



## **Public Service (Defence) Determination 2002/29<sup>2</sup>**

I, SUSAN JANE PARR, Director General Personnel Policy and Employment Conditions, Defence Personnel Executive, make this Determination under subsection 24 (1) of the *Public Service Act 1999*.

19 December 2002

S J PARR  
Director General  
Personnel Policy and Employment Conditions  
Defence Personnel Executive

## Part 1 Preliminary

### 1 Citation

This Determination is Public Service (Defence) Determination 2002/29<sup>2</sup>, Overseas conditions of service – revised entitlements.

### 2 Commencement

This Determination commences on the date of signature.

## Part 2 Overseas conditions of service – revised entitlements

### 3 Amendment

Public Service (Defence) Determination 1999/11, Overseas Conditions of Service, as amended,<sup>1</sup> is amended as set out in this Determination.

### 4 Clause 1.2.1 (Definitions), definition of *difficult post grade*

*omit*

### 5 Clause 1.2.1 (Definitions)

*insert in alphabetical order*

***disposable income***, for an employee, means the sum of the annual rates at which each of the following is payable from time to time to the employee:

- (a) salary;
- (b) subject to subclause 4.6.2 — additional responsibility pay or additional responsibility allowance;
- (c) hardship allowance;
- (d) language proficiency allowance;
- (e) first aid allowance,

less the amount of personal income tax and Medicare levy liability of the employee on an annual income of that amount.

***hardship post grade***, for a locality, means the hardship post grade mentioned for the locality in Part 1 or 2 of Schedule 9.

***ordinary period of posting***, for a locality of posting, means a period of posting of:

- (a) if the locality is listed in Part 1 of Schedule 9 — the period mentioned in column 2 of that Part; and
- (b) otherwise — 3 years.

***overseas service*** means the total of the periods during which an employee is entitled to local allowance, special local allowance or overseas living allowance under the Act or the former Act, or similar allowances payable under another Act.

### 6 Clause 1.2.1 (Definitions), definition of *Minister*

*omit*

**7 Clause 1.2.1 (Definitions), definition of *post index***

*omit*

**8 Clause 1.2.3 (Long-term posting)**

*add at the end*

- (3) An employee is taken to be on long-term posting to a locality from the day the Secretary approves an extension of a short-term mission of the employee at the locality for a period that, together with the completed period of the short-term mission, is 6 months or longer.

**9 Clause 1.2.5 (Ordinary period of posting) and Table 1**

*substitute*

**1.2.5 Post index**

- (1) In this determination, the *post index*, for an employee, is the post index mentioned in column 2 of Schedule 6 for the employee's locality of posting.
- (2) The published index in column 3 of Schedule 6 is the index published for the locality of posting by the service provider contracted by the Department. The published index is not used in working out overseas living allowance, because the post index used for this purpose must not be less than 100.
- (3) The post index is worked out from local prices surveyed in September each year by the service provider contracted by the Department. The post index may subsequently be varied as a result of:
- (a) exchange rate movements (see clause 4.6.12); or
  - (b) special analysis of costs at the locality of posting, if the Secretary agrees that the circumstances at the locality justify an earlier review.

**10 Part 2 of Chapter 1 (Interpretation)**

*add at the end*

**1.2.11 Evacuation**

A reference in this Determination to a person who is evacuated from a locality of posting includes a person who is directed by the Commonwealth to withdraw from the locality for reasons associated with international relations, or whose departure from the locality is facilitated by the Commonwealth because of political, security or other special circumstances at the locality. Evacuation has a corresponding meaning.

**1.2.12 Entitlement to rest periods**

- (1) In this clause:

*rest period*, for an employee, means a period of 24 hours in which the employee is not required to attend for duty.

*time zone hour* means a change of one hour in time zones in the course of a journey by air, as measured by Coordinated Universal Time (UTC), formerly known as Greenwich Mean Time (GMT). Time zones are set out in the map at Schedule 1.

*travelling time*, for a journey, is the period that:

- (a) begins at the latest permitted airport check-in time for the scheduled time of departure from the locality where the journey originates; and
  - (b) ends at the scheduled time of arrival at the locality that is the destination of the journey (or, if the journey is unavoidably delayed, at the actual time of arrival), but excluding any rest period or period of leave or stopover at a locality at which an employee is not required to perform duty.
- (2) The purpose of rest periods is to provide employees with a reasonable opportunity to recover from jet lag following a journey by air in the course of travel on duty
- (3) The entitlement to rest periods is set out in the following table:

<b>If the journey is ...</b>	<b>the employee is entitled to ...</b>	<b>to be taken ...</b>
for at least 4 time zone hours, or with a travelling time of at least 12 hours	1 rest period	<i>for travel by the direct route:</i> at the final destination or during a stopover en route.  <i>for travel by an indirect route:</i> at the final destination.
for at least 6 time zone hours	2 rest periods	<i>for travel by the direct route:</i> at the final destination, or alternatively 1 rest period may be taken during a stopover en route.  <i>for travel by an indirect route:</i> at the final destination.

- (4) No more than 2 rest periods will be provided for any journey.
- (5) If an employee has an unavoidable stopover during a journey, the employee is not entitled to a rest period unless the Secretary is satisfied that the stopover is not equivalent to the grant of a rest period to the employee.
- (6) For subclause (5), the Secretary must have regard to:
- (a) the duration and locality of the stopover; and
  - (b) the duration of travel to and from the locality where the stopover occurs; and
  - (c) any other factor relevant to the employee's travel.

**11 Clause 3.2.2 (Rest periods)**

*omit*

**12 Clause 3.2.3 (Travelling time for purpose of rest periods)**

*omit*

**13 Clause 4.1.2 (Definitions)**

*omit*

**14 Clause 4.1.3 (Employee taken to be on long-term posting)**

*omit*

**15 Clause 4.2.2 (Cost of transport to be paid)**

*add at the beginning*

- (1A) The purpose of travel under this clause is to transport employees and any entitled dependants to and from the locality of posting by the most efficient and economical route.

**16 Paragraph 4.2.2 (1) (b) (Cost of transport to be paid)**

*omit*

under a direction given by the Minister

**17 Clause 4.2.2 (Cost of transport to be paid)**

*add at the end*

- (4) Employees may choose to travel by an indirect route. However, the fares and all other allowance entitlements for the travel will be based on the route between Australia and the locality of posting that the Secretary considers to be the most efficient and economical in the circumstances. The cost paid by the Commonwealth for travel by an indirect route must be limited to the cost that would have been paid for travel by the most direct route at the same class of air travel.
- (5) For subclause (4), the Secretary must have regard to:
- (a) for travel from Australia — advice from Defence Travel Services; and
  - (b) for travel to Australia — advice from the travel agent contracted by the post or, if the post has not contracted a travel agent, from Defence Travel Services.

**18 Clause 4.2.4 (Travel at the beginning and end of posting)**

*substitute*

- (1) For determining the travelling allowance to which an employee is entitled, the employee is taken to be travelling on a short-term mission during travel to and from the employee's locality of posting.
- (2) For subclause (1), a dependant of an employee who travels to and from the locality of posting at the beginning and end of the posting must be treated in the same manner as the employee.
- (3) However, for a dependant who is less than 12, the employee is only entitled to two-thirds of the amount of travelling allowance payable to an employee.

