be counted as service under the Long Service Leave Act, on or after 1 January 1973, is accrued service for this Part. Periods of ineffective service with the prior employer are not recognised.

Related Information: Subclause 5.3.14.2

Note: The Long Service Leave Act does not allow for the recognition of service with the armed forces of other countries.

2. If there is a gap of more than one year between two periods of prior service, the earlier period cannot be recognised. There are two exceptions to this rule.

a. If it was a break between two periods of ADF service, and was due to illness
   i. The CDF must be satisfied that the member returned to suitable duties in the ADF within one year of recovery.
   ii. The CDF must consider their duties before their illness.

b. If the break was due to Service-approved full-time vocational training.

Example: A member joins the ADF in November. In June of that year the member had resigned from the Western Australian Public Service. This is service that could be counted as service under the Long Service Leave Act. As the break in employment is less than a
year, the earlier service may be recognised for long service leave purposes.

**Non-example:** A member of the Reserves has this pattern of service:

<table>
<thead>
<tr>
<th>Period</th>
<th>Service Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan 1999 – March 2003</td>
<td>Continuous full-time service</td>
</tr>
<tr>
<td>April 2003 – May 2004</td>
<td>4 hours duty, one day a week</td>
</tr>
<tr>
<td>June 2004 onwards</td>
<td>Continuous full-time service</td>
</tr>
</tbody>
</table>

The member has had no break in ADF service, but in the period April 2003 – May 2004 did not have any days that were service for long service leave purposes. (See subclause 5.3.14.1)

As the member had a break of more than a year between two periods of service for long service leave purposes, the earlier period cannot be recognised. The member's long service leave starts to accrue in June 2004.

3. Service with another employer may only be recognised if it has ended.

**Non-example:** A member takes leave without pay from the APS to join the ADF. The APS service may not be recognised until the member resigns from their APS employment.

4. A member's credit is reduced by either of these events.
   a. Long service leave granted during prior service.
   b. Any payment instead of long service leave during prior service.

   **See:** Clause 5.3.17, Effect of part-time prior service

### 5.3.16 Overlapping prior service

1. This clause applies to a member who has recognised prior service with two different employers at the same time.

   **Example:** A member has prior Reserve service at the same time the member was a full-time APS employee.

2. A member cannot have more than one day of service for long service leave purposes recognised for a calendar day.

   **Example:** From 1 January 1998 to 31 December 2002 a member was a full-time APS employee. During that period the member also attended regular Reserve parades. The member has five years’ prior service for the five calendar years.

3. If a member has part-time service with two employers at the same time, the weekly hours are added together to determine service for long service leave. The member is subject to the limit in subclause 2.

### 5.3.17 Effect of part-time prior service

1. The Long Service Leave Act or other legislation may have treated part-time service differently than it is treated under this Part.

   **Examples:**
   a. Employees may have accrued long service leave at part-time rates.
   b. Employees may have been paid at part-time rates for long service leave they have taken.

2. Members with part-time prior service need to have these periods converted to full-time equivalents.
a. Subclause 3 gives the method for adjusting the period of part-time service to the full-time equivalent.

b. Subclause 5 gives the method for adjusting the period of part-time leave to the full-time equivalent.

3. Prior part-time service counts as accrued service but the period of service is adjusted to reflect the part-time hours worked. This table shows the method.

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Work out the length of the member's part-time prior service, in days.</td>
</tr>
<tr>
<td>2.</td>
<td>Work out the member's average weekly hours during that period. If the member had different periods at different weekly rates, these should be calculated separately.</td>
</tr>
<tr>
<td>3.</td>
<td>Multiply the two figures together.</td>
</tr>
<tr>
<td>4.</td>
<td>Divide this total by 36.75. This figure is the number of days of prior service that may be recognised.</td>
</tr>
<tr>
<td>5.</td>
<td>If the member had different periods at different weekly rates, steps 1 to 4 should be worked out separately for each period. The periods are added at the end to give the total part-time prior service.</td>
</tr>
<tr>
<td>6.</td>
<td>The total should be included in the member's period of service for when working out their credit.</td>
</tr>
</tbody>
</table>

See: Division 2 clause 5.3.8, How much long service leave?

Example: A member advises that she used to be employed in the APS, as a part-time employee. She is able to show documentary evidence of this. This was her employment pattern.

| 1 July 2000 to 30 June 2001 | 20 hours a week |
| 1 to 31 March 2001 was non-effective service |
| 1 July 2001 to 30 June 2002 | 30 hours a week |

<table>
<thead>
<tr>
<th>Step</th>
<th>Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The member had 365 days service, less 31 days non-effective service = 334 days</td>
</tr>
<tr>
<td>2.</td>
<td>The member worked 20 hours a week.</td>
</tr>
<tr>
<td>3.</td>
<td>Step 1 multiplied by Step 2 equals 6680.</td>
</tr>
<tr>
<td>4.</td>
<td>6680 hours divided by 36.75 equals 181.77 days.</td>
</tr>
<tr>
<td>5.</td>
<td>The member's total part-time prior service is 181.77 days plus 297.96 days. This, rounded, becomes a total of 480 days.</td>
</tr>
</tbody>
</table>

The difference between the following periods is recorded as non-service days.

a. The calendar days in the period.

b. The number of days to be recognised as a result of the calculations in subclause 3.

Example: In the example in subclause 3, the period 1 July 2000 to 30 June 2002 would be recorded on the Defence leave management system as follows.

Non-service days 250 (ie 730 days less 480 days worked).

5. Prior part-time leave should be adjusted to its full-time equivalent before being deducted from a member's long service leave credit. This table shows the method.
### Step | Action
---|---
1. | Work out the periods of long service leave that were paid at part-time rates.  
**Note:** This includes payment instead of long service leave. It does not include half-pay long service leave if the amount paid was half of the person's full-time hours.

2. | Work out weekly hours the person was paid for the leave. If the member had different periods of leave at different weekly rates, these should be calculated separately.  
**Note:** If the person took the leave at half pay, use their weekly part-time hours, not the half part-time hours that they were paid.

3. | Divide their weekly part-time hours (Step 2) by 36.75.

4. | Multiply Step 1 by Step 3.

5. | If any of the periods of leave were at half pay, divide Step 4 by 2.

6. | If the member had different periods of leave at different weekly rates, steps 1 to 5 should be worked out separately for each period of leave. The periods are added at the end to give the total leave taken in respect of part-time service during the prior work.

### Example: The member in the example in subclause 3 took some long service leave during her part-time periods of duty. Because of the different long service leave rules in the APS, her leave was paid at part-time rates. This was her leave pattern.

<table>
<thead>
<tr>
<th>Period</th>
<th>Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 November 2000 to 30 November 2000</td>
<td>The member took 1 month's leave.</td>
</tr>
<tr>
<td>1 November 2001 to 30 November 2001</td>
<td>The member took 1 month's leave.</td>
</tr>
<tr>
<td>30 November 2000</td>
<td>20 hours a week. Leave was taken at full pay.</td>
</tr>
<tr>
<td>30 November 2001</td>
<td>30 hours a week. Leave was taken at half pay.</td>
</tr>
</tbody>
</table>

### Step | Calculation
---|---
1. | The member took 1 month of leave.  
2. | The member worked 20 hours a week.  
3. | 20 hours divided by 36.75 equals 0.5442.  
4. | Step 1 multiplied by Step 3 equals 0.5442 months of leave.  
5. | The leave was at full pay. No further adjustment is needed.  
6. | The member's total leave is 0.5442 months plus 0.4082 months. This is 0.9524 months full-time equivalent leave.  

**Note:** In this example, the member would need more service than is shown in subclause 3 in order to have access to a long service leave credit.
5.3.18 Periods that are not accrued service

In this Part, these periods are not accrued service.

a. Any period the member is absent without leave for more than a day.

b. A period of leave without pay of more than three months. There are two exceptions to this rule.
   i. Leave without pay for illness.

See: Defence Instruction (General) Personnel 21-1, Political Activities of Members of the Defence Force

c. Any period of more than one day that the member is not entitled to salary or allowances because regulation 68 of the Defence Force Regulations 1952 applies to them. This does not apply if they later become entitled to the lost salary and allowances.

Note: This paragraph refers to a period when the member is in detention or convicted of an offence and the Defence Force Regulations 1952 state that they should not get paid in that period. Sometimes a member who is detained or convicted will later be cleared. They can then be paid for that period.

5.3.19 Member's responsibilities

1. A member should ask for recognition of their prior service as soon as reasonably practical after starting continuous full-time service. This includes prior Reserve service.

2. The member must give the CDF written evidence of their prior service. If not, the periods will not be counted as accrued service.

Example: A member was previously employed in the APS (or a corporation or authority). They ask their prior employer to give them a letter. It shows the period of APS employment, any non-effective service, and any long service leave taken or paid in lieu. They give the letter to the decision-maker.

Non-example: A member on Reserve service starts a period of APS employment. They may be eligible to accrue long service leave credits under the Long Service Leave Act. They would not get credit for their Reserve service under this Part. However, if they returned to perform continuous full-time service they could get a combined long service leave credit for the earlier service under clause 5.3.14, Prior Reserve service.

5.3.20 Working out the total period for a member's long service leave credit

1. This table shows how to work out the total period that a member's long service leave credit is assessed on.

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
<th>See</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Work out the member's total period of accrued service. This includes the member's current service, prior full days of Reserve service and other prior service.</td>
<td>Clauses 5.3.13 to 5.3.17</td>
</tr>
<tr>
<td>2.</td>
<td>Work out their total long service leave credit for completed years of service.</td>
<td>Division 2 clause 5.3.8</td>
</tr>
<tr>
<td>3.</td>
<td>Subtract any leave that they have already taken as leave or been paid for instead of leave.</td>
<td></td>
</tr>
</tbody>
</table>
2. For a grant of long service leave, the entitlement to the actual credit is set out in clause 5.3.8.

3. For a payment instead of long service leave, the entitlement to the actual credit is set out in the following clauses.
   a. Clause 5.3.26 for a member who has an established long service leave credit.
   b. Clause 5.3.28 for a member who does not have an established long service leave credit, but has at least one year's service. They must be leaving the ADF for a reason stated in that clause.
Division 4: Salary for long service leave

5.3.21 Salary for long service leave

Unless clause 5.3.22 or 5.3.23 applies, salary for a period of long service leave for a member who is to be granted long service leave is the sum of these amounts.

a. Salary at the applicable rate for the member’s substantive rank and (if applicable) the member’s pay group.

b. The amount of any allowance that may be paid during long service leave.

See: Clause 5.3.23, Allowances while on long service leave

5.3.22 Salary – member on higher duties, temporary or acting rank

1. This clause applies to a member who meets both of these criteria.

a. They hold a temporary or acting rank, or are entitled to higher duties allowance, immediately before the start date.

b. The direction to perform at that rank is not cancelled.

2. The member’s salary for the long service leave period is the sum of these amounts.

a. The rate of salary for the higher duties or temporary or acting rank and (if applicable) their pay group, held immediately before the start date.

b. The amount of any allowance that may be paid during long service leave. These are paid at the same rank as salary under paragraph a.

See: Clause 5.3.23, Allowances while on long service leave

5.3.23 Allowances while on long service leave

1. These allowances may continue to be paid to a member who takes long service leave. They may only be paid if the member would have continued to receive the allowance if they had not taken long service leave.

