



Public Service (Defence) Determination 2003/1

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*.

Dated 18 February 2003

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

1 Citation

This Determination is Public Service (Defence) Determination 2003/1, Overseas conditions of service – amendment.

2 Commencement

This Determination commences on the date of signature.

3 Amendment

Public Service (Defence) Determination 2002/29, Overseas conditions of service – revised entitlements (the Amending Determination),¹ is amended as set out in this Determination.

4 Subclause 1.2.12 (2) (Entitlement to rest periods), as inserted by clause 10 of the Amending Determination

substitute

- (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.

5 Subclause 4.3.12 (3) (Assistance with expenses for overseas pet relocation), as inserted by clause 24 of the Amending Determination

renumber the second occurring subclause 4.3.12 (3) as 4.3.12 (4)

6 Subclause 4.6.19 (9) (Outlay advance), as inserted by clause 31 of the Amending Determination

omit

For subclause (9)

insert

For subclause (8)

7 After clause 46 (Clause 6.1.5 (Allowance not payable))

insert

46A Schedule 1 (International time zones)

insert

the Schedule set out in Attachment AA

8 Part 3 (Transitional)

add at the end

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

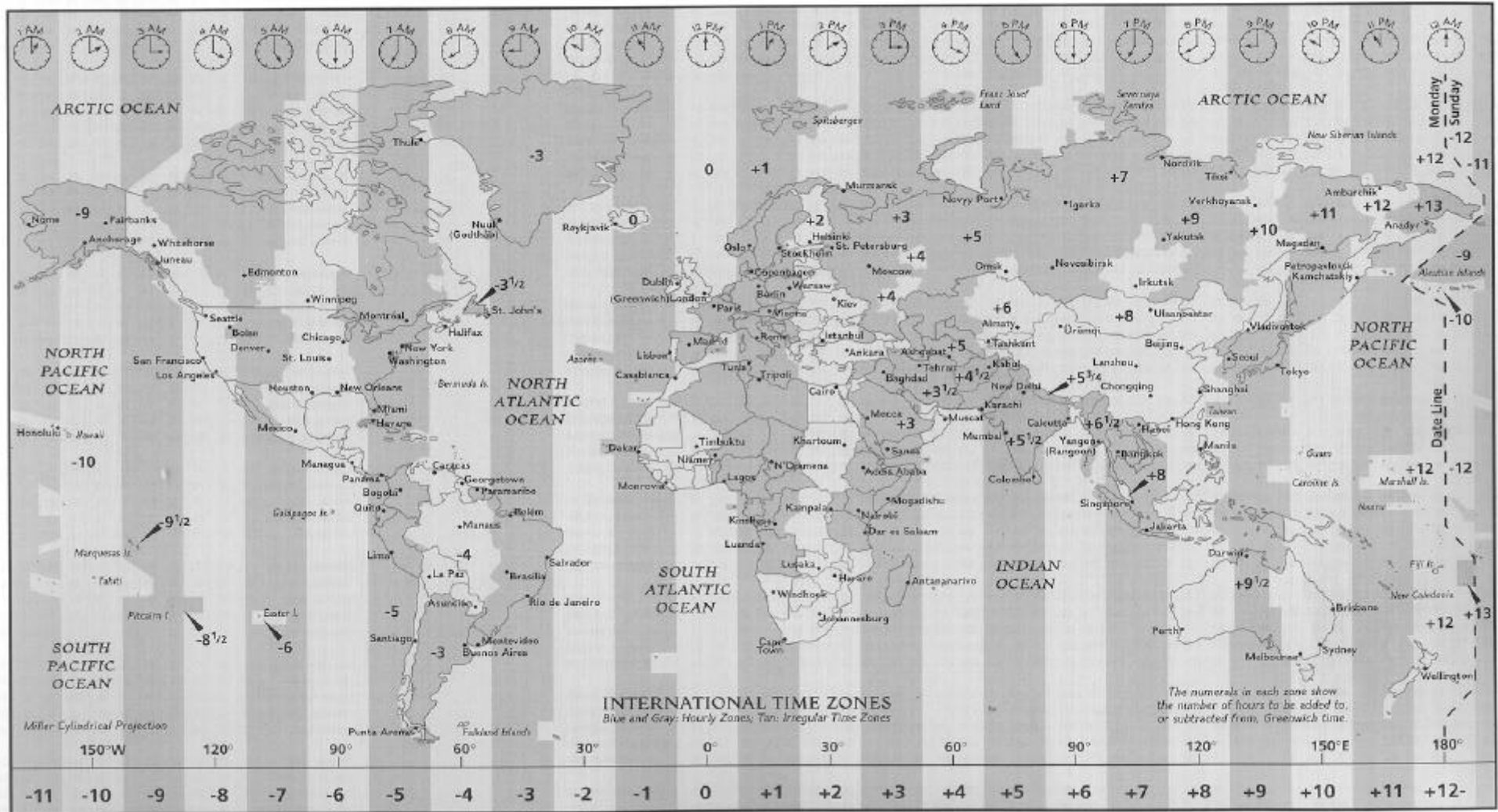
- (1) This clause applies to an employee who was on a long-term posting at any time between 21 November 2002 and 19 December 2002 (*the relevant period*) and but for the fact that this Determination had not yet commenced operation, would have been entitled, during the whole or part of the relevant period, 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.

NOTE

1. Public Service (Defence) Determination 2002/29 was made on 19 December 2002.

ATTACHMENT AA

Schedule 1 International time zones



EXPLANATORY STATEMENT

Public Service (Defence) Determination 2003/1

This Determination amends Public Service (Defence) Determination 2002/29, Overseas conditions of service – revised entitlements (the Amending Determination), made under subsection 24 (1) of the *Public Service Act 1999*. The Amending Determination sets out provisions that amend Public Service (Defence) Determination 1999/11, Overseas conditions of service, which contains a conditions of service package for Australian Public Service employees of the Department of Defence who are required to perform duty overseas.

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

The purpose of this Determination is to make transitional arrangements for those employees who were posted overseas after the decision to implement a revised conditions of service package on 21 November 2002 but before the Amending Determination came into effect on 19 December 2002. While most employees in this situation were subject to transitional arrangements in the Amending Determination, those provisions did not cover a small number of employee entitlements.

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 signature.

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

Clause 4 makes a technical amendment to the Amending Determination to correct a punctuation error in subclause 1.2.12 (2).

Clause 5 makes a technical amendment to the Amending Determination to correct a numbering error in clause 4.3.12.

Clause 6 makes a technical amendment to correct the numbering of a cross-reference in subclause 4.6.19 (9).

Clause 7 inserts a new Schedule into the Amending Determination, as referenced by the definition of “time zone hour” inserted by clause 10 of the Amending Determination.

Clause 8 provides for a transitional arrangement for those employees who proceeded on a long-term posting between 21 November 2002 and 19 December 2002, inclusive. This arrangement allows those employees to take advantage of the increased outlay advance that was implemented by the Amending Determination. To avoid any adverse effect on the employee, the time for repayment of the increased portion of the advance is taken to commence at the time that the increased amount is paid.

Similarly, clause 8 inserts a transitional provision as a new clause 54 to the Amending Determination. The purpose of the clause is to provide access to the new rates of child

allowance, child reunion allowance, hardship allowance, and a range of reimbursements, to those employees who were on posting between 21 November 2002 and 19 December 2002. In the event that an employee becomes entitled to a greater amount of these allowances, that entitlement is added to the new rate calculation for overall package non-reduction.

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