**19 Clause 4.2.5 (Rest periods)**

*substitute*

**4.2.5 Rest periods – dependant of employee**

A dependant of an employee who travels to and from the locality of posting at the beginning and end of the posting must be treated in the same manner as the employee for the purpose of rest periods. However, a dependant who does not travel with the employee is not entitled to a rest period.

**20 Subclause 4.2.6 (3) (Excess baggage)**

*omit*

under a direction given by the Minister

**21 Subclause 4.2.10 (3) (Assisted leave travel to Australia on extension of posting)**

*omit*

travel mentioned in subclause 5.2.10 (4)

*substitute*

**22 Clause 4.3.8 (Storage during evacuation)**

*omit*

If the Minister directs the evacuation of an employee

*insert*

If an employee is evacuated

**23 Subclause 4.3.11 (1) (Dual entitlement)**

*omit*

clause 4.6.19

*insert*

clause 4.6.11

**24 Part 3 of Chapter 4 (Removals)**

*add at the end*

**4.3.12 Assistance with expenses for overseas pet relocation**

(1) In this clause:

***transportation*** means commercial transportation and any associated boarding, and includes:

- (a) any veterinary fees for the sedation of a pet during transport; and
- (b) any fees and charges for or in relation to quarantine, whether imposed by the Commonwealth or not,

but excludes:

- (c) any expenses incurred by the employee for the purchase of equipment or other items used in the transportation or boarding of pets; or
- (d) the transportation and boarding of any animal that the employee or dependant owns primarily for economic or business purposes.

(2) This clause applies to an employee who chooses to remove a pet to or from a locality of posting overseas.

- (3) However, this clause does not apply to an employee who chooses to be reimbursed for transportation of any pet within Australia in connection with the long-term posting.
- (3) The employee is entitled to be reimbursed up to AUD 652 for the transportation of all pets removed to or from the locality of posting.
- Example: Three pets are removed to the locality of posting and the employee is reimbursed AUD 652. At the end of the posting, two pets are returned to Australia and the employee is again reimbursed AUD 652. The total reimbursement is a maximum of AUD 1,304 for all pets.

**25 Clause 4.4.6 (Dual entitlement)**

*omit*

clause 4.6.19

*insert*

clause 4.6.11

**26 Subclause 4.4.8 (1) (Accommodation and meal costs during evacuation)**

*omit*

If the Minister directs the evacuation of an employee or a dependant of the employee

*insert*

If an employee or dependant is evacuated

**27 Subclause 4.4.9 (1) (Purchase of apparel etc during evacuation)**

*omit*

If the Minister directs the evacuation of an employee or a dependant of the employee

*insert*

If an employee or dependant is evacuated

**28 Subclause 4.5.7 (2) (Rent and utilities contribution)**

*omit*

difficult post grade

*insert*

hardship post grade

**29 Clause 4.5.8 (Dual liability)**

*omit*

clause 4.6.19

*insert*

clause 4.6.11

**30 Clause 4.5.13 (Rent and utilities contribution during evacuation)**

*omit*

If the Minister directs the evacuation of an employee or a dependant of the employee

*insert*

If an employee or dependant is evacuated

**31 Part 6 of Chapter 4 (Overseas living allowance)**

*substitute*

## **Part 6 Overseas living allowance**

### **4.6.1 Disposable income**

In this Part:

*rate* means rate a year.

### **4.6.2 Additional responsibility pay or allowance to be excluded from disposable income in certain circumstances**

Additional responsibility pay or additional responsibility allowance is not included in an employee's disposable income, unless it has been approved for a continuous period of at least 3 months.

### **4.6.3 Entitlement to overseas living allowance**

- (1) An employee is entitled to overseas living allowance for the period of posting at the rate mentioned in clause 4.6.4.
- (2) An employee is not entitled to overseas living allowance while the employee:
  - (a) is not entitled to salary; or
  - (b) is absent from the locality of posting, except as provided in clause 4.6.13, 4.6.14, 4.6.16 or 4.6.17; or
  - (c) is on long service leave.

### **4.6.4 Rate of overseas living allowance**

The rate of overseas living allowance applying to an employee is the sum of the rates at which the following components apply to the employee:

- (a) cost of living adjustment;
- (b) post adjustment;
- (c) child allowance;
- (d) child reunion allowance.

#### 4.6.5 Calculation of cost of living adjustment

The rate at which cost of living adjustment is payable to an employee is worked out using the formula:

$$\text{Disposable income} \quad \times \quad \frac{\text{Post index} - 100}{100}$$

#### 4.6.6 Rate of post adjustment

- (1) The rate at which post adjustment is payable to an employee is the rate worked out from the following table as a percentage of the employee's salary. For this purpose, an employee with a salary of less than AUD 55,000 is taken to have a salary of AUD 55,000.

Column 1	Column 2	Column 3
	Percentage of employee's salary up to AUD 85,000 a year	Percentage of that part of employee's salary above AUD 85,000 a year
Accompanied employee	33.0	16.5
Unaccompanied employee	22.0	11.0

Example 1: An employee with a salary of AUD 35,000 is taken to have a salary of AUD 55,000 for working out post adjustment using this Table.

Example 2: An accompanied employee has a salary of AUD 95,000. The rate of post adjustment is 33% of AUD 85,000, plus 16.5% of AUD 10,000.

- (2) In addition, if an employee is on a long-term posting in Tonga, the employee is entitled to a supplementary post adjustment at the rate of AUD 519 for the employee and any dependant aged 9 or more.
- (3) In addition, if:
- (a) an employee is on long-term posting to Manhattan in the United States of America; and
  - (b) the Secretary is satisfied that the employee is obliged to pay a Christmas gratuity to maintain existing contracts for apartment and garage service;
- the employee is entitled to an annual supplementary post adjustment at the rate of AUD 1,200.

#### 4.6.7 Entitlement to child allowance

- (1) In this clause:
- period of child allowance eligibility***, for a dependent child of an employee, means the period that:
- (a) starts on the later of:
    - (i) the day on which the child arrives to take up residence at the employee's locality of posting; and
    - (ii) the day on which the employee's period of posting begins; and
  - (b) ends on the earliest of:
    - (i) 4 weeks after the day on which the child leaves the locality of posting on ceasing to live there; and

- (ii) on the day on which the employee becomes eligible for child reunion allowance for the child; and
  - (iii) on the day on which the employee's period of posting ends.
- (2) The employee is entitled to child allowance for the period of child allowance eligibility at the rate worked out from column 1 or 2 the following table:

Column 1	Column 2 Child under 12	Column 3 Child 12 or older
Step 1	Work out 1.5% of the employee's salary.	Work out 1.5% of the employee's salary.
Step 2	Add AUD 1,500 to the Step 1 amount.	Add AUD 2,500 to the Step 1 amount.
Step 3	Multiply the Step 2 amount by the post index.	Multiply the Step 2 amount by the post index.

- (3) For the avoidance of doubt, the employee is not entitled to child allowance if the employee is entitled to child reunion allowance, and vice versa.

#### 4.6.8 Entitlement to child reunion allowance

- (1) An employee is entitled to child reunion allowance for the period of posting for each dependant who is a child and who:
- (a) is eligible for a reunion visit each year; and
  - (b) in spite of paragraph 1.2.2 (3) (b) — does not live at the employee's locality of posting.

#### 4.6.9 Rate of child reunion allowance

The rate at which child reunion allowance is payable to an employee is, for each dependant who is a child, 75 per cent of the rate of child allowance that would apply to the child.