<table>
<thead>
<tr>
<th>Item</th>
<th>Allowance</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The annual rate of adventurous training instructor allowance.</td>
<td>Chapter 4 Part 3 Division 1</td>
</tr>
<tr>
<td>2.</td>
<td>The annual rate of diving allowance.</td>
<td>Chapter 4 Part 3 Division 3</td>
</tr>
<tr>
<td>3.</td>
<td>The annual rate of flying allowance.</td>
<td>Chapter 4 Part 3 Division 6</td>
</tr>
<tr>
<td>4.</td>
<td>The annual rate of paratrooper allowance.</td>
<td>Chapter 4 Part 3 Division 10</td>
</tr>
<tr>
<td>5.</td>
<td>The annual rate of seagoing allowance.</td>
<td>Chapter 4 Part 3 Division 11</td>
</tr>
<tr>
<td>6.</td>
<td>Special action forces allowance.</td>
<td>Chapter 4 Part 3 Division 12</td>
</tr>
<tr>
<td>7.</td>
<td>Specialist operations allowance.</td>
<td>Chapter 4 Part 3 Division 13</td>
</tr>
<tr>
<td>8.</td>
<td>Submarine escape allowance.</td>
<td>Chapter 4 Part 3 Division 14</td>
</tr>
<tr>
<td>9.</td>
<td>Submarine service allowance.</td>
<td>Chapter 4 Part 3 Division 15</td>
</tr>
<tr>
<td>10.</td>
<td>Flight duties allowance. This only includes the rate payable if the member is required to perform flight duties on a Service aircraft as often and for as long as aircrew are required to perform duties on the aircraft.</td>
<td>Chapter 4 Part 3 Division 5</td>
</tr>
</tbody>
</table>

2. Apart from flight duties allowance as described in table item 10 in paragraph 1, no other
daily or on occurrence rate of an allowance may be paid.

3. In order to be paid an allowance listed in subclause 1 during leave, the member must meet one of these conditions.

   a. The member was entitled to the allowance on the day before the start date.

   b. The member was entitled if they were in one of the following situations for the whole period between the day on which they were last entitled to the allowance and the start date.

      i. The member was ill or in hospital.

      ii. The member was prevented from taking long service leave because they were required to remain on duty.

      iii. For an officer – The member was involved in retirement proceedings that resulted in the member’s retirement because the member was physically or mentally incapacitated.

      iv. For a member other than an officer – The member was involved in discharge proceedings that resulted in the member’s discharge because the member was medically unfit.

Note: Other allowances continue to be paid while the member is on long service leave, because they do not depend on the member being on duty. The payment depends on rules in other Chapters. Examples include:

   a. Service allowance.

      See: Chapter 4 Part 2

   b. Rent allowance.

      See: Chapter 7 Part 6

   c. Location allowances such as Antarctic allowance, district allowance, Port Wakefield allowance and Woomera allowance. These may only be paid if the member stays in the location while on the long service leave.

      See: Chapter 4 Part 4

   d. Retention allowances.

      See: Chapter 3 Part 5 Division 5

   e. Separation allowance (continuous rate).

      See: Chapter 6 Part 1 Division 1

   f. Trainee’s dependant allowance.

      See: Chapter 4 Part 7 Division 1

   g. Uniform allowance.

      See: Chapter 10 Part 1

See also: The definition of salary for the purpose of payment instead of leave in subclause 5.3.26.4.
Division 5: Payment instead of long service leave

5.3.24 Member this Division applies to

This Division applies to a member who ceases continuous full time service, and who meets one of these conditions.

a. They are entitled to a long service leave credit.

b. They qualify under clause 5.3.28. This clause applies to members who have at least one year of effective service and who leave the ADF in a way listed in clause 5.3.28.

See: Clause 5.3.28, Pro rata entitlement

5.3.25 Members this Division does not apply to

1. If a member leaves the ADF because they die, this Division does not apply. See Chapter 11 Part 3 instead.

2. This Division does not apply to members who are discharged from one Service in order to start an appointment in another Service without a break. These members are not entitled to payment instead of long service leave.

5.3.26 Payment instead of long service leave

1. The member is entitled to a payment instead of their long service leave credit.

See:
Subclauses 2 and 3 for how to calculate the final credit.
Subclause 4 for what salary to use.
Subclause 5 for how to calculate the payment.

2. The member's credit is calculated in accordance with this table.

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
<th>See</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Work out the member’s total period of accrued service, in years and months.</td>
<td>Division 3 clauses 5.3.13 to 5.3.17</td>
</tr>
<tr>
<td></td>
<td>This includes the member's current service, prior full days of Reserve service and other prior service.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Work out their total long service leave credit for the years of service. The credit should be expressed in months and part months (ie taken from the months column of the table in clause 5.3.8.)</td>
<td>Division 2 clause 5.3.8</td>
</tr>
<tr>
<td>3.</td>
<td>Work out their total long service leave credit for the remaining months of service.</td>
<td>Subclause 5.3.26.3</td>
</tr>
<tr>
<td>4.</td>
<td>Add the credits from Steps 2 and 3 together.</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Subtract any leave that they have already taken as leave or been paid for instead of leave.</td>
<td></td>
</tr>
</tbody>
</table>
Example:
A member has 12 years, 3 months total service.
Credit for 12 years of service is 3.6 months.
Credit for 3 months of service is 0.075 months
Total is 3.675 months.
If the member has never taken any long service leave, this is the member's credit to be paid out.

3. This table shows how to work out the credit for completed months of accrued service.

<table>
<thead>
<tr>
<th>Months of service</th>
<th>Long service leave as part of a month</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0.025</td>
</tr>
<tr>
<td>2</td>
<td>0.050</td>
</tr>
<tr>
<td>3</td>
<td>0.075</td>
</tr>
<tr>
<td>4</td>
<td>0.100</td>
</tr>
<tr>
<td>5</td>
<td>0.125</td>
</tr>
<tr>
<td>6</td>
<td>0.150</td>
</tr>
<tr>
<td>7</td>
<td>0.175</td>
</tr>
<tr>
<td>8</td>
<td>0.200</td>
</tr>
<tr>
<td>9</td>
<td>0.225</td>
</tr>
<tr>
<td>10</td>
<td>0.250</td>
</tr>
<tr>
<td>11</td>
<td>0.275</td>
</tr>
</tbody>
</table>

4. Unless clause 5.3.22 applies, salary for a period of long service leave for a member who is to be paid instead of long service leave is the sum of these amounts.

a. Salary at the applicable rate for their substantive rank and (if applicable) their pay group.

b. The amount of any allowance that the member may be paid during long service leave.

See: Division 4 clause 5.3.23, Allowances while on long service leave

Exceptions: Antarctic allowance, Port Wakefield allowance, district allowance, uniform allowance, hardship allowance and rent allowance are not payable.

Related Information: Division 4 clause 5.3.22, Salary – member on higher duties, temporary or acting rank

5. This table shows how to calculate the final payment instead of long service leave.

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
</table>
| 1.   | Divide the salary for long service leave by 12, to give the monthly rate.  
      | Note: This rule applies no matter how many days there are in the month. |
| 2.   | Multiply by the member's credit. This figure is the amount to be paid.  
      | See: Subclause 5.3.26.2 |

5.3.27 Member on higher duties, temporary or acting rank

1. This clause applies to a member who held temporary or acting rank, or was entitled to higher duties allowance, for either of these periods.

a. The year before the start date.

b. The start date plus three of the five years immediately before and including the start date. The three years may be in a single period, or broken periods.
Example: A member performs higher duties and then holds acting rank. These periods can be added together to confirm whether they have met the time requirements in subclause 1.

2. If a member only held one rank during the period, the rate of salary is the sum of these amounts.
   a. The rate of salary for the higher duties or temporary or acting rank and (if applicable) their pay group, held immediately before the start date.
   b. The amount of any allowance that the member may be paid during long service leave. These are paid at the same rank as salary under paragraph a.
      
      See: Division 4 clause 5.3.23, Allowances while on long service leave

3. If a member held more than one level of higher duties or temporary or acting rank during the period, the rate of salary is the sum of these amounts.
   a. The rate of salary for the lowest level of higher duties or temporary or acting rank.
      
      Example: For the year before the member’s resignation, a Captain had higher duties as a Major for six months, and as a Lieutenant Colonel for six months. Payment instead of long service leave will be at the Major salary rate.
   b. The amount of any allowance that the member may be paid during long service leave. These are paid at the same rank as salary under paragraph a.
      
      See: Division 4 clause 5.3.23, Allowances while on long service leave

4. A member's rate of salary for the higher duties, temporary or acting rank may increase after the start date and before the day before the member ceases continuous full-time service. In this case, their salary is taken to increase by the same amount.

5.3.28 Pro rata entitlement

1. A member who has more than one year but less than 10 years of accrued service may be entitled to a pro rata payment instead of long service leave. Their service must end for one of these reasons.
   a. Redundancy.
   b. Retrenchment.
   c. Illness.
   d. Death.
   e. They have reached their compulsory retirement age.
      
      Example: A member starts work as a specialist officer with the ADF at age 49. When they reach age 55 they do not continue working on a fixed tenure appointment. They are entitled to a pro rata long service leave credit for the six years of service.

      Non-example: A member who is on a fixed tenure appointment that is not renewed has not been made redundant or retrenched, and has not reached their compulsory retirement age. They would not be entitled to a pro rata credit of long service leave.

2. A member (other than a member mentioned in subclause 1) who has less than 10 years of accrued service and who voluntarily ceases continuous full-time service before reaching compulsory retirement age, is not entitled to a pro rata payment instead of long service leave.

3. The payment is worked out using the process described in clause 5.3.26.

See: Clause 5.3.26, Payment instead of long service leave
5.3.29 Option not to be paid

A member who is entitled to payment instead of long service leave may choose the option not to be paid instead. The choice must be in writing.

Example: The member leaves the ADF to become an APS employee in the Department of Defence. As an APS employee, their ADF service will be recognised for APS long service leave purposes. They choose in writing not to receive payment instead of ADF long service leave.
Part 4: Maternity leave

5.4.1 Purpose

This Part sets out a member's entitlement to maternity leave. The leave recognises the physical aspects of the later stages of pregnancy, childbirth and recovery after childbirth. It also provides time for initial care of the child.

5.4.2 Contents

This Part includes the following Divisions:
- Division 1  Overview
- Division 2  Maternity leave entitlements
- Division 3  Required absence
- Division 4  Member already on leave without pay
Division 1: Overview

5.4.3 Summary

1. Maternity leave is described in full in this Part. This clause describes some of its main features.

2. Maternity leave allows for an absence of 52 weeks. It consists of paid and unpaid leave. New members may not have access to the paid leave component.

   See: Division 2, Maternity leave entitlements

3. A member who meets the eligibility criteria is entitled to the leave. An application cannot be refused for any reason.

   See: Division 2 clause 5.4.12, Overview

4. Maternity leave includes a period of required absence.

   See: Division 3, Required absence

5. A member may take recreation leave or long service leave instead of unpaid maternity leave.

   See: Division 2 clause 5.4.18, Access to other leave

6. Unpaid maternity leave is not the same as leave without pay.

   See: Clause 5.4.8, Leave without pay and maternity leave

7. Convalescence may happen at the same time as maternity leave.

   See: Division 3 clause 5.4.25, Fitness for duty and the required absence

5.4.4 Definitions

This table defines terms used in this Part.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Part</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birth</td>
<td>The birth of a child that happens at one of these times.</td>
</tr>
<tr>
<td></td>
<td>a. Twenty weeks before the expected date of the birth.</td>
</tr>
<tr>
<td></td>
<td>b. Any day that is after the day in paragraph a.</td>
</tr>
<tr>
<td>Qualifying service</td>
<td>For entitlement to paid maternity leave, a continuous period of 12 months of:</td>
</tr>
<tr>
<td></td>
<td>a. full-time service in the ADF, or</td>
</tr>
<tr>
<td></td>
<td>b. any other employment recognised for the purpose of the Maternity Leave (Australian Government Employees) Act 1973, subsection 6 (4).</td>
</tr>
<tr>
<td></td>
<td><strong>Note:</strong> If a member is not sure whether they have done 12 months’ qualifying service, the member's unit can seek advice. A written request should be made to the Director Entitlements.</td>
</tr>
<tr>
<td>Required absence</td>
<td>A period of absence under Division 3.</td>
</tr>
</tbody>
</table>
### Salary

Salary and allowances as if the period were a period of recreation leave.

**See:**
- Part 2 *Division 6* clause 5.2.29, Salary for recreation leave
- Part 2 *Division 6* clause 5.2.30, Payment of allowances on recreation leave

### Termination

An event that results in a pregnancy ending, without the birth of a live child. It must happen at one of these times.

a. The day that is twenty weeks before the expected date of the birth.

b. Any day that is after the day in paragraph a.

**Examples:** Miscarriage, stillbirth, termination.

**See also:** Clause 5.4.7, Termination of pregnancy – overview.

### 5.4.5 Members this Part applies to

This Part applies to a member whose pregnancy ends by a birth or a termination.

### 5.4.6 Required absence and maternity leave

1. Two key concepts in this Part are required absence and maternity leave.

2. Required absence is the period that a member is required to be away from duty. It usually covers the later stages of pregnancy and the first few weeks after the birth. It can be reduced if the member has medical approval. Maternity leave is granted to cover the period of required absence.

   **See:** *Division 3*, Required absence

3. Maternity leave is leave granted to a member who is pregnant or who has recently given birth. It has paid and unpaid components, for eligible members.

   **See:** *Division 2*, Maternity leave entitlements

### 5.4.7 Termination of pregnancy – overview

1. Termination is defined in clause 5.4.4, Definitions.

2. If a member's pregnancy terminates 20 weeks or later before the expected date of the birth, the member is entitled to maternity leave.

   **Example:** A member's expected date of the birth is 1 June. On 9 March she miscarries. This is 12 weeks before the expected date of birth. This event meets the definition of termination. The member is fully entitled to maternity leave, and she must observe the required absence.

3. If the member's pregnancy terminates earlier than 20 weeks before the expected date of birth, the member is not entitled to maternity leave. If she is unfit for duty, normal fitness for duty arrangements apply.

   **Example:** A member's expected date of the birth is 1 June. On 6 January she miscarries. This is 21 weeks before the expected date of birth. This event does not meet the definition of termination. The member has no maternity leave entitlement. The member is absent for a time under fitness for duty arrangements, to recover from the miscarriage.
5.4.8 Leave without pay and maternity leave

The unpaid component of maternity leave is a different leave type to leave without pay. The two leave types are both unpaid, but in other respects are quite different. Unpaid maternity leave cannot be refused for any reason. Unpaid maternity leave is administered under this Part.

Example 1: A member falls pregnant while already on unpaid maternity leave. She may be granted a second period of maternity leave.

See: Clause 5.4.17, Second period of maternity leave

Example 2: A member falls pregnant while on leave without pay. Clause 5.4.31 prevents her from having access to further maternity leave until her leave without pay has ended.

See: Division 4, Member already on leave without pay

Comparison: Examples 1 and 2 have different outcomes, as unpaid maternity leave and leave without pay are different leave types.

5.4.9 Parental leave and maternity leave

1. Maternity leave is not available to these members. Parental leave may be available instead.
   a. Fathers of new babies.
   b. Parents of adopted children.

2. Members who have been granted maternity leave may also be entitled to parental leave.

See: Chapter 5 Part 5, Parental leave

5.4.10 Notice

The member must give the CDF written notice of the birth or termination within six weeks of it happening.

Note: A member must report to the Defence Health Service when she considers she is pregnant. If her pregnancy is confirmed, and she wishes to continue with the pregnancy, the Medical Officer will inform the member’s Commanding Officer.

See: Health Directive No 235, Management of pregnant members of the Australian Defence Force

5.4.11 How to apply for maternity leave

1. A member must apply for maternity leave.

2. One leave application may be used for multiple types of leave. However, if different approving authorities are required to sign for the different types of leave, separate leave forms must be used for each type of leave.

Examples of different types of leave: recreation leave, long service leave and leave without pay.
**Division 2: Maternity leave entitlements**

### 5.4.12 Overview

1. This Division describes maternity leave.

   **Related information:** Members who have been granted more than six weeks' leave without pay may have different entitlements. For those members, this Division should be read subject to Division 4. This means that if the rules in Division 4 and the rules in this Division are different, Division 4 rules apply to those members. Where the rules can work together, both sets of rules apply.

2. Maternity leave has features that make it an unusual leave type.
   a. The leave is an entitlement. Approval is an administrative formality. If the member is entitled to take the leave, it must be approved.
   b. If a member was pregnant 20 weeks before the expected date of birth, she is entitled to a maternity leave absence. This is true of members on Permanent or Reserve service. It is also true of members of long and short service.
      i. If members have the required qualifying service, part of the leave is paid.
      
         **See:** Clause 5.4.14, Paid maternity leave
      ii. Members may substitute recreation or long service leave for unpaid maternity leave.
      
         **See:** Clause 5.4.18, Access to other leave
   c. If the member resumes duty early, she is entitled to go on maternity leave again during the 52-week period.
      
         **See:** Clause 5.4.21, Resuming leave

### 5.4.13 Entitlement

1. The member is entitled to be absent from duty during this period.
   a. **From** the first day of the member's maternity leave.
   b. **Until** the day 52 weeks after the day in paragraph a.

      **See:** Clause 5.4.14, for entitlement to paid maternity leave.

2. The period of absence starts on the first day of the member's required absence.

      **See:** Division 3, Required absence

### 5.4.14 Paid maternity leave

1. This clause does not apply to a member on Reserve service.

      **See:** Clause 5.4.16, Member on Reserve service

2. If a member has completed 12 months' qualifying service, she is entitled to salary for up to 12 weeks of her maternity leave. This table sets out the period of entitlement.
### Chapter 5

#### 5.4.14 Maternity leave

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member’s absence is for…</th>
<th>then she is entitled to salary for…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>more than 12 weeks</td>
<td>the first 12 weeks of the absence. The rest of her absence will be unpaid maternity leave. <strong>But see:</strong> Clause 5.4.18, Access to other leave</td>
</tr>
<tr>
<td>2.</td>
<td>less than 12 weeks</td>
<td>the whole of the period.</td>
</tr>
</tbody>
</table>

**Note:** The period of paid maternity leave will usually overlap a member's period of required absence. However, they are separate matters. Sometimes the two periods can be very different. They must be worked out separately. Required absence is described in Division 3.

3. A member is not entitled to paid maternity leave for any period of absence before her first 12 months' qualifying service.

**Note:** A member needs to give 12 months’ qualifying service only once, no matter how many times she takes maternity leave.

4. A member with less than 12 months' qualifying service before a period of absence may be entitled to salary if she completes the 12 months during the period of absence. She is entitled for any period of absence that meets both of these conditions.

   a. It starts when she completes 12 months' qualifying service.

   b. It ends when the member has had 12 weeks' maternity leave.

**Example:**

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member starts maternity leave</td>
<td>12 months' qualifying service is reached</td>
</tr>
<tr>
<td>4 weeks Unpaid maternity leave</td>
<td>Up to 40 weeks Unpaid maternity/other leave</td>
</tr>
<tr>
<td>8 weeks Paid maternity leave</td>
<td>52 weeks ends</td>
</tr>
</tbody>
</table>

5. A multiple birth or adoption is taken to be a single event.

#### 5.4.15 Maternity leave at half pay

The CDF may grant a member her entitlement at half her salary rate for double the time she is entitled to under subclause 5.4.14.2. The member must apply to the CDF in writing.

**Note:** The member must still contribute to superannuation each fortnight that she receives salary. The contribution rate is based on her full rate of salary. It is not reduced even though she is being paid less.

#### 5.4.16 Member on Reserve service

A member on Reserve service is not entitled to maternity leave. They are entitled to a 52-week break in their minimum training service obligation, as if they had access to maternity leave.

#### 5.4.17 Second period of maternity leave

1. This clause applies to a member who meets both of these conditions.

   a. The member has been granted maternity leave.

   b. During the period of the leave, the member qualifies for a second grant of maternity leave.
2. The member is entitled to a second grant of maternity leave. The leave should be worked out under this Part.

5.4.18 Access to other leave

1. A member may substitute recreation leave or long service leave for unpaid maternity leave.

   **Example:** A member may make up a 52-week period of absence in this way.

<table>
<thead>
<tr>
<th>Start required absence</th>
<th>End 52 weeks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid maternity leave</td>
<td>Long service leave</td>
</tr>
<tr>
<td>12 weeks</td>
<td>12 weeks</td>
</tr>
</tbody>
</table>

   **Non-example:** The non-example below is not an acceptable alternative. This is because paid maternity leave must be the first 12 weeks of the maternity leave absence.

<table>
<thead>
<tr>
<th>Start required absence</th>
<th>End 52 weeks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation leave</td>
<td>Paid maternity leave</td>
</tr>
<tr>
<td>2 weeks</td>
<td>12 weeks</td>
</tr>
</tbody>
</table>

2. A member who substitutes other leave for unpaid maternity leave may not extend the total period of maternity leave. The limits in clause 5.4.13 continue to apply.

   **Note:** A member on maternity leave is still subject to the recreation leave lapsing provisions in clause 5.2.27. It may be in a member's interest to substitute recreation leave for unpaid maternity leave, to prevent it from lapsing.

   **See:** Division 3 clause 5.2.27, Expiration of recreation leave credits ('leave lapsing')

   **Note:** A member may be entitled to a further 14 weeks’ parental leave. This is an unpaid leave type. This would take the total period of absence in this example to 66 weeks.

   **See:** Chapter 5 Part 5, Parental leave

5.4.19 Effect of unpaid maternity leave

1. Any period of paid maternity leave is a period of effective service. This includes maternity leave at half pay.

2. Any period of unpaid maternity leave is not a period of effective service.

   **Note:** MSBS members may choose to maintain their superannuation contributions.

   **See:** The Note to Division 4 clause 5.4.33, Other matters.

3. A period of unpaid maternity leave has these features.

   a. It counts as continuous service.

   b. It will not break continuity of service if the conditions for a particular entitlement are met.

   c. The member is not required to remain fit or deployable.

   d. The member continues to receive free medical care. The member is not returned to the payroll for hospitalisation, treatment, illness or convalescence.

   e. The member keeps their housing assistance.
5.4.20 Resuming duty

1. A member may apply to resume duty on a date after her required absence is completed. The member must apply in writing.