#### 4.6.10 Allowance if social security benefit precluded or reduced

- (1) For this clause, each of the following benefits is a **relevant benefit**:
- (a) carer allowance for a child under the *Social Security Act 1991*;
  - (b) double orphan pension under the *Social Security Act 1991*;
  - (c) family tax benefit (Part A and Part B rate) under the *A New Tax System (Family Assistance) Act 1999*;
  - (d) maternity allowance under the *A New Tax System (Family Assistance) Act 1999*;
  - (e) parenting payment (single) under the *Social Security Act 1991*.
- (2) If:
- (a) an employee has a dependant who is a child; and
  - (b) the payment of a relevant benefit for the child:
    - (i) is precluded only because the child, or the parent of the child to whom the relevant benefit is ordinarily payable, is absent from Australia as a result of the employee's long-term posting; or
    - (ii) is reduced only because of an amount reimbursed to the employee under this determination for the education costs of a child,
- the rate at which overseas living allowance is payable to the employee must be

increased by an amount equal to the rate of relevant benefit which is forgone as described in paragraph (b).

(3) If:

- (a) a child or parent mentioned in subclause (2) returns to Australia before beginning a further period of absence from Australia as a result of an employee's long-term posting; and
- (b) while the child or parent is in Australia, the parent is ineligible for the payment of a relevant benefit because of the expected period of absence of the child or parent from Australia on further posting,

additional overseas living allowance is payable to the employee at the rate at which the relevant benefit would have been payable to the parent if the child or parent were not absent from Australia.

(4) If:

- (a) an employee receives additional overseas living allowance under subclause (2) during a long-term posting; and
- (b) the parent mentioned in that subclause applies, within 3 weeks of returning to Australia, to receive the relevant benefit for which the additional overseas living allowance is paid; and
- (c) payment of the relevant benefit to the parent is approved,

the employee is entitled to an amount equal to the additional overseas living allowance that the employee would have received on long-term posting for the inclusive period from the day of the parent's return to Australia to the end of the day before the parent becomes entitled to the relevant benefit.

#### **4.6.11 Dual entitlement**

(1) If:

- (a) both an employee and the employee's spouse would, but for this clause, be entitled to overseas living allowance under this determination or another Act for the same locality and period; and
- (b) the employee and the spouse jointly nominate the employee to be paid as an unaccompanied employee,

the employee is entitled only to cost of living adjustment for that period.

(2) If:

- (a) both an employee and the employee's spouse would, but for this clause, be entitled to overseas living allowance under this determination or another Act for the same locality and period; and
- (b) the employee and the employee's spouse do not jointly nominate one of them under subclause (1) or another Act; and
- (c) the employee has the lower disposable income, or if the employee and the spouse have the same disposable income, the employee has the lesser period of service,

the employee is entitled only to cost of living adjustment for that period.

#### **4.6.12 Post index to be adjusted on changes in exchange rates**

(1) In this clause:

*average exchange rate*, for a pay period, means the average of the exchange rates applied in the 2 preceding pay periods.

*exchange rate* means the exchange rate notified by the service provider contracted by the Department to calculate post indexes.

*relevant average exchange rate*, for a relevant currency, means the average exchange rate last used to calculate the post index.

*relevant currency* means the national currency at a locality mentioned in Schedule 6.

- (2) If, for a locality mentioned in Schedule 6, the average exchange rate of the relevant currency for a pay period differs from the relevant average exchange rate by 2 per cent or more, the post index for the locality is to be recalculated. Action will be taken to include the new post index in Schedule 6 as soon as practicable after the recalculation.

#### **4.6.13 Overseas living allowance during annual leave**

An employee who is absent from the employee's locality of posting on annual leave is entitled to overseas living allowance for any period of annual leave that is not longer than the employee's total annual leave credits accruing to the employee for service at the locality.

#### **4.6.14 Overseas living allowance during absence from post**

- (1) This clause applies to an employee who is temporarily absent from the locality of posting on duty or paid leave (except annual leave or long service leave) for a period of more than 1 day.
- (2) An unaccompanied employee remains entitled to full overseas living allowance for up to 4 weeks of continuous absence. After the first 4 weeks, the employee becomes entitled to the cost of living adjustment only.
- (3) An accompanied employee remains entitled to the full accompanied rate of overseas living allowance until the later of:
  - (a) 4 weeks of continuous absence by the employee; or
  - (b) 4 weeks of continuous absence by the dependants.After this time, the employee is to be treated as an unaccompanied employee.
- (4) An employee who is recalled to duty at a locality during assisted leave travel authorised under clause 4.2.10 or 5.2.4 is entitled, for the period of recall, to:
  - (a) travelling allowance at the rate mentioned for the locality in this Determination or the Agreement; and
  - (b) overseas living allowance at the rate mentioned for the employee's locality of posting.

#### **4.6.15 Payment of continuing and inescapable costs during absence**

If:

- (a) an employee is temporarily absent from the employee's locality of posting on duty or for reasons beyond the employee's control, including illness, injury or hospitalisation; and
- (b) the Secretary is satisfied that the employee could not reasonably avoid incurring costs at the locality of posting for which the employee would ordinarily be compensated by the payment of overseas living allowance or another allowance or by reimbursement; and
- (c) the employee ceases to be entitled to overseas living allowance or the other allowance or to be reimbursed,

the employee is entitled to be reimbursed for the costs of that kind necessarily incurred during the absence for:

- (d) the continued employment of domestic assistance or gardening assistance; and
- (e) utilities as defined in clause 4.5.1; and
- (f) telephone rental.

#### **4.6.16 Overseas living allowance during evacuation**

- (1) If an employee or dependant is evacuated from the locality of posting, the employee is entitled to overseas living allowance for the period of evacuation as if the employee or dependant, as the case may be, had not been evacuated from the locality.
- (2) Clause 4.6.15 applies to the employee for the period of evacuation as if the employee were temporarily absent from the locality of posting on duty.

#### **4.6.17 Return of employee from overseas in advance of dependants**

- (1) If an employee leaves a locality of posting on ceasing a long-term posting, but any dependant of the employee is unable to leave the locality with the employee, the employee is entitled to overseas living allowance for the least of:
  - (a) the period during which the dependant remains at the locality; and
  - (b) if the dependant is unable to leave because of organisational requirements on the employee — 4 weeks, unless the Secretary approves a longer period; and
  - (c) in any other case — the period that the Secretary approves.
- (2) For the purpose of approving a period under subclause (1), the Secretary must have regard to:
  - (a) the reason why the dependant remained at the locality of posting after the employee's departure; and
  - (b) the date on which the dependant will travel from the locality of posting at Commonwealth expense.

#### **4.6.18 Payment of overseas living allowance after completion of posting in certain circumstances**

- (1) In this clause:

*period of unused leave*, for an employee, means annual leave that the employee accrues during a period of posting but is in the opinion of the Secretary unable to take during that period because of:

  - (a) medical or compassionate reasons relating to the employee or a dependant, that resulted in the early ending of the posting or in the employee ceasing to be an employee; or
  - (b) the operational requirements of the Department.
- (2) The Secretary may, after the end of an employee's period of posting, authorise payment of an amount of overseas living allowance to the employee for a period of unused leave taken while overseas. No payment will be made for leave taken in Australia after the employee returns from overseas.
- (3) For this clause:
  - (a) the period of unused leave is not to exceed the period of annual leave accruing to the employee for the last 12 months' service at the locality of posting; and

- (b) the amount of overseas living allowance payable for the period of unused leave must be worked out on the same basis as was used to work out the rate of overseas living allowance payable to the employee on the last day of the employee's period of posting.