   **Note:** A member and her supervisor should discuss return to duty options when the member puts in her maternity leave application.

2. The member does not have to provide a medical certificate with her application.

   **Note:** Members are advised to make any decision to return to work early based on medical advice.

3. The CDF may give the member permission to resume duty on a date after her required absence is completed.

   **Note:** The CDF may also allow a member to resume duty during her required absence.

   **See:** Division 3 clause 5.4.27, Resuming duty during the required absence.

4. The CDF must make a decision on an application under subclause 1 within seven days of receiving it. The member must be told of the decision in writing.

5.4.21 Resuming leave

1. This clause applies to a member who meets all of these conditions.
   a. The member has taken maternity leave.
   b. The member has resumed duty.
   c. The member wishes to take further maternity leave.

2. If the further maternity leave falls in this period, the member is entitled to take the further leave.
   a. **From** the day the member first takes maternity leave.
   b. **Until** the day 52 weeks after the day in paragraph a.

3. If the further leave falls outside the period in subclause 2, the member is not entitled to maternity leave. The member may have access to parental leave.

   **See:** Chapter 5 Part 5, Parental leave

5.4.22 Examples

These examples set out some maternity leave scenarios.

**Note:** Example 4 is allowable but is unusual and would rarely occur.

**Example 1:**

<table>
<thead>
<tr>
<th>Start required absence</th>
<th>Birth or termination</th>
<th>End required absence</th>
<th>End 52 weeks</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 weeks</td>
<td>6 weeks</td>
<td>40 weeks</td>
<td></td>
</tr>
<tr>
<td>Paid maternity leave</td>
<td>Paid maternity leave</td>
<td>Unpaid maternity leave</td>
<td></td>
</tr>
</tbody>
</table>
Example 2:

<table>
<thead>
<tr>
<th>Start required absence</th>
<th>Birth or termination</th>
<th>End required absence</th>
<th>End 52 weeks</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 weeks</td>
<td>6 weeks</td>
<td>40 weeks</td>
<td></td>
</tr>
<tr>
<td>Paid maternity leave</td>
<td>Unpaid maternity leave</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Example 3:

<table>
<thead>
<tr>
<th>Start required absence</th>
<th>Birth or termination</th>
<th>End required absence</th>
<th>Member has permission to resume</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 weeks</td>
<td>6 weeks</td>
<td>1 week</td>
<td>14 weeks</td>
</tr>
<tr>
<td>Paid maternity leave</td>
<td>Paid maternity leave</td>
<td>Unpaid maternity leave</td>
<td></td>
</tr>
</tbody>
</table>

Example 4:

<table>
<thead>
<tr>
<th>Start required absence</th>
<th>Birth or termination</th>
<th>Return to work (with medical certificates and CDF approval)</th>
<th>On leave (various) to end of 52 weeks</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 weeks</td>
<td>2 weeks</td>
<td>3 weeks</td>
<td>8 weeks</td>
</tr>
<tr>
<td>4 weeks</td>
<td>33 weeks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid maternity leave</td>
<td>Paid maternity leave</td>
<td>Work</td>
<td>Paid maternity leave</td>
</tr>
<tr>
<td>Work</td>
<td>Recreation leave</td>
<td>Unpaid maternity leave</td>
<td></td>
</tr>
</tbody>
</table>

Example 5:

<table>
<thead>
<tr>
<th>Start required absence</th>
<th>Birth or termination</th>
<th>End required absence</th>
<th>End 52 weeks</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 weeks</td>
<td>6 weeks</td>
<td>35 weeks</td>
<td>5 weeks</td>
</tr>
<tr>
<td>Paid maternity leave</td>
<td>Paid maternity leave</td>
<td>Unpaid maternity leave</td>
<td>Recreation leave</td>
</tr>
</tbody>
</table>
Division 3: Required absence

5.4.23 Required absence

1. This Division describes the period a member must be away from duty owing to her pregnancy.

2. The purpose of the required absence is to protect a member in the later stages of her pregnancy when she is unlikely to be able to work comfortably. It also assists her to recover from her pregnancy, and to care for her child.

3. A member who is absent during this period will be granted maternity leave. In most cases the required absence will only be part of a member's period of maternity leave. It is not in addition to the 52 weeks' leave.

Exception: Member on leave without pay, see Division 4.

See:
Division 2, Maternity leave entitlements
Chapter 5 Part 8, Leave without pay

5.4.24 Period of required absence

This table sets out the period a member who is pregnant must be absent.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member…</th>
<th>then she must be absent…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>has a birth or termination earlier than six weeks before the expected date of the birth</td>
<td>for six weeks starting on the date of the birth or termination.</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>See:</strong> Division 1 clause 5.4.4 for the definition of termination</td>
</tr>
<tr>
<td>2.</td>
<td>is still pregnant six weeks before the expected date of the birth</td>
<td>from six weeks before the expected date of the birth, until six weeks after the actual date of the birth or termination.</td>
</tr>
<tr>
<td>3.</td>
<td>meets all of these conditions…</td>
<td>from the end of the day immediately after the day she has permission to work to, until six weeks after the date of the birth or termination.</td>
</tr>
<tr>
<td></td>
<td>a. The member is still pregnant six weeks before the expected date of the birth.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b. The member is given permission by the CDF to continue to perform duty (see clause 5.4.26).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c. The member is able to continue working until the date approved by the CDF.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>meets all of these conditions…</td>
<td>for six weeks starting on the date of the birth or termination.</td>
</tr>
<tr>
<td></td>
<td>a. The member is still pregnant six weeks before the expected date of the birth.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b. The member is given permission by the CDF to continue to perform duty (see clause 5.4.26).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c. The member is not able to continue working until the date approved by the CDF, because the birth or termination happens before that date.</td>
<td></td>
</tr>
</tbody>
</table>
5. is given permission by the CDF to return to duty early (see clause 5.4.27) for the period up to the end of the day she has permission to return to duty.

5.4.25  **Fitness for duty and the required absence**

1. A member cannot be made to go on maternity leave earlier than six weeks before the expected date of birth.

2. A medical officer or doctor may declare a member unfit for duty for reasons related to her pregnancy. In this case, the normal ADF fitness for duty arrangements must apply. They apply until the member is declared fit for duty or her required absence starts.

3. The member may be considered fit for other duties.

4. One of the purposes of maternity leave is to recognise that a member may not be fit for duty because of her pregnancy. If a member is placed on convalescence at the same time as this Part provides for maternity leave, they should happen at the same time.

5.4.26  **Continuing to perform duty during the required absence**

1. A member may apply to perform duty during the period that would otherwise be her required absence.
   a. The member must provide a doctor's certificate that states that she will continue to be fit for duty until a nominated date.
   b. The certificate must be provided at either of these times.
      i. At least six weeks before the expected date of birth.
      ii. If she has previously been given permission under this clause – on or before the day she already has permission to work to.

2. The CDF may permit a member to continue to perform duty during what would have been her required absence. The permission must be in writing and state the day the permission ends.

   **Example:** A member's required absence is due to start on 1 May. The member is in good health. She provides a medical certificate that states that in the doctor's opinion, she is fit to work until 10 June. The CDF gives her permission to work until 10 June.

   **Non-example 1:** In the example above, the member is working during her required absence. Towards the end of May she is finding work difficult. On 25 May she decides she no longer wants to work. The member should start maternity leave. Other forms of leave are not available to her.

   **Non-example 2:** In the first example, the member is working during her required absence. On 25 May her doctor advises her that due to her pregnancy she should stop working. The member should start maternity leave. Convalescence is not available to her.

3. If the CDF considers it necessary, the CDF may require a supporting certificate by an ADF medical officer. It should state that the member will continue to be fit for duty until a nominated date.

4. A doctor may certify a member unfit for duty for reasons related to her pregnancy. The member may later produce a medical certificate stating that she is fit for duty until a nominated date. In this case, the CDF may consider that certificate under subclause 1.

   **Note:** The member still has access to her compassionate and other leave entitlements as usual.
5.4.27 Resuming duty during the required absence

1. A member may apply to resume duty during the period that would otherwise be her required absence. The member must provide a doctor's certificate. It should state that she will be fit to resume duty on a nominated date.

2. The CDF may permit a member to resume duty during what would have been her required absence. The permission should be in writing and state the day the member may resume duty.

3. If the CDF considers it necessary, the CDF may require a supporting certificate by an ADF medical officer. It should state that the member will continue to be fit to resume duty on a nominated date.

4. After the required absence has begun, the member may want to return to duty on a day different from the one already approved. In this case, she must apply to the CDF, for a new decision under subclause 2. The application must be in writing.

5. The CDF must make a decision under subclause 2 on an application under subclause 1 within seven days of receiving it. The member must be told of the decision in writing.

   Note: The CDF may also allow a member to resume duty on a date after her required absence is completed.

See: Division 2 clause 5.4.20, Resuming duty.
Division 4: Member already on leave without pay

5.4.28 Member already on leave without pay

This Division applies to a member who meets both these conditions.

a. She has been granted leave without pay of more than six weeks.
   
   See: Chapter 5 Part 8 Division 1, Leave without pay

b. She becomes pregnant.

5.4.29 Cancelling the leave without pay

1. If a member has not started the leave without pay, she may cancel her application. The member is then entitled to maternity leave under Division 2.

2. If the member has started the leave without pay, cancelling the application will be of no effect. This Division will continue to apply to her.

5.4.30 Required absence

1. A member on leave without pay must be absent from duty for the period described in Division 3, Required absence.

2. Part or all of the required absence may fall in the same period as the leave without pay. The member is not entitled to maternity leave for this period.

3. Part of the required absence may fall after the leave without pay has finished. These conditions apply to the member.

   a. The member is entitled to paid maternity leave for this period.

      i. From the day after the end of her leave without pay.

      ii. To the day no later than 12 weeks after her required absence begins.

   Example:

   A member had been granted leave without pay from 1 September to 30 June.

   The member’s expected date of birth is 1 June. Her baby is born on 8 June. Her required absence is from 20 April (six weeks before the expected date of birth) to 19 July (six weeks after the actual date of birth).

   The member must serve her original period of leave without pay. She is entitled to paid maternity leave from 1 July to 19 July.

   b. The member must have completed the period of qualifying service.

      See: Division 2 subclause 5.4.14.3, Paid maternity leave

4. The member may apply to resume duty during the period of required absence.

   See: Division 3 clause 5.4.27, Resuming duty during the required absence

5.4.31 Maternity leave

1. A member this Division applies to is entitled to maternity leave for this period.

   a. From the day after the end of her leave without pay.
b. To the day 52 weeks after her required absence begins.

Example:
A member had been granted leave without pay from 1 September to 30 June.

The member's expected date of the birth is 1 June. Her required absence begins on 20 April (six weeks before the expected date of birth). Fifty-two weeks after 20 April is 18 April the next year.

The member is entitled to maternity leave from 1 July to 18 April.

2. These conditions apply to payment of salary during maternity leave.
   a. If the member meets the conditions for paid leave in clause 5.4.14, that part of the leave is paid.
      See: Division 3, Required absence
   b. All other maternity leave is unpaid.
   c. Arrangements for the substitution of other leave, and half-pay maternity leave in Division 2 may apply to the member.
      See:
      Division 2 clause 5.4.18 Access to other leave
      Division 2 clause 5.4.15 Maternity leave at half pay

5.4.32 Discretion to vary

1. The CDF may decide that this Division should not apply to a member, or should apply in part.

2. The CDF must consider both these criteria.
   a. Why the leave without pay was granted.
   b. If it was granted in the interests of the ADF.

Example: A member is granted leave without pay to accompany her ADF spouse on an overseas posting. During the leave she becomes pregnant. The CDF decides that her leave is in the interests of the ADF, and that full maternity leave should be available.

Non-example: A member is granted leave without pay to establish a small business. During the leave she becomes pregnant. In the CDF's view there is no ADF benefit to the leave. The member's maternity leave must be worked out under clause 5.4.30, Required absence.

5.4.33 Other matters

See: Division 2 clause 5.8.15, effect on other forms of leave, for the effect of a grant of part-time leave without pay on maternity leave.

Note: A member on leave without pay combined with maternity leave may choose to keep contributing to the Military Superannuation and Benefits Scheme. She can choose to contribute for up to nine months. The full employer benefit for the Scheme will be met. The period of leave without pay counts as eligible service for payment of the retention benefit.
Part 5: Parental leave

5.5.1 Purpose
Parental leave assists a member and their dependants to spend time with a newborn or adopted dependent child.

5.5.2 Definitions
This table defines a term used in this Part.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary</td>
<td>The salary and allowances the member would be entitled to if they were on recreation leave for the period. See: Chapter 5 Part 2, Recreation leave</td>
</tr>
</tbody>
</table>

5.5.3 Paid parental leave
1. The CDF may grant a member one week (seven consecutive days) of parental leave with salary if they meet all these criteria.
   a. They are on continuous full-time service.
   b. They become the parent of a newborn or adopted dependent child.
   c. They are not entitled to paid maternity leave.
2. A member on Reserve service is not entitled to paid parental leave.
3. Any period of paid parental leave is a period of effective service.

5.5.4 Unpaid parental leave – member on continuous full-time service
1. The CDF may grant a member on continuous full-time service up to 65 weeks of unpaid parental leave if they become the parent of a newborn or adopted dependent child.
   Note 1: 65 weeks’ leave under this clause, plus one week's paid leave under clause 5.5.3, make a total of 66 weeks' leave.
   Note 2: This Part can apply to a member who is on maternity leave – see subclause 5.4.18.2.
2. A period of unpaid parental leave is not a period of effective service.
   Note: Rule 6 of the Military Super and Benefits Scheme Rules sets out when a member can pay superannuation contributions during unpaid parental leave.
3. A period of unpaid parental leave has these features.
   a. The member is not required to remain fit or deployable.
   b. The member continues to receive free medical care. The member is not returned to the payroll for hospitalisation, treatment, illness or convalescence.
   c. The member keeps their housing assistance.

5.5.5 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 become the parent of a newborn or adopted dependent child.
5.5.6 Time limits on parental leave

1. Parental leave does not accrue. It must be taken within 66 weeks of the birth or adoption of a member’s child.

2. Paid parental leave can be taken on one occasion at any time during the 66-week period.

3. Unpaid parental leave can be taken as separate periods of leave.

   **Example:** Within the 66-week maximum period, a member takes three periods of unpaid parental leave – one for 20 weeks, a later period of 10 weeks and period later than that for five weeks.

4. The 66-week maximum period is reduced by any period of leave the member or their dependants take under any of these circumstances.
   a. Parental leave under this Part.
   b. Maternity leave under Part 4 of this Chapter.
   c. Maternity leave under the *Maternity Leave (Commonwealth Employees) Act 1973*.  

5. Two parents of a family may take parental leave together. That is, they are both entitled to a maximum of 66 weeks combined if they meet either of these conditions.
   a. They are both members.
   b. One parent is a member and the other is an APS employee.

   They must take into account any restrictions on the employee under a certified or workplace agreement.

   **Example:** A member’s spouse works in another agency whose certified agreement provides for 66 weeks’ parental leave. Both take 30 weeks’ parental leave together after the birth of their child. The member then returns to duty. Their spouse takes their remaining entitlement of 36 weeks.

5.5.7 Multiple births or adoption

In this Part, a multiple birth or adoption is taken to be a single event.

5.5.8 How to apply for parental leave

1. A member must apply for parental leave using Form AD097 *ADF leave application*. They can find it on the Defence Publishing Service Web Forms system.

   **See:** [Defence Publishing Service Web Forms system](#)

2. One leave application may be used for multiple types of leave. However, if different approving authorities are required to sign for the different types of leave, separate leave forms must be used for each type of leave.

   **Examples:** Recreation leave, long service leave, leave without pay.
Part 6: War service leave

Note: For more information on warlike and non-warlike deployments, see Chapter 17, Warlike and non-warlike deployments.

5.6.1 Purpose

War service leave is an additional leave entitlement for a member who is on warlike service. It allows them to adjust to living back in Australia and to recover from the demands of that service.

5.6.2 Definitions

This table defines terms used in this Part.

<table>
<thead>
<tr>
<th>Terms</th>
<th>Definition in this Part</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational area</td>
<td>a. For overseas service on a deployment.</td>
</tr>
<tr>
<td></td>
<td>See: Chapter 1 Part 3 Division 1 clause 1.3.46.</td>
</tr>
<tr>
<td>Warlike service</td>
<td>See: Chapter 1 Part 3 clause 1.3.73</td>
</tr>
</tbody>
</table>

5.6.3 Entitlement

1. A member is entitled to 1.5 days' war service leave credit for each completed month of their warlike service in an operational area. A month is measured from the start date to the end of the day before the same date in the next month. This rule applies no matter how many days there are in that month.

Example: 15 July to 14 August, 9 February to 8 March, 30 September to 29 October

2. If the member’s war service leave credit is made up of a whole day or days plus a fraction of a day, the fraction of a day counts as a whole day.

Example: A member completes five months of warlike service. They are entitled to eight days' leave credit (5 x 1.5 = 7.5 days = 8 days).

3. The member may be absent from an operational area during a period of warlike service. In this case, the first 14 days of the absence count towards their accrual of war service leave.

Example: A member is absent from the operational area for 21 days. They stop accruing leave credit at the end of the 14th day of the absence.

4. War service leave stops accruing on the day the member leaves the operational area on completing their posting or detachment to the deployment.

5.6.4 Granting leave

The CDF may grant war service leave to a member for a period no greater than their war service leave credit.

5.6.5 War service leave and other leave

1. If a member takes leave after warlike service, they must take war service leave before recreation leave.

2. While on warlike service in an operational area, the member does not accrue any of the
following kinds of recreation leave.

a. Additional recreation leave – remote locations within Australia.
   See: Chapter 5 Part 2 Division 3.

b. Additional recreation leave – hardship posts overseas.
   See: Chapter 16 Part 3.

c. Additional recreation leave – non-warlike service.
   See: Chapter 17 Part 9 Division 5.

d. Extra recreation leave – arduous or prolonged duty.
   See: Chapter 5 Part 2 Division 4.

3. If eligible, the member may continue to accrue additional recreation leave for sea, field or flying service.
   See: Chapter 5 Part 3, Additional recreation leave.

5.6.6 Debiting leave credit

1. At the end of a period of war service leave, a member’s war service leave credit must be reduced by the number of days of leave granted. Saturdays, Sundays and public holidays are not counted.

2. If the member takes payment instead of leave under clause 5.6.8, their war service leave credit reduces by the number of days they took pay for instead of leave.

5.6.7 Salary for leave

Salary for a period of war service leave is salary and allowances a member would be entitled to if they had taken recreation leave for the period – see Chapter 5 Part 2.

Note 1: This includes payment of deployment allowance or international campaign allowance, subject to the limits set out in Chapter 17 Part 9.

See: Chapter 5 Part 2 for recreation leave
Chapter 17 Part 9 Division 1 for deployment allowance
Chapter 17 Part 9 Division 3 for international campaign allowance

Note 2: ADF salary and allowances for a member on war service leave that accrued during warlike service are exempt from income tax. This is if the member meets the conditions set out in tax legislation.

See: Chapter 17, Warlike and non-warlike deployments

5.6.8 Payment instead of leave

1. A member may apply to be paid salary instead of taking a period of war service leave they have accrued. The CDF can approve payment if both of these criteria are met.

   a. For Service reasons, the member is not permitted to take the leave.

   b. The period applied for is not greater than the member’s war service leave credit.

2. A member who leaves the ADF must be paid an amount equal to salary for their period of war service leave credit. This includes a member who goes onto Reserve service.
Note: For entitlements when a member dies, see Chapter 11 Part 3.

3. Under subclause 1 or 2, a member is paid seven days’ salary for each period of five days’ war service leave credit.

Note: Payment instead of war service leave is exempt from income tax if the member meets the conditions set out in tax legislation.

5.6.9 How to apply for war service leave

1. A member must apply for war service leave using Form AD097 ADF leave application. They can find it on the Defence Publishing Service Web Forms system.

   See: Defence Publishing Service Web Forms system

2. One leave application may be used for multiple types of leave. However, if different approving authorities are required to sign for the different types of leave, separate leave forms must be used for each type of leave.

   Examples: Recreation leave, long service leave, leave without pay.
Part 7: Other leave with pay

5.7.1 Overview

This Part sets out entitlements to leave with pay for specific events that happen during a leave year. A leave year is a year beginning on 1 July.

5.7.2 Contents

This Part includes the following Divisions:

- **Division 1**: Introduction
- **Division 2**: Special leave
- **Division 3**: Special leave for private purposes
- **Division 4**: Examination leave
- **Division 5**: Travelling leave
- **Division 6**: Pre-deployment leave
- **Division 7**: Leave to attend civilian court proceedings
Division 1: Introduction

5.7.3 Purpose

A range of leave types are available to a member for specific events that happen during a leave year.

5.7.4 Member this Part does not apply to

This Part does not apply to a member on Reserve service.

5.7.5 Leave not to accrue under this Part

Leave under this Part does not accrue. Leave or other absence that is not taken at the time of the specific event does not attract a credit for later use.

5.7.6 Salary for leave

Salary for a member on leave under this Part is salary and allowances they would be entitled to if they were on recreation leave.

See: Chapter 5 Part 2, Recreation leave

5.7.7 How to apply for leave

1. A member must apply for leave using Form AD097 ADF leave application. They can find it on the Defence Publishing Service Web Forms system.

2. One leave application may be used for multiple types of leave. However, if different approving authorities are required to sign for the different types of leave, separate leave forms must be used for each type of leave.

Examples: Recreation leave, long service leave, leave without pay.
Division 2: Special leave

5.7.8 Purpose

1. The CDF may grant a member up to seven days’ special leave in a leave year if either of the following happens.
   a. A close relative is very seriously ill or dies.
   b. There is a crisis in the member's family, financial or personal affairs.
2. Special leave includes weekends and public holidays.