#### **4.6.19 Outlay advance**

- (1) In this clause:

*outlay advance*, for an employee, means an advance payable for the employee's establishment costs at the employee's locality of posting.

- (2) An employee (other than an employee who is entitled only to cost of living adjustment under clause 4.6.11) is entitled to an outlay advance if the employee is about to undertake, or has recently begun, a long-term posting.
- (3) The employee may choose how much outlay advance is paid, if any.
- (4) The amount of outlay advance must not be more than AUD 15,000.
- (5) If an employee is paid an outlay advance, the employee must repay the outlay advance to the Commonwealth by fortnightly instalments deducted from the salary and allowances payable to the employee.
- (6) Each fortnightly instalment repaid by an employee must be as nearly as practicable equal to the amount of the employee's outlay advance divided by the number of fortnights in a year.
- (7) If the repayment period extends beyond a year, the employee must also pay to the Commonwealth an amount equal to any tax that the Department becomes liable to pay as a result.
- (8) If an employee has been paid an outlay advance, and the employee's posting is cancelled or ends, the outstanding amount (if any) of the outlay advance becomes immediately repayable in full to the Commonwealth unless the Secretary approves continuation of fortnightly repayments by the employee.
- (9) For subclause (9), the Secretary must have regard to:
  - (a) the period of the posting undertaken by the employee; and
  - (b) the reason for the cancellation or ending of the posting; and
  - (c) the employee's circumstances following the cancellation or ending of the posting; and
  - (d) the outstanding amount of the outlay advance; and
  - (e) any other factor relevant to the repayment of the outlay advance.

#### **4.6.20 Reimbursement for financial advice before leaving Australia**

An employee is entitled to be reimbursed up to AUD 300 for fees that the employee incurs for financial advice from an accredited financial adviser. This is limited to advice obtained between the day the employee is notified in writing of a long-term posting and the day the employee departs from Australia.

### **32 Subclause 4.7.11 (3) (Excess commuting costs), definition of C**

*omit*

category FP

- 33 Clause 4.7.12 (Excess motor vehicle depreciation at certain localities)**  
*omit*
- 34 Clause 4.7.13 (Canada – undercover parking)**  
*omit*
- 35 Clause 4.7.14 (Singapore – vehicle registration advance)**  
*omit*
- 36 Clause 4.7.15 (Singapore – vehicle certificate of entitlement)**  
*omit*
- 37 Clause 4.7.16 (Thailand – rebate of duty and taxes on petrol)**  
*omit*
- 38 Clause 4.7.17 (United Kingdom – outfit allowance for duty at Buckingham Palace)**  
*omit*
- 39 Subclause 4.8.7 (2) (School transport costs), definition of C**  
*omit*  
category FP
- 40 Clause 4.8.10 (Education assistance during evacuation to overseas locality)**  
*omit*  
If the Minister directs the evacuation of an employee’s child  
*insert*
- 41 Paragraph 4.8.18 (1) (a) (Period of assistance)**  
*substitute*  
(a) if the employee is notified of a posting to take effect in the next school year — the earlier of:  
(i) the day the period of posting begins; and  
(ii) the first day of the next school year; and  
(iii) if the assessment period for that school year begins in the previous year at a school — the first day of the assessment period.
- 42 Subclause 4.10.1 (2) (Vehicle allowance), definition of C**  
*omit*  
category FP

**43 Part 1 of Chapter 5 (Difficult post allowance)**

*substitute*

## **Part 1 Hardship allowance**

### **5.1.1 Period of duty**

- (1) In this Part, the *period of duty*, for an employee, is the period beginning on the day the employee starts duty at a locality and ending on the day employee finishes duty at the locality.
- (2) An employee is taken to start duty on the day the employee arrives at the locality, if that day is a local weekend day or public holiday and the employee starts duty on the next working day.
- (3) An employee is taken to finish duty on the day the employee departs from the locality, if that day is a local weekend day or public holiday and the employee finishes duty on the immediately preceding working day.

### **5.1.2 Allowance payable during period of duty and in other circumstances**

- (1) If a hardship post grade is specified for a locality of posting mentioned in Part 1 or 4 of Schedule 9, an employee who is required to perform duty at the locality is entitled to hardship allowance for any period of duty or leave at or in relation to the locality which confers an entitlement to overseas living allowance.
- (2) If a hardship post grade is specified for a locality mentioned in Part 1, 2 or 4 of Schedule 9, an employee on a short-term mission at the locality is entitled to hardship allowance for any period of duty at the locality of 28 days or more.
- (3) The rate of allowance payable under this clause is the rate for the hardship post grade of the employee's locality and status as an accompanied or unaccompanied employee, as mentioned in column 2 or 3 of Part 3 of Schedule 9.
- (4) An accompanied employee who:
  - (a) performs duty on a short-term mission at a locality specified in Schedule 9; and
  - (b) is not accompanied by the employee's spouse at the locality,is taken to be an unaccompanied employee for payment of hardship allowance for the locality.

### **5.1.3 Dual entitlement**

If both an employee and the employee's spouse would, but for this clause, be entitled to hardship allowance under this determination or another Act for the same locality and period, and the employee is entitled only to cost of living adjustment under clause 4.6.11, the employee is not entitled to hardship allowance.

### **5.1.4 No entitlement to allowance for more than one locality**

If, but for this clause, an employee would be entitled to hardship allowance for more than 1 locality, the employee is entitled to hardship allowance for only the locality at which the higher or highest rate of allowance is payable.

### 5.1.5 Entitlement during absences from locality

- (1) This clause applies to an employee who is entitled to hardship allowance for a locality, if the employee is temporarily absent from the locality on duty or annual leave, or the period of duty finishes.
- (2) An employee who is on long-term posting is entitled to hardship allowance for the first 28 days of a temporary absence.
- (3) An employee who is on a short-term mission is not entitled to hardship allowance during a temporary absence.
- (4) For an employee who has a period of unused leave after ceasing a long-term posting at the locality, the Secretary may authorise payment of an amount of hardship allowance for the period under clause 4.6.18 as if a reference in that clause to overseas living allowance were a reference to hardship allowance.
- (5) In subclause (4):  
*period of unused leave* has the meaning given by clause 4.6.18.

### 5.1.6 Allowance not payable

Hardship allowance is not payable for a day on which the employee is:

- (a) not entitled to salary; or
- (b) absent from the locality for which the allowance is paid, except as provided under clause 5.1.5; or
- (c) entitled to an allowance provided for service in support of an overseas deployment.

## 44 Part 2 of Chapter 5 (Assisted leave travel)

*substitute*

## Part 2 Assisted leave travel

### 5.2.1 Purpose

- (1) Assistance with leave travel is to allow employees and dependants living at a hardship post to obtain respite from the environment or access to suitable health and shopping facilities at a leave centre that are not available at the post.
- (2) At certain isolated posts where adequate holiday opportunities are not available, assistance with travel may be provided to travel to a suitable leave centre.

### 5.2.2 Definitions

In this Part and Schedule 9:

**Australia** means the State or Territory capital city in Australia (other than Hobart or Darwin) with the lowest allowable travel cost from an employee's locality of posting at the time of the employee's travel.

**regional leave centre** means Australia or London.

**relief centre** means a leave centre mentioned in column 3 of Part 1 of Schedule 9, other than a regional leave centre.