5.7.9 Definition – close relative

This table defines 'close relative' as it is used in this Division.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Close relative</td>
<td>Any of these people.</td>
</tr>
<tr>
<td></td>
<td>a. The member's spouse.</td>
</tr>
<tr>
<td></td>
<td>b. A child or parent of the member or their spouse.</td>
</tr>
<tr>
<td></td>
<td>c. A person approved by the CDF as a close relative of the member or their spouse.</td>
</tr>
</tbody>
</table>

5.7.10 Compassionate leave

1. Compassionate leave is a form of special leave that assists a member to deal with urgent personal circumstances not covered by other leave provisions.
2. Circumstances that may justify a grant of compassionate leave include the following.
   a. The death or very serious illness of a close relative.
   b. Urgent and compassionate private reasons that are not to do with civil employment.

   Examples: A member's child runs away from home. A member must take action as an executor, to preserve their deceased brother's estate.
   c. Serious problems in domestic or financial affairs when the member's presence would help the situation.

   Example: A member's family home is about to be repossessed.
   Non-example: A member's investment property is about to be repossessed.
3. In any one leave year, a member may be granted the following periods of compassionate leave.
   a. A period of seven days.
   b. Separate periods totalling up to seven days.

   Periods include weekends and public holidays. Absences are deducted from the annual limit on special leave (see clause 5.7.8).

Note: For travel granted for compassionate leave, see Chapter 9 Part 3 Division 7. Stricter criteria apply to eligibility for compassionate travel.
5.7.11 Carer's leave

1. Carer's leave is a form of special leave that assists a member to provide direct care and support to either of these dependants.
   a. A sick dependant who lives with them and who they normally look after.
   b. A dependant who lives with them and who would normally be looked after by another resident dependant, but that dependant is sick.

**Note:** Carer's leave is different from compassionate leave because the dependant being cared for is not very seriously ill.

**Non-example:** A member seeks carer's leave to care for children while the spouse is in hospital giving birth. Career's leave is not appropriate because pregnancy and childbirth are not illnesses. Enough notice is available to make childcare arrangements, including through giving the member recreation leave.

2. A member may be granted up to five days' carer's leave in a leave year. This leave is included in the seven days' special leave (see clause 5.7.8). It is not in addition to it.

3. A member granted carer's leave is not eligible for compassionate travel.
Division 3: Special leave for private purposes

5.7.12 Member this Division applies to

This Division applies to these members.

a. The CDF.
b. The Vice Chief of the Defence Force.
c. A Service Chief.

5.7.13 Special leave for private purposes

1. If a member’s recreation leave credit expires under clause 5.2.27, an approving authority may grant them a period of special leave for private purposes equal to the period of recreation leave credit that expires.

   See: Chapter 5 Part 2 Division 6, Administration and payment for recreation leave

2. The maximum period of leave that may be granted to the member is 30 days in any leave year. This is unless an approving authority decides otherwise.

3. This table sets out who has the authority to approve special leave for private purposes.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member is the...</th>
<th>then the approving authority is the...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>CDF</td>
<td>Minister.</td>
</tr>
<tr>
<td>2.</td>
<td>Vice Chief of the Defence Force or a Service Chief</td>
<td>CDF.</td>
</tr>
</tbody>
</table>
Division 4: Examination leave

5.7.14 Examination leave

1. The CDF may grant a member up to five days' leave in a leave year to attend examinations for a course of study.

2. The course of study must be one for which the member received Commonwealth financial assistance to pay fees.

3. The five days' leave do not include Saturdays, Sundays and public holidays.

4. Examination leave may only be granted for the specific hours of the examination and a reasonable period for local travel to and from the examination.
Division 5: Travelling leave

5.7.15 Purpose

Travelling leave may be available to a member who is granted travel at Commonwealth expense for longer than 12 hours. It allows the member to spend all of a recreation or special leave period at the leave destination, no matter what the location.

5.7.16 Member this Division applies to

1. This Division applies to a member who undertakes any of the following kinds of travel at Commonwealth expense.
   a. Recreation leave travel taken in Australia only.
      See: Chapter 9 Part 4 Division 1.
   b. Compassionate travel.
      See: Chapter 9 Part 3 Division 7.
   c. Pre-deployment leave travel.
      See: Chapter 9 Part 4 Division 2.
   d. Travel for removal purposes in Australia.
      See: Chapter 9 Part 2 Division 3.

2. Travelling leave is granted only for the period that the member would take to travel by the most economical means.

   Example: A member undertakes compassionate travel from Exmouth WA to Hobart. Travelling leave is granted for the period of travel by air.

   See: Chapter 9 Part 1, Basic travel entitlements.

5.7.17 Entitlement

1. The CDF may grant a member travelling leave up to the period worked out under subclause 2 below. The period includes Saturdays, Sundays and public holidays.

2. This table sets out how much travelling leave the member is entitled to.

<table>
<thead>
<tr>
<th>Item</th>
<th>If the member's travel period (in hours) is…</th>
<th>then they are entitled to a maximum period of travelling leave of…</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>12 or more but less than 36</td>
<td>one day.</td>
</tr>
<tr>
<td>2.</td>
<td>36 or more but less than 60</td>
<td>two days.</td>
</tr>
<tr>
<td>3.</td>
<td>60 or more but less than 84</td>
<td>three days.</td>
</tr>
<tr>
<td>4.</td>
<td>84 or more but less than 108</td>
<td>four days.</td>
</tr>
<tr>
<td>5.</td>
<td>108 or more but less than 132</td>
<td>five days.</td>
</tr>
<tr>
<td>6.</td>
<td>132 or more but less than 144</td>
<td>six days.</td>
</tr>
</tbody>
</table>

3. This subclause applies to a member serving in an overseas location who travels at their own cost between that location and Australia while on compassionate leave. In this case, the CDF may grant them travelling leave up to the period worked out under subclause 2.

4. For subclause 3, travelling leave is granted for both of these periods.
a. From the time of departure from the overseas location to first port of call in Australia.

b. From the time of departure from Australia to arrival at the overseas location on the return journey.

5. If leave destinations are not connected by a rail service, travelling leave may be granted as set out in subclause 2 based on the shortest journey time of a scheduled coach service.

6. This subclause applies to a member of the Navy who travels at Commonwealth expense for recreation leave. If their travelling time by the most direct normal means of travel is more than 48 hours, then they must not be granted leave under this Division for such travel more than once in a leave year.
**Division 6: Pre-deployment leave**

5.7.18  **Purpose**

Pre-deployment leave allows a member going on duty to a prescribed area overseas to finalise their personal affairs and make their farewells before they leave Australia.

See: Chapter 17, Warlike and non-warlike deployments.

5.7.19  **Definition**

This table defines a term used in this Division

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prescribed area</td>
<td>a. An operational area, or</td>
</tr>
<tr>
<td></td>
<td>b. another defined area approved by the Minister.</td>
</tr>
</tbody>
</table>

5.7.20  **Entitlement**

The CDF may grant a member pre-deployment leave of up to seven days. This period includes weekends and public holidays. The CDF must consider the operational situation.

5.7.21  **Conditions of entitlement**

1. The member may be granted pre-deployment leave only if the intended period of service in a prescribed area is at least six months.

2. Pre-deployment leave is only granted inside six weeks of the expected date of deployment.

   **Exception:** The CDF may approve earlier leave in special cases.

   **Examples:** The member is getting married or attending the birth of their child.

3. A member may be granted recreation leave with pre-deployment leave.

4. The member will be notified if pre-deployment leave is available as part of the conditions of service package for the deployment.

5.7.22  **Member of the Reserves**

A member of the Reserves on continuous full-time service may be entitled to pre-deployment leave. To qualify, their period of continuous full-time service must begin more than 12 weeks before the expected date of deployment.
Division 7: Leave to attend civilian court proceedings

5.7.23 Leave to attend civilian court proceedings

1. A member appearing for the Commonwealth in civilian court proceedings is treated as being on duty.

   **Note:** A member of the ADF is exempt from jury duty.

2. In any other case, the CDF may grant special leave or short absence.

   **Exception:** If the member is under a restriction imposed under ADF disciplinary provisions.

   **Example:** A member who witnesses a motor vehicle accident and is required to give evidence for the prosecution or the defence.

   **Non-example:** A member who is not officially called by the court to appear as a witness and has not provided written evidence for the case.

3. The grant of leave is subject to the conditions that apply to that form of leave.
Part 8: Leave without pay

5.8.1 Purpose
This Part sets out how a member may take absence from duty when they wish to continue to serve in the ADF but no other leave type meets their needs.

5.8.2 Contents
This Part includes the following Divisions:
- Division 1: Leave without pay
- Division 2: Part-time leave without pay
- Annex 5.8.A: Allowances and reimbursements during leave without pay
Division 1: Leave without pay

5.8.3 Purpose

Leave without pay allows a member to take leave when no other leave type is suitable.

5.8.4 Grant of leave without pay

1. The CDF may grant a member a period of leave without pay on the member's application.  
   \textbf{Note:} For a member on Reserve service, this means permission to interrupt their training obligations.

2. A period of leave without pay must not be longer than two years, unless clause 5.8.5 applies.

3. For subclause 1, the CDF must consider all of these criteria.

   a. The purpose and length of the period of leave.
   b. The operational efficiency of the ADF.
   c. The member's length of service.
   d. The extent and appropriateness of any other leave entitlement available to the member.
   e. The nature of any training or study that the member intends to undertake during the period.
   f. The likelihood of the member resuming continuous full-time service at the end of the period.
   g. The personal circumstances of the member or their dependants.
   h. Any employment approved for the member under Defence Instruction (General) Personnel 25-2, Employment and voluntary activities of Australian Defence Force members in off-duty hours.
   i. Any other factor relevant to the application for leave.

   \textbf{Example:} Lack of suitable child care facilities at a posting location.

4. Leave without pay must not be used for maternity leave without pay.

   \textbf{Example:} A member takes 12 weeks' paid maternity leave, then 40 weeks as maternity leave without pay, not leave without pay.

   \textbf{See:} Chapter 5 \textit{Part 4}, Maternity leave

5.8.5 Leave without pay to accompany spouse on posting

1. This clause applies to a member who is granted a period of leave without pay to accompany a spouse who is also a member to the spouse's new posting location.

2. The member's period of leave ends on the earlier of these two days.
   a. The day a suitable posting for the member becomes available at that location.
   b. The day the spouse's posting ends.
5.8.6 Allowances during leave without pay

1. A member granted leave without pay under this Division is not entitled to an allowance during the period of leave. This is unless subclause 2 applies.

2. The CDF may approve payment of an allowance during all or part of a period of leave without pay.

3. For subclause 2, the CDF must consider all of these criteria.
   a. Whether it would severely disadvantage a member or their dependants if they ceased to be entitled to an allowance listed in Annex 5.8.A during a period.
   b. The member’s entitlement to the allowance immediately before the period of leave and whether the entitlement would have continued if they were not on leave.
   c. The personal circumstances of the member or their dependants.
   d. The nature and status of any claim by the member against the Commonwealth for compensation or veterans’ entitlement.
   e. Any other factor relevant to the member’s entitlement to the allowance.

4. In this clause, allowance includes reimbursement for costs paid.

Example: Reimbursement of education costs for a child.