### **5.2.3 Employee this Part applies to**

- (1) This Part applies to an employee who:
  - (a) is on long-term posting at a locality mentioned in Part 1 of Schedule 9; and
  - (b) is granted a reasonable period of annual leave (including any combination of public holidays and additional leave authorised under clause 5.3.1); and
  - (c) undertakes return travel to another country in conjunction with the leave.
- (2) Assisted leave travel is not available during periods of duty or personal leave.
- (3) This Part also applies to reimbursement of an employee for travel by a dependant as if the dependant were the employee. However, the dependant is not required to travel with the employee or during the employee's annual leave.

### **5.2.4 Assisted leave travel**

The employee is entitled to be reimbursed an amount equal to the lesser of:

- (a) the cost incurred by the employee for the return travel; and
- (b) the allowable travel cost for return air travel by the employee to a leave centre mentioned in column 3 of Part 1 of Schedule 9 for the employee's locality of posting.

### **5.2.5 Limit on entitlement during ordinary period of posting**

- (1) The maximum reimbursement that can be paid during the ordinary period of posting is the sum of the allowable travel costs for travel to the leave centres specified for the locality of posting, for the number of trips mentioned for each leave centre in column 3 of Part 1 of Schedule 9.
- (2) For the purpose of assessing the sum of the costs mentioned in subclause (1), the allowable travel cost for return travel by an employee is taken to be the allowable travel cost applicable at the same time as the travel for which the employee is reimbursed under clause 5.2.4.
- (3) The sum of the costs is modified for shorter or longer periods of posting under clauses 5.2.12 and 5.2.13, respectively.

### **5.2.6 Employee may choose sequence of assisted leave fares**

The employee may choose the sequence in which assisted leave travel is taken to the leave centres provided for the locality of posting in Part 1 of Schedule 9.

### **5.2.7 Offset of assisted leave travel entitlements**

- (1) The employee may travel to destinations in another country which meet the purpose for which assisted leave travel is provided.
- (2) The employee may use the value of an assisted leave fare to purchase air fares (including package deals) from any source, to the maximum of the number of trips and limit of reimbursement under this Part.
- (3) In any case, the amount for which the employee is reimbursed must not be more than the allowable travel cost.
- (4) For reimbursement under this clause, the employee must present written evidence that they travelled to another country. This could include the exit stamp in a passport, an airline boarding pass, or advice in writing from a travel agent. An air ticket is not sufficient.

### **5.2.8 Reimbursement in advance of travel**

If reimbursement for any assisted leave travel is made in advance of the travel, the employee must present written evidence, within 2 weeks of returning to duty, that they travelled to another country for the approved period of leave. Otherwise, the full amount becomes repayable to the Commonwealth. It is not necessary to establish the actual destination, mode of travel or amount of expenditure.

### **5.2.9 Excess baggage**

- (1) The employee is also entitled to be reimbursed for the cost of not more than 12 kilograms of excess baggage carried by the employee on the return travel to the locality of posting, as set out under 'Excess baggage entitlement' in column 3 of Part 1 of Schedule 9 and in the associated notes to Part 1 of Schedule 9.
- (2) If an employee:
  - (a) is entitled to be reimbursed under this Part for return air travel in relation to a leave centre mentioned in subclause (1); and
  - (b) returns to the locality of posting from a locality other than the leave centre; and
  - (c) would have been entitled to be reimbursed for the cost of excess baggage if the employee had returned from the leave centre,the employee is entitled to be reimbursed as if the return travel had been from the leave centre.

### **5.2.10 Travel by private motor vehicle**

If an employee travels by a motor vehicle owned or hired by the employee, the cost incurred by the employee is taken, for paragraph 5.2.4 (a), to be the sum of:

- (a) the vehicle allowance payable if the vehicle were being used on official business; and
- (b) the cost (if any) of transporting the vehicle and its occupants for part of the travel, but excluding the cost of accommodation and meals.

### **5.2.11 Designation of alternative leave centre**

- (1) If:
  - (a) the leave centre mentioned for a locality of posting is affected by war, civil disorder, natural disaster or other similar event; and
  - (b) the Secretary is satisfied that the leave centre is temporarily unfit for use, the Secretary must substitute, for a specified period not longer than 6 months, a leave centre that the Secretary considers, having regard to reasonable economy and the facilities at the substituted leave centre, meets as nearly as practicable the purposes for which the leave centre is provided.
- (2) For paragraph (1) (b), the Secretary must have regard to the extent to which the leave centre is intended to provide:
  - (a) relief from difficult climates and environments; and
  - (b) access to adequate medical, hospital and dental services and facilities; and
  - (c) access to facilities for buying household and personal items.

### **5.2.12 Entitlement if posting shorter than ordinary period**

- (1) If an employee's total period of posting is shorter than the ordinary period of posting, then for all of the leave centres mentioned in column 3 of Part 1 of Schedule 9 opposite the employee's locality of posting:

- (a) all of the numbers of trips mentioned opposite those leave centres are to be added together; and
  - (b) the total number of trips must be reduced by the same proportion as would apply to the actual period of posting compared to the ordinary period of posting; and
  - (c) that total number of trips must be rounded to the nearest whole number.
- (2) If the total number of trips must be reduced under subclause (1), the remaining number of trips is to be allocated as follows:
- (a) if the ordinary period of posting has been shortened to a total period of posting of less than 12 months — all of the remaining trips are to the relief centres mentioned in the Schedule for the locality; and
  - (b) if the ordinary period of posting has been shortened to a total period of posting of 12 months or more and a regional centre is mentioned in the Schedule for the locality:
    - (i) one trip is to the regional centre; and
    - (ii) additional trips (if any) are to the relief centres; and
  - (c) if the ordinary period of posting has been reduced to a total period of posting of 12 months or more and a regional centre is not mentioned in the Schedule for the locality — all of the remaining trips are to the relief centres.
- (3) An employee's entitlement is not to be reduced by virtue of subclause (1):
- (a) on termination of the posting by the Secretary; or
  - (b) on termination of the posting by the employee, if the Secretary is satisfied that it is reasonable that subclause (1) should not apply to the employee.
- (4) For paragraph (3) (b), the Secretary must have regard to:
- (a) the circumstances relating to the employee's termination of the posting; and
  - (b) the duration of the employee's service at the locality of posting; and
  - (c) the ordinary period of posting at the locality; and
  - (d) whether the employee has continued to be an employee; and
  - (e) any other factor relevant to the employee's termination of the posting.

### **5.2.13 Additional entitlement – posting longer than ordinary period**

- (1) If an employee's period of posting is longer than the ordinary period of posting, the number of trips mentioned in column 3 of Part 1 of Schedule 9 for travel to leave centres from the employee's locality of posting is taken to be increased, for the employee, by an amount worked out using the formula:

$$\frac{\text{Extra period} \times (1 + \text{Total number of trips})}{\text{Period of posting}}$$

where:

*extra period* means the number of months by which the employee's period of posting is longer than the ordinary period of posting;

*period of posting* means the number of months in the ordinary period of posting.

- (2) An amount worked out under subclause (1) must be rounded to the nearest whole number.
- (3) If the total number of trips to leave centres from an employee's locality of posting is taken to be increased under subclause (1) for the employee, the increase must be

applied in the following manner to the number of trips mentioned for the leave centres:

- (a) the first additional trip must be to the regional leave centre; and
- (b) subsequent additional trips must be to the second leave centre, up to the number of trips mentioned for the leave centre in column 3 of Part 1 of the Schedule; and
- (c) subsequent additional trips must be to any further leave centre, up to the number of trips mentioned in column 3 of Part 1 of the Schedule for the leave centre; and
- (d) any remainder must be distributed in a similar manner starting again at the first leave centre.

#### **5.2.14 Dual entitlement**

If both an employee and the employee's spouse would, but for this clause, be entitled to be reimbursed for travel under this Part or another Act for the same locality and period, and the employee is entitled only to cost of living adjustment under clause 4.6.11, the employee is not entitled to be reimbursed.

#### **5.2.15 Accommodation during unavoidable stopover**

- (1) This clause applies to an employee if the Secretary is satisfied that a stopover is unavoidable during assisted leave travel to or from the locality of posting. However, this clause does not apply to offset travel under clause 5.2.7 to an alternative destination.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) for travel from Australia — advice from Defence Travel Services; and
  - (b) for travel to Australia — advice from the travel agent contracted by the post or, if the post has not contracted a travel agent, from Defence Travel Services.
- (3) The employee and dependants are entitled to be provided with one night's accommodation at the stopover locality.

#### **5.2.16 Pakistan - class of air travel during assisted leave travel**

For clause 5.2.4, the allowable travel cost for return air travel between Islamabad and Karachi is the allowable travel cost for the class of air travel next above economy class.

#### **5.2.17 Papua New Guinea – stopover in Port Moresby**

- (1) This clause applies to an employee who is on long-term posting at a locality in Papua New Guinea, other than Port Moresby.
- (2) On return air travel to the locality of posting from a leave centre, the employee and dependants are entitled to be provided with one night's accommodation in Port Moresby.

### **45 Part 5 of Chapter 5 (Other conditions of service relating to difficulties at posts)**

*add at the end*

#### **5.5.2 Attraction allowance – Papua New Guinea**

An employee on long-term posting in Papua New Guinea is entitled to attraction allowance at the rate of AUD 10,000 a year.

**46 Clause 6.1.5 (Allowance not payable)**

*substitute*

While an employee is entitled to operational support allowance, the employee is not entitled to any of the following allowances:

- (a) camping allowance;
- (b) equipment allowance;
- (c) hardship allowance;
- (d) overseas living allowance;
- (e) travelling allowance.

**46A Schedule 1 (International time zones)**

*insert*

the Schedule set out in Attachment AA

**47 Schedule 6 (Overseas living allowance)**

*substitute*

the Schedule set out in Attachment A

**48 Schedule 7 (Supplementary allowances)**

*omit*

**49 Schedule 9 (Difficult post assistance)**

*substitute*

the Schedule set out in Attachment B

## **Part 3 Transitional**

**50 Definitions**

(1) In this Part:

*former provisions* means the Principal Determination, as in force on 20 November 2002.

*former rate*, for an employee in relation to a locality of posting, means the sum of the annual rates at which the following allowances were payable to the employee under the former provisions on 21 November 2002 (or would have been payable on that day, if the employee had been on long-term posting at the locality):

- (a) cost of living adjustment;
- (b) general adjustment;
- (c) post adjustment;
- (d) child supplement;
- (e) child reunion supplement;

- (f) an allowance for or in relation to a motor vehicle under any of clauses 4.7.12, 4.7.13 and 4.7.16;
- (g) difficult post allowance.

***new provisions*** means the Principal Determination, as in force from time to time on or after 21 November 2002.

***new rate***, for an employee in relation to a locality of posting, means the sum of the annual rates at which the following allowances are payable to the employee under the new provisions on or after 21 November 2002:

- (a) cost of living adjustment;
- (b) post adjustment;
- (c) child allowance;
- (d) child reunion allowance;
- (e) hardship allowance.

***Principal Determination*** means Public Service (Defence) Determination 1999/11, Overseas Conditions of Service.

## **51 Non-reduction of entitlements**

- (1) This clause applies to an employee who:
  - (a) is on a long-term posting; or
  - (b) has been notified in writing of a long-term posting.
- (2) If the former rate exceeds the new rate, the employee is entitled to additional allowance at an annual rate equal to the excess.
- (3) This clause ceases to apply to the employee on the earlier of:
  - (a) the day on which the new rate first exceeds the former rate; or
  - (b) 20 November 2003.

## **52 Former vehicle entitlements in Singapore**

- (1) Subclause (2) applies to an employee on long-term posting in Singapore, if the employee was entitled to a vehicle registration advance on or before 21 November 2002 and the advance has not been repaid in full to the Commonwealth on or before the day this Determination commences.
- (2) The employee is entitled to repay the advance under the conditions set out in clause 4.7.14 of the former provisions, as if that clause had continued in force during the employee's long-term posting.
- (3) Subclause (4) applies to an employee who:
  - (a) was on long-term posting in Singapore on 21 November 2002, or had been notified in writing of a long-term posting in Singapore on or before that date; and
  - (b) buys a motor vehicle during the posting.
- (4) The employee is entitled, in relation to the cost of a certificate of entitlement issued for the vehicle, to be reimbursed under clause 4.7.15 of the former provisions, as if that clause had continued in force until 20 November 2002.

### 53 Adjustment for outlay advance from 21 November 2002

- (1) An employee who began a long-term posting between 21 November 2002 and 19 December 2002 is taken to have recently begun that posting, for the purposes of eligibility for an outlay advance to a maximum of AUD 15,000 under clause 4.6.19 of the new provisions.
- (2) If the employee chooses to receive an increased outlay advance under subclause (1), the year in which the increased portion of the advance must be repaid in order to avoid liability under subclause 4.6.19 (7) begins on the day the employee receives the increased portion of the advance.

### 54 Allowances to be calculated from 21 November 2002

- (1) This clause applies to an employee who was on a long-term posting at any time between 21 November 2002 and 19 December 2002 (*the relevant period*) and but for the fact that this Determination had not yet commenced operation, would have been entitled, during the whole or part of the relevant period, to:
  - (a) child allowance; or
  - (b) child reunion allowance; or
  - (c) hardship allowance; or
  - (d) a rest period; or
  - (e) assistance with expenses for overseas pet relocation; or
  - (f) assisted leave travel; or
  - (g) reimbursement for financial advice under clause 4.6.20; or
  - (h) attraction allowance for Papua New Guinea.
- (2) If entitlement to a payment listed in subclause (1) would have resulted in the employee's entitlement exceeding the amount to which the employee was actually entitled under the Principal Determination for the relevant period, the employee is entitled to the amount of the excess as if this Determination had commenced on 21 November 2002, provided that they would have met the eligibility criteria for payment on or after that date.
- (3) Any payment made of an amount calculated by reference to paragraphs (1) (a), (b) or (c) must be added to, and form a part of, the *new rate* for the purposes of non-reduction calculations under clause 51 of this Determination.

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#### NOTE

1. Public Service (Defence) Determination 1999/11 as amended to date. For previous amendments see Note to Public Service (Defence) Determination 2002/1, and see also Determinations 2002/1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28.
2. Public Service (Defence) Determination 2002/29 has been amended by Public Service (Defence) Determination 2003/1.