5.8.7 Effects on other conditions of service – summary

1. Periods of leave without pay do not count as qualifying service for any of these entitlements.

<table>
<thead>
<tr>
<th>Item</th>
<th>Entitlement</th>
<th>See</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Salary increments</td>
<td>Chapter 3 Part 2 clause 3.2.8</td>
</tr>
<tr>
<td>2.</td>
<td>Recreation leave, if the leave without pay is more than 24 hours</td>
<td>Chapter 5 Part 2 clause 5.2.8</td>
</tr>
<tr>
<td>3.</td>
<td>Long service leave, if the leave without pay is not for illness and is more than three months</td>
<td>Chapter 5 Part 3 paragraph 5.3.18.b</td>
</tr>
</tbody>
</table>

2. This subclause applies to either of these periods of leave without pay.
   a. A period longer than 21 consecutive days.
   b. A period totalling more than 21 days, if the member takes leave without pay immediately before or after another period that salary is not payable for.

Example: Absence without leave, custody, imprisonment.

3. The periods in paragraphs 2.a and 2.b do not count as qualifying service for any of the following.
   a. Defence Force Retirement and Death Benefit (DFRDB) purposes. There is still cover for invalidity benefits during the period.

See: Chapter 2 Part 3 Division 2.
c. A Defence Service Home Loan, for a member who must serve an initial qualifying period to get a loan.

d. A benefit under the Veterans' Entitlements Act 1986. After qualifying for benefits under the Act, a member has no cover under the Act for an injury or illness that happens during leave without pay.

4. Leave without pay may affect maternity leave entitlements.

See:
Chapter 5 Part 4 Division 2 clause 5.4.18, Access to other leave
Chapter 5 Part 4 Division 4, Member already on leave without pay

5. Continuity of service for a particular entitlement will not be broken by leave without pay if the conditions for the entitlement are met.

6. A member continues to be entitled to medical and dental treatment at Commonwealth expense while they are on leave without pay. They are not entitled to salary while they are in hospital, undergoing medical treatment, or on convalescence or absence for illness.

7. A member is not covered by compensation legislation for injuries they suffer during a period of leave without pay.

8. A member’s furniture and effects are not to be stored at Commonwealth expense for the period of leave without pay.

9. A member on leave without pay has no entitlement to special leave. This is because they are already on leave.

10. Leave without pay may affect qualifying service for the Military Superannuation and Benefits Scheme (MSBS) retention benefit.

See: Chapter 3 Part 5 Divisions 1 and 2

11. A member on leave without pay is not required to stay fit or deployable.

5.8.8 Payment of charges to the Commonwealth

1. A member must continue to pay the Commonwealth for services or facilities they continue to receive while they are on leave without pay.

Example: Contributions for Service residences, rent allowance or living-in accommodation and meals. Higher rates of member contributions may apply.

See:
Chapter 7 Part 3 Division 2 clause 7.3.19, Member on leave without pay (living-in accommodation)
Chapter 7 Part 5 Division 5 clause 7.5.39, Member on leave without pay (Service residences)
Chapter 7 Part 6 Division 5 clause 7.6.31, Member on leave without pay (rent allowance)
Chapter 7 Part 7 Division 1 clause 7.7.10, Member on leave without pay (meals)

2. A member who has been granted leave without pay must notify the Defence Housing Authority in writing. This allows the member to arrange housing contribution payments during the leave.
Division 2: Part-time leave without pay

5.8.9 Purpose
Part-time leave without pay allows a member to work part-time so they can attend to other needs.

Example: A member may seek leave to care for their dependants, further their studies or take a break from full-time work.

5.8.10 Members who are entitled
1. The CDF may grant a period of part-time leave without pay to a member who applies for it. They must meet either of these conditions.
   a. They are serving in Australia and have completed a period of continuous full-time service made up of:
      i. initial recruit training and any specialist training, and
      ii. any further service that the CDF considers necessary to strengthen that training.
   b. They are performing duty in relation to a posting while accompanying their spouse, who is also a member, on a long-term posting overseas.
      Example: The part-time duty may relate to a posting in Australia or overseas.
      See also: Subclause 5.8.13.5.

2. For subparagraph 1.a.i, the CDF must consider all these criteria.
   a. The nature of the duties the member normally performs.
   b. The period members generally need to strengthen initial recruit and any specialist training.
   c. The member’s progress since undertaking that training.
   d. Any other factor relevant to the member’s performance of duty.

5.8.11 Members who are not entitled
A member on Reserve service is not entitled to part-time leave without pay.

5.8.12 Period of leave
1. The CDF may not grant part-time leave without pay under clause 5.8.10 to a member for any of these periods.
   a. More than two years. However, the CDF may approve two or more consecutive periods of part-time leave without pay, subject to the normal approval processes.
   b. Less than three months.
c. Less than a total of five days or more than a total of 13 days in each fortnightly pay
period during the period of leave.

Note: A fortnightly pay period includes the four weekend days. This means that part-
time leave without pay cannot be granted for less than one working day or more than
nine working days in a normal 10-day working fortnight.

d. If the leave without pay is granted on parts of days – less than a total of one or more
whole days' leave in each pay period. This is based on the normal working hours for
members generally where the member normally performs duty.

Example: A member applies for a half-day's part-time leave without pay in a pay
period. The leave will not be granted.

2. The CDF may vary a date, or the days, stated in the grant of leave. The CDF must consider
the member's interests and views and any factor relevant to the circumstances in which the
leave was granted.

5.8.13 Conditions of leave

1. A grant of leave must be in writing. It must state both these matters.
   a. The dates when the period of leave is to begin and end.
   b. The days or parts of days when leave is granted in each pay period.

2. The CDF may end a member’s period of leave in any of these circumstances.
   a. The member stops serving in Australia for the purposes of paragraph 5.8.10.1.a.
   b. A significant change occurs in the circumstances that the CDF relied on to grant the
      leave to the member.
   c. The end of the posting to which the grant of leave applies.

3. A member on part-time leave without pay may be required to perform periods of duty in
   addition to the periods they normally perform during the period of leave.

4. A period of part-time leave without pay does not break continuity of service.

5. This subclause applies to a member who meets both these conditions.
   a. They are granted part-time leave without pay under paragraph 5.8.10.1.b.
   b. They are performing duty in relation to a posting in Australia.

The member is not entitled to any overseas conditions of service they would otherwise get
under Chapters 13, 14, 15 and 16 for duty performed at an overseas location.

5.8.14 Effect on allowances and contributions

A member granted a period of part-time leave without pay may be entitled to an allowance.
This may include reimbursement of costs they paid, if that applies. They may also be liable
to pay a contribution for an entitlement. This table sets out the effects of part-time leave
without pay on allowances and contributions.
### Item 1

- **Temporary accommodation allowance**
- **Rent allowance**

If the member is entitled to these allowances, they must pay a contribution for a Service residence or living-in accommodation. This is set out in Chapter 7:
- Part 3 Division 2 clause 7.3.18, Member on part-time leave without pay (living-in accommodation).
- Part 4 Division 5 clause 7.4.26, Rate of contribution (temporary accommodation allowance).
- Part 5 Division 5 clause 7.5.40, Member on part-time leave without pay (Service residence).
- Part 6 Division 5 clause 7.6.32, Member on part-time leave without pay (rent allowance).

### Item 2

- **Uniform allowance**
- **Retention allowance**

These allowances are reduced on a pro rata basis.

### Item 3

Any other allowance

Any other contribution as if they were not on part-time leave without pay.

### Note

Part-time leave without pay has no effect on payment of casual meal charges.

### See

Chapter 7 Part 7 Division 1 subclause 7.7.10.1.

## 5.8.15 Effect on other forms of leave

1. A period of part-time leave without pay reduces a member’s entitlement to recreation leave credit on a pro rata basis. This does not apply to additional recreation leave credit.

   **See:**
   - Chapter 5 Part 2, Recreation leave
   - Chapter 5 Part 2 Division 3, Additional recreation leave.

   **Example:** A member serves half-time on part-time leave without pay. They accrue basic recreation leave at the rate of 10 days a year instead of 20. Additional recreation leave is not affected.

2. This subclause applies to a member who is granted a period of maternity leave, if they meet both these conditions.

   a. They were already on part-time leave without pay.

   b. Unless the part-time leave without pay has been terminated, they would have continued on it if they did not take the maternity leave.
3. If subclause 2 applies:
   a. Any salary the member is entitled to during the maternity leave must be reduced as if they had continued on part-time leave without pay until it would have ended.

   **Example 1:** A member is 24 weeks into a grant of 12 months of part-time leave without pay. They take 12 weeks' paid maternity leave at that point. Their salary for the 12 weeks' maternity leave is the salary they were entitled to for the part-time leave without pay.

   **Example 2:** A member is 48 weeks into a grant of 12 months (52 weeks) of part-time leave without pay. They take 12 weeks' paid maternity leave at that point. Their salary for the first four weeks of maternity leave is the salary they were entitled to for the part-time leave without pay. Their salary for the rest of the paid maternity leave is the salary they are entitled to under Chapter 5 Part 4.

   b. Any recreation leave credit they would be given for service during maternity leave must be reduced as if they had continued on part-time leave without pay. This does not apply to additional recreation leave credit.

5.8.16 Effect on salary increments

Part-time leave without pay counts as continuous full-time service for salary increment purposes, but only on a pro rata basis. That is, the period of part-time leave without pay increases the 12 months referred to in subclause 3.2.8.3 on a pro rata basis.

**See:** Chapter 3 Part 2 subclause 3.2.8.3, Salary increments (advancement)

**Note:** For the salary of a member on part-time leave without pay, see clause 20 of DFRT Determination No. 6 of 1992, Salaries, in Chapter 3 Part 1 Division 3.

5.8.17 Effects on remuneration and other conditions of service

1. This table points to further information on the effects of part-time leave without pay on remuneration and other conditions of service.

<table>
<thead>
<tr>
<th>Item</th>
<th>Entitlement</th>
<th>See</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Salary</td>
<td>Chapter 3 Part 1 Division 3 clause 20</td>
<td></td>
</tr>
<tr>
<td>2. Higher duties allowance</td>
<td>Chapter 4 Part 1</td>
<td></td>
</tr>
<tr>
<td>3. Housing assistance</td>
<td>Clause 5.8.14</td>
<td></td>
</tr>
<tr>
<td>4. Additional leave for training</td>
<td>Chapter 5 Part 2 Division 5 clause 5.2.22</td>
<td></td>
</tr>
</tbody>
</table>

2. A member who has been granted part-time leave without pay must notify the Defence Housing Authority in writing. This allows the member to arrange the correct housing contribution payments.

5.8.18 Effect on time for bonuses and service obligations

1. This subclause applies to a member who meets both these criteria.

   a. They need to complete a required period of effective service to be eligible for a completion bonus.

   **See:** Chapter 3 Part 5, Retention and completion benefits

   b. They have been granted a period of part-time leave without pay.

In this case, the required period of effective service increases pro rata in relation to the period of part-time leave without pay.
Example: A member has completed three of five years required for a completion bonus. They go on part-time leave without pay for 12 days a fortnight. They need to serve a further two years increased by 80%, which is three years and 7.2 months. This is worked out using the formula in clause 5.8.19.

2. This subclause applies to a member who meets both these criteria.
   a. They have signed an undertaking for a retention bonus under Chapter 3 Part 5.
   b. They have been granted a period of part-time leave without pay.

In this case, a period of continuous full-time service mentioned in that Part or in the undertaking means a period increased pro rata by the period of leave without pay.

5.8.19 Working out pro rata variations

An entitlement or period to be reduced or increased on a pro rata basis is reduced or increased by a percentage rate. It is worked out using this formula.

\[
\text{Number of days' PTLWOP} - 4 \over 10 \times 100
\]

where the number of days' part-time leave without pay (PTLWOP) means the total period, in days, when the member is absent on part-time leave without pay in a pay period.

Example: A member is on part-time leave without pay for eight days a fortnight (including weekends). The 12 months for their next salary increment is increased by 40 per cent, which is 16.8 months.

5.8.20 How to apply for part-time leave without pay

A member must apply for part-time leave without pay using Annex E to Defence Instruction (General) Personnel 49–3 - Part-Time Leave Without Pay for Permanent Members of the Australian Defence Force.
Annex 5.8.A: Allowances and reimbursements during leave without pay

See: Chapter 5 Part 8 Division 1, clause 5.8.6

This table sets out some of the entitlements that may be payable during a period of leave without pay.

<table>
<thead>
<tr>
<th>Item</th>
<th>Entitlement type</th>
<th>Specific allowance or reimbursement</th>
</tr>
</thead>
</table>
| 1.   | Entitlements relating to regular accommodation costs | a. Rent allowance  
b. Temporary accommodation allowance |
| 2.   | District allowance and similar allowances | a. District allowance  
b. Port Wakefield allowance  
c. Woomera allowance |
| 3.   | Removal entitlements | a. Disturbance allowance  
b. Indemnity for loss or damage arising from removal within Australia  
c. Reimbursement of expenses for pet relocation |
| 4.   | Education assistance | a. Reimbursement in place of eligible child’s scholarship  
b. Reimbursement of education costs for child |
| 5.   | Miscellaneous entitlements | a. Reimbursement for extra risk insurance expenses  
b. Home purchase or sale expenses allowance  
c. Separation allowance |
This Part is reserved for publication in the *ADF Pay and Conditions Manual* of an administrative description of the manner in which ADF members may be given short periods of absence in particular circumstances.
Part 10: Public holidays – Australia

5.10.1 Public holidays

1. A member performing duty in Australia must observe certain days as public holidays, unless required for duty.

2. A member is eligible for the same public holidays as an APS employee of the Department of Defence, at the location where the member performs duty.

   Note: APS employees of the Department of Defence are entitled to other specified leave days and a Christmas stand-down, as well as public holidays. This subclause only refers to those days listed as public holidays.

3. A maximum of 13 public holidays can be observed in any calendar year at any posting location. This includes national and local holidays.

4. A member might be performing duty away from their posting location. They observe a public holiday at the location where they are actually performing duty. However, that public holiday is not counted as one of the 13 days.

   Example: A member posted to Wagga Wagga travels to Melbourne on temporary duty from 1 to 7 November. The member observes Melbourne Cup Day while in Melbourne.

5. A member on recreation leave will not have their leave credit debited for public holidays that occur during the leave period. The public holidays observed will be those at the location where the member normally performs duty.

5.10.2 Substitution of public holidays

1. A member may apply to the CDF to substitute a different day for a public holiday that they would otherwise observe.

2. In deciding whether to grant the member’s application, the CDF must consider both of these criteria.

   a. Any Service requirement that the member remain on duty that day.

   b. If the substitute day is of cultural or religious significance to the member.
Part 11: Cancellation of, or recall from, leave

5.11.1 Purpose
A member may be paid an amount for costs resulting from either of these events.

a. They are recalled from an approved period of leave.

b. Their approved period of leave is cancelled.

**Note:** Members should be recalled from leave for operational reasons only. Payments under this Part are an operational cost.

**See:** Chapter 5 Part 2 Division 6 clause 5.2.28, Re-credit of recreation leave

5.11.2 Basis
1. The basis of this condition is that a member should be reimbursed for costs associated with a recall from leave.

2. There are two types of costs.

   a. Travel costs, in some circumstances.

      **Examples:** The cost of changing a return flight, additional fare charges.

   b. The cost of services that could not be used because of the recall.

3. The member can only be reimbursed the costs of the portion of a holiday that was not used.

4. The member can only be reimbursed costs that were not recoverable in other ways.

5. It is not compensation for the inconvenience of the recall.

5.11.3 Payment for costs
Payment for costs when leave is cancelled or a member is recalled is in these clauses.

<table>
<thead>
<tr>
<th>Item</th>
<th>Clause</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Member is recalled from posting location</td>
<td>5.11.4</td>
</tr>
<tr>
<td>2. Member is temporarily recalled from leave location</td>
<td>5.11.5</td>
</tr>
<tr>
<td>3. Costs where member is recalled from holiday location</td>
<td>5.11.6</td>
</tr>
<tr>
<td>4. Costs where member's leave is cancelled before it starts</td>
<td>5.11.7</td>
</tr>
</tbody>
</table>

5.11.4 Member is recalled from posting location
1. This clause applies to a member who meets all these conditions.

   a. The member is on leave.

   b. The member has not left their posting location.

   c. The member is recalled to duty.

2. The member has no entitlement to recall costs.
5.11.5 Member is temporarily recalled from leave location

1. This clause applies to a member who meets all of these conditions.
   a. The member is on leave.
   b. The member is away from their posting location because of the leave.
   c. The member is temporarily recalled to duty.
   d. The member intends to return to the leave location at the end of the recall period.

   Example: A member is posted to Canberra, and is on holiday in Cairns. The member is recalled to duty to deal with an emergency. As the recall period is short, the member and family decide that the member will return to Canberra alone, and return to Cairns to resume the holiday as soon as possible.

2. The CDF may pay a member an amount to recognise the following costs associated with the recall.
   a. Transportation costs for the member for the journey from the leave location, and return. This is duty travel.

      Example: Return fares or vehicle allowance.

      See: Chapter 9 Part 6, Vehicle allowance.

   b. Additional transportation costs for dependants. Approval may only be given on the condition that the member is a parent, and that the dependants return with the member.

      Example: Children may not be left at a holiday location unsupervised, and may need to return with the member.

      Non-example: Adult dependents may have no need to return with the member.

   c. Accommodation expenses for the journey from the leave location, and return. This may only be paid if an overnight break is justified. This includes dependants’ accommodation expenses, if their travel was approved.

   d. Meal expenses during the journey. This includes dependants’ meal expenses, if their travel was approved.

   e. Other holiday items that the member had paid for but was not able to benefit from, due to the recall.

      Example: A member is recalled to duty and breaks their holiday for four days, including travelling time. The member had rented a beach house for the holiday and during the recall it was empty. The member may be paid an amount to cover rent during the four-day period.

      Non-example: A member is recalled to duty and breaks their holiday. The member returns to duty alone. The member’s dependants remain in the holiday accommodation. The member has had the benefit of the accommodation expense.

   f. Other unavoidable costs to do with the recall from leave.

      Examples: Telephone, facsimile or email costs.
3. In assessing the amount of payment under subclause 2, the CDF must consider these criteria.
   
a. The time available for the return journey.

b. The number of people who were required to return.

c. The amount of money the member had spent on holiday items that the member was not able to benefit from.

   Example: The member may give the CDF receipts or a statutory declaration. These could show the amount spent on holiday items.

d. If the costs are recoverable by other means.

   Example: Travel insurance

5.11.6 Costs where member is recalled from holiday location

1. This clause applies to a member who meets all of these conditions.
   
a. The member is on leave, and living away from their posting location.

b. The member is recalled to duty.

c. The member ends the leave to return to duty.

   Example: A member is on holiday away from home. The member is recalled to duty to deal with an unexpected crisis. The member must cancel the rest of the holiday.

2. The CDF may pay the member an amount to recognise the following costs associated with the recall.
   
a. Additional transport costs due to the early return. Payment may also be made for dependants’ additional transport costs, if they return with the member. If transport costs were an expected or ordinary part of the return duty they will not be paid.

   Example: A member is on a package tour and is recalled from leave. The tour operator offers the member a flight back, using the unused fares of the tour as part-payment. The member must pay an additional fee. This additional fee may be reimbursed to the member.

   Non-example: A member and her family drive to their destination for a camping holiday. The member is recalled, and the whole family drives home. As the drive cost no more than it would have cost had the member finished the holiday, no transport costs are paid to the member.

   See: Chapter 9 Part 6, Vehicle allowance

b. Accommodation expenses for the return journey, if a break is justified. This includes dependants’ accommodation expenses, if they return with the member.

c. Meal expenses during the journey. This includes dependants’ meal expenses, if they return with the member.
d. Other holiday items that the member had paid for but was not able to benefit from, owing to the recall.

**Example:** A member is recalled to duty a week before their holiday was due to end. The member had prepaid for accommodation, a day's fishing tour, and an afternoon of horse riding. The owner of the stables gave the member a full refund. The fishing tour operator gave the member a half refund. The member had no right to any accommodation refund. The payment to the member may recognise the cost of a week's accommodation and half the cost of the fishing tour.

**Non-example 1:** A member is recalled to duty. The member's dependants remain in the holiday accommodation and continue their plans while the member returns to duty alone. The member has had the benefit of the accommodation expense.

**Non-example 2:** A member is on holiday in a country that experiences civil unrest. The member and family stay in their hotel for safety. The ADF then recalls all members in that country. Only costs for items the member did not use after they had left the country due to the recall can be reimbursed. Items not used because it was not safe to leave the hotel are the member's loss.

e. Other unavoidable costs to do with a recall from leave.

**Examples:** Telephone, facsimile or email costs.

3. In assessing the amount of payment under subclause 2, the CDF must consider all these criteria.

a. The time available for the return journey.

b. The number of people who returned.

c. The amount of money the member had spent on holiday items that the member was not able to benefit from.

d. If the costs are recoverable by other means.

**Example:** Travel insurance

e. Whether it was practical for the member to restart the holiday.

### 5.11.7 Costs where member's leave is cancelled before it starts

1. A member may be reimbursed certain costs if their leave is cancelled before it begins. The leave must have been formally approved. The cancellation must be for Service reasons.

2. The costs must not be recoverable by other means.

3. These costs may be reimbursed.

a. Accommodation deposits or tariffs.

b. Fares or fare deposits.

c. Other unavoidable costs to do with a recall from leave.

**Examples:** Telephone costs, email costs, fees charged by travel agents.

**Note:** No amount can be refunded to compensate a member for lost frequent flyer points. This is because they have no monetary value.
5.11.8 Claiming and acquitting

A member must send any claims for reimbursement to the Director Entitlements. They must attach the following documentation.

a. Details of any advances received, for acquittance purposes.

b. Evidence of costs. This includes evidence of any attempts at reimbursement from a booking or insurance company, and whether any reimbursements were made.

c. Evidence of approval and cancellation of leave, or recall from it.

5.11.9 Re-credit of leave

1. Leave not used by a member as a result of a recall from leave order will be re-credited.

   See: Part 2 Division 6 clause 5.2.28, Re-credit of recreation leave.

2. Additional leave travel may be granted if the conditions in Chapter 9 Part 4 Division 1 are met.