## **ATTACHMENT AA**



# ATTACHMENT A

## Schedule 6      Post indexes

Column 1	Column 2	Column 3
LOCALITY OF POSTING	POST INDEX	PUBLISHED INDEX
BAHRAIN	127.7	127.7
CAMBODIA	127.7	127.7
CANADA Ottawa	128.0	128.0
CANADA Toronto	126.9	126.9
CANADA Other	119.3	119.3
CHINA	151.3	151.3
COOK ISLANDS	127.5	127.5
EAST TIMOR	136.3	136.3
EGYPT	100.0	97.2
FIJI	100.0	93.6
FRANCE Paris	144.9	144.9
FRANCE Other	138.0	138.0
GERMANY	141.5	141.5
INDIA	102.0	102.0
INDONESIA	122.8	122.8
ISRAEL	160.8	160.8
ITALY	138.4	138.4
JAPAN	236.2	236.2
JORDAN	142.3	142.3
KIRIBATI	153.1	153.1
KOREA	173.6	173.6
KUWAIT	139.4	139.4
LEBANON	152.8	152.8
MALAYSIA	117.0	117.0
MARSHALL ISLANDS	167.6	167.6
MICRONESIA	161.1	161.1
NEW ZEALAND Wellington	109.3	109.3
NEW ZEALAND Auckland	102.8	102.8
NEW ZEALAND Other	104.9	104.9
PAKISTAN	108.0	108.0
PALAU	161.1	161.1
PAPUA NEW GUINEA	100.0	90.6
PHILIPPINES	100.0	87.6
SAMOA	113.5	113.5
SAUDI ARABIA	118.8	118.8
SINGAPORE	135.3	135.3
SOLOMON ISLANDS	114.9	114.9
SWEDEN	148.0	148.0
SYRIA	135.8	135.8
THAILAND	100.0	96.7
TONGA	121.0	121.0
TUVALU	130.2	130.2
UNITED ARAB EMIRATES	132.6	132.6

**Schedule 6            continued**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>LOCALITY OF POSTING</b>	<b>POST INDEX</b>	<b>PUBLISHED INDEX</b>
UK London	175.1	175.1
UK Other	149.4	149.4
USA Atlanta	146.6	146.6
USA Honolulu	172.4	172.4
USA Houston	140.6	140.6
USA Los Angeles	161.4	161.4
USA Manhattan	177.3	177.3
USA Miami	154.5	154.5
USA New York City	169.3	169.3
USA North Carolina	129.0	129.0
USA San Diego	162.1	162.1
USA San Francisco	158.1	158.1
USA Washington DC	162.7	162.7
USA Other	147.2	147.2
VANUATU	146.5	146.5
VIETNAM	101.4	101.4

## **ATTACHMENT B**

## Schedule 9      Hardship post assistance

### Part 1      Hardship post conditions of service – localities of posting

Column 1 Locality	Column 2 Ordinary period of posting (years)	Column 3 ASSISTED LEAVE TRAVEL				Column 4 Extra leave (weeks)	Column 5 Hardship post grade
		Leave centres		Leave interval (mths)	Excess baggage entitlement		
		Regional (no. of trips)	Relief (no. of trips)				
Cambodia	2	Australia 1	Singapore 3	4.8	Yes (Note 1)	2.0	F
Canada – Cold Lake, Alberta	3 (Note 5)	- -	Vancouver 2	8	-	1.0	-
China	2	Australia 1	Singapore 2	6	Regional centre only (Note 2)	2.0	D
Cook Islands	2	Australia 1	Auckland 3	4.8	Regional centre only (Note 2)	2.0	C
East Timor – Dili	2	Australia 2	Singapore 2 Darwin 2	3.4	Regional centre only (Note 2)	2.0	E
East Timor – elsewhere	2	Australia 2	Singapore 2 Darwin 2	3.4	Regional centre only (Note 2)	2.0	F
Egypt	2	London 1	Rome 2	6	Regional centre only (Note 2)	1.8	D
Fiji	3	Australia 1	Sydney 2	9	Regional centre only (Note 2)	1.6	C
India	2	Australia 1	Singapore 1	8	Yes (Note 1)	2.0	E
Indonesia	2	Australia 1	Singapore 1	8	Regional centre only (Note 2)	1.8	E
Israel	2	London 1	Rome 1	8	Regional centre only (Note 2)	1.6	C
Japan	3	Australia 1	- -	18	Yes (Note 2)	1.6	B
Jordan	2	London 1	Rome 1	8	Regional centre only (Note 2)	2.0	C
Kiribati	2	Australia 1	Sydney 2 Nadi 1	4.8	Yes (Note 3)	2.0	D
Korea	2	Australia 1	Singapore 1	8	Regional centre only (Note 2)	2.0	D
Lebanon	2	London 1	Rome 2	6	Regional centre only (Note 2)	2.0	D
Malaysia – Kuala Lumpur	3	Australia 1	Australia 1	12	Regional centre only (Note 2)	1.4	C
Malaysia – elsewhere	3	Australia 1	Australia 1	12	Regional centre only (Note 2)	1.6	D
Marshall Islands	2	Australia 1	Honolulu 3	4.8	Yes (Note 1)	1.8	E
Micronesia	2	Australia 1	Sydney 1 Guam 1	6	Regional centre only (Note 2)	2.0	D
Pakistan	2	Australia 1	Singapore 1	6	Regional centre only (Note 2)	2.0	F
Palau	2	Australia 1	Singapore 3	4.8	Yes (Note 1)	2.0	D
Papua New Guinea	2	Australia 1	Brisbane 1 Cairns 2	4.8	Yes (Note 4)	2.0	D
Philippines	2	Australia 1	Singapore 1	8	Regional centre only (Note 2)	2.0	D
Samoa	2	Australia 1	Auckland 1	8	Yes (Note 1)	2.0	D
Saudi Arabia	2	London 1	Rome 3	4.8	Regional centre only (Note 2)	2.0	D
Singapore	3	- -	Perth 1	18	No	1.0	B

## Schedule 9 Hardship post assistance contd

### Part 1 Hardship post conditions of service – localities of posting contd

Column 1 Locality	Column 2 Ordinary period of posting (years)	Column 3 ASSISTED LEAVE TRAVEL				Column 4 Extra leave (weeks)	Column 5 Hardship post grade
		Leave centres		Leave interval (mths)	Excess baggage entitlement		
		Regional (no. of trips)	Relief (no. of trips)				
Solomon Islands	2	Australia 1	Brisbane 3	4.8	Yes (Note 1)	2.0	E
Syria	2	London 1	Rome 2	6	Yes (Note 1)	2.0	D
Thailand	2	Australia 1	Singapore 1	8	Regional centre only (Note 2)	1.4	C
Tonga	2	Australia 1	Auckland 1	8	Yes (Note 1)	2.0	D
Tuvalu	2	Australia 1	Sydney 3	4.8	Yes (Note 1)	2.0	D
United Arab Emirates	2	London 1	Rome 2	6	No	1.6	C
Vanuatu	2	Australia 1	Brisbane 1	8	Regional centre only (Note 2)	1.6	C
Vietnam	2	Australia 1	Singapore 2	6	Yes (Note 1)	2.0	E

#### NOTES TO PART 1:

*Excess baggage – reimbursement for not more than 12 kg on assisted leave return air travel to the post (clause 5.2.9)*

1. Provided on **all** assisted leave return air travel.
2. Provided on each occasion from the **regional leave centre only** during a period of posting.
3. Provided on each occasion from the **regional leave centre**; on **one** occasion from the relief centre of **Sydney**; and on **nil** occasions from the relief centre of **Nadi**, during a period of posting.
4. Provided on each occasion from the **regional leave centre** and on **each occasion** from the relief centre of **Brisbane**; and on **nil** occasions from the relief centre of **Cairns**, during a period of posting.

*Assisted leave travel – other aspects*

5. For the purposes of calculating assisted leave travel for Cold Lake, the ordinary period of posting is based on 2 years instead of 3 years.

### Part 2 Hardship post conditions of service – other localities

Column 1 Locality	Column 2 Extra leave (weeks)	Column 3 Hardship post grade
Bahrain	-	C
Belgrade	2.0	E
Brunei	1.6	C
Gaza Strip	1.6	E
Iran	2.0	E
Iraq	-	F
Kuwait	2.0	D
Laos	2.0	E
Nepal	2.0	E
South Africa	1.2	C

# Schedule 9 Hardship post assistance contd

## Part 3 Rates of hardship allowance

Column 1	Column 2	Column 3
Hardship post grade	Rate (AUD a year)	
	Unaccompanied employee	Accompanied employee
F	19,214	32,039
E	15,371	25,631
D	10,371	17,631
C	7,781	13,226
B	Nil	Nil
A	Nil	Nil

# EXPLANATORY STATEMENT

## Public Service (Defence) Determination 2002/29<sup>2</sup>

This Determination amends Public Service (Defence) Determination 1999/11, Overseas Conditions of Service (the Principal Determination), made under subsection 24 (1) of the *Public Service Act 1999*. The Principal Determination sets out provisions dealing with employment conditions for Australian Public Service employees of the Department of Defence who are on a posting overseas.

Defence Determination 2000/1, Conditions of Service, made under section 58B of the *Defence Act 1903*, applies the provisions of the Principal Determination to members of the Australian Defence Force as if the members were employees in the same circumstances.

The purpose of this Determination is to implement a review of Overseas Living Allowance (OLA) and a related change converting Difficult Post Allowance to Hardship Allowance. It also updates various conditions available to members of the ADF required to perform duty overseas. This Determination parallels changes made to the conditions for APS employees required to work overseas.

The major change in the package of conditions is the substitution of a new methodology to be used to calculate adjustments to overseas living and hardship allowances.

Clause 1 of this Determination sets out the manner in which this Determination may be cited.

Clause 2 provides for this Determination to commence on the date of signature.

Clause 3 specifies that the amendments are made to the Principal Determination, as amended.

Clauses 4 to 10 provide for amendment of definitions contained in the Principal Determination. The most significant changes are the replacement of the term “disposable salary” with “disposable income” and “difficult post” with the term “hardship”. The new definitions provide a simpler and clearer outline of the relevant concepts.

Clause 9 inserts a new description for the term “post index”. The description provides information about the way that the reviewed allowances will now be calculated.

Clause 10 provides an additional meaning for “evacuation” so that benefits attached to an evacuation can attach to persons who take steps to remove themselves from a situation on direction from the Commonwealth, even though the Commonwealth did not make the practical arrangements.

Clause 10 also inserts a new clause 1.2.12 into the Principal Determination. The new clause provides a single source of information about rest periods for both long and short term postings. The new tabular format reduces duplication and complexity.

Clauses 11-14 omit redundant provisions from the Principal Determination.

Clause 15 adds a purpose clause into clause 4.2.2 of the Principal Determination.

Clause 16 omits a redundant clause that refers to a Ministerial function no longer exercised solely by the Minister, in order to reflect the wider definition of evacuation included in clause 10 of this Determination

Clause 17 provides an explanation of the limits on Commonwealth reimbursement for overseas travel and provides a discretion and criteria to ensure that the Secretary's decision about the most efficient and economical means of transport is made having regard to expert advice.

Clauses 18 and 19 provide consequential amendments to reflect the revised rest period provisions. Clause 18 also removes a redundant provision relating to dependent entitlements.

Clauses 20, 22, 26, 27, 30 and 40 omit a reference to the Minister in order to reflect the wider definition of evacuation included in this Determination.

Clause 21 provides a consequential amendment to the Principal Determination. Clause 21 amends clause 4.2.10 of the Principal Determination to reflect new assisted leave travel terminology included in this Determination.

Clauses 23, 25 and 29 reflect the renumbering of a clause in the Principal Determination on dual entitlement.

Clause 24 inserts a new clause 4.3.12 into the Principal Determination. The new clause provides an entitlement to reimbursement of pet relocation costs up to a maximum of \$652 for each trip.

Clauses 28 and 46 provide consequential amendments to reflect the change in terminology from "difficult post grade" to "hardship post grade" effected by clauses 4 and 5 to this Determination.

Clause 31 substitutes a new Part 6 into the Principal Determination. The new Part contains revised methods for calculating overseas living and related allowances such as child allowance. The new calculations have been introduced due to a move away from standardised data, previously provided by the Department of Foreign Affairs and Trade. The new methodology allows the Department of Defence to obtain calculations that are better tailored to the location and duration of postings for its employees and members of the Defence Forces. The Part contains an undertaking to regularly adjust rates based on exchange rate changes.

Clauses 32, 39 and 42 are consequential amendments to reflect the new methodology and description of post indexes. The new post index does not vary on the basis of access to privileged prices.

Clauses 33 through 38 omit a range of allowances that were previously only paid in very limited circumstances. The review decided that these added greatly to the complexity of administration while not being of significant assistance to all posts where such circumstances existed.

Clause 41 simplifies the language used to describe the start of the period for which a member will be eligible for assistance.

Clause 43 substitutes a new entitlement to “hardship allowance” for the previous “difficult post allowance”. The new allowance is substantially identical to the old one; the main change is the new name.

Clause 44 provides for a new Part 2 of Chapter 5 to be substituted into the Principal Determination, Assisted leave travel. The substituted Part includes a simpler and more flexible scheme for provision of travel to employees taking annual leave. In particular, it allows for reimbursement to occur in advance of actual travel. It also continues the existing entitlement to a higher grade of travel for certain trips taken by employees posted to Pakistan and to an extra stopover entitlement to employees on long-term posting to Papua New Guinea.

Clause 45 inserts a new clause 5.2.2 into the Principal Determination. The new clause provides an annual attraction allowance rate of \$10,000 for employees on long-term posting to Papua New Guinea. The significant size of the allowance is due to the difficulty of retaining employees at the post.

Clause 47 provides a substitute Schedule 6 to the Principal Determination. The new Schedule lists the post indexes for each posting locality.

Clause 48 provides for Schedule 7 to be omitted from the Principal Determination, as it is redundant.

Clause 49 provides a substitute Schedule 9 to the Principal Determination. The new Schedule lists information to assist in determining the conditions relevant to each post to which a hardship post grade attaches.

Clauses 50 through 52 provide for transitional arrangements that allow employees to gain the benefits of the new package of entitlements as if they had been entitled to those benefits from 21 November 2002. The transitional provisions include a non-reduction provision to ensure that employees who would have reduced access to an entitlement only do so prospectively from the date of signature of this Determination. Clause 52 is specifically included to expressly prevent a limited group of employees on long-term posting to Singapore and who may have accepted an advance from the Commonwealth, from any potential disadvantage.

Criteria are provided for the exercise of discretions under the Principal Determination, as amended by this Determination. Adverse decisions are subject to merits review under Part 5 of the *Public Service Regulations 1999*.

Authority: Subsection 24 (1) of the  
*Public Service Act 1999*