

## Chapter 5: Leave

### 5.0.1 Overview

This Chapter sets out the entitlements and conditions for the various kinds of leave available to members.

### 5.0.2 Contents

This Chapter includes the following Parts:

|                         |  |
|-------------------------|--|
| <a href="#">Part 1</a>  | Overview                               |
| <a href="#">Part 2</a>  | Recreation leave                       |
| <a href="#">Part 3</a>  | Long service leave                     |
| <a href="#">Part 4</a>  | Maternity leave                        |
| <a href="#">Part 5</a>  | Parental leave                         |
| <a href="#">Part 6</a>  | War service leave                      |
| <a href="#">Part 7</a>  | Other leave with pay                   |
| <a href="#">Part 8</a>  | Leave without pay                      |
| <a href="#">Part 9</a>  | Short absence                          |
| <a href="#">Part 10</a> | Public holidays – Australia            |
| <a href="#">Part 11</a> | 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.

| Item | Leave type  | Purpose   | Accrues | Comments  |
|------|---|---|---------|---|
| 1.   | Additional recreation leave for non-warlike service<br><br><b>See:</b> Chapter 17 Part 9 <a href="#">Division 5</a>           | To enable a member to obtain relief from military and environmental hazards in an operational area.   | Y       |   |
| 2.   | Additional recreation leave – remote location<br><br><b>See:</b> Chapter 5 Part 2 <a href="#">Division 3</a> clause 5.2.16    | To compensate members for the effects of service over time in a remote location.  | Y       | It is automatically credited during eligible service.                 |
| 3.   | Additional recreation leave – sea, field and flying duty (ARL)<br><br><b>See:</b> Chapter 5 Part 2 <a href="#">Division 3</a> | 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.                          | Y       | The leave is linked to payment of an associated disability allowance. |
| 4.   | Additional recreation leave for training ('trainee leave')<br><br><b>See:</b> Chapter 5 Part 2 <a href="#">Division 5</a>     | 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.   | N       | This form of leave was formerly referred to as trainee leave.         |
| 5.   | Basic recreation leave (BRL)<br><br><b>See:</b> Chapter 5 Part 2 <a href="#">Division 2</a>                                   | 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.                       | Y       | It is automatically credited to members.                              |
| 6.   | Compassionate leave<br><br><b>See:</b> Chapter 5 Part 7 <a href="#">Division 2</a>  | To deal with the death, very serious illness or serious illness of a close relative.  | N       | It is granted at management discretion.                               |
| 6A.  | Carer's leave<br><br><b>See:</b> Chapter 5 Part 7 <a href="#">Division 2A</a>   | To allow the member to provide direct care and support to a dependant who is sick<br>To allow the member to provide direct care and support to a dependant who cannot be cared for because of another dependant's sickness. | N       | It is granted at management discretion.                               |
| 7.   | Examination leave<br><br><b>See:</b> Chapter 5 Part 7 <a href="#">Division 4</a>  | To attend examinations connected with a course of study for which the member is given Commonwealth financial assistance for the payment of fees.  | N       | It is granted on occurrence.  |
| 8.   | Extra recreation leave (ERL)  | To give a member time for rest after they perform arduous or prolonged  | Y       | It is credited at management discretion.                              |

|     |  |  |   |   |
|-----|--|--|---|---|
|     | <b>See:</b> Chapter 5 Part 2 <a href="#">Division 4</a>  | hours of duty.   |   |   |
| 9.  | Field leave<br>Flying leave<br><br><b>See:</b> Additional recreation leave – sea, field and flying duty (ARL) – item 3 | -  | - | -   |
| 10. | Leave without pay<br><br><b>See:</b> Chapter 5 <a href="#">Part 8</a>  | 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<br><br><b>See:</b> Chapter 5 <a href="#">Part 3</a>   | 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<br><br><b>See:</b> Chapter 5 <a href="#">Part 4</a>  | 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<br><br><b>See:</b> Chapter 5 <a href="#">Part 5</a>   | To assist members and their dependants to spend time with their newborn or adopted dependent child.  | N |   |
| 14. | Part-time leave without pay<br><br><b>See:</b> Chapter 5 Part 8 <a href="#">Division 2</a>                             | 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<br><br><b>See:</b> Chapter 5 Part 7 <a href="#">Division 6</a>                                    | 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<br><br><b>See:</b> Additional recreation leave – remote location – item 2                        | -  | - | -   |
| 17. | Seagoing leave<br><br><b>See:</b> Additional recreation leave – sea, field and flying duty (ARL) – item 3              | -  | - | -   |

|     |   |   |   |  |
|-----|---|---|---|--|
| 18. | Short absence<br><b>See:</b> Chapter 5 Part 9 <a href="#">Division 1</a>                            | To rest and recover. 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<br><b>See:</b> Chapter 5 Part 9 <a href="#">Division 2</a>       | 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<br><b>See:</b> Chapter 5 Part 9 <a href="#">Division 3</a> | 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<br><b>See:</b> Short absence  | -   | - | -  |
| 22. | ...   |   |   |  |
| 23. | Special leave for private purposes<br><b>See:</b> Chapter 5 Part 7 <a href="#">Division 3</a>       | 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<br><b>See:</b> Additional recreation leave for training ('trainee leave') – item 4    | -   | - | -  |
| 25. | Travelling leave<br><b>See:</b> Chapter 5 Part 7 <a href="#">Division 5</a>                         | 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<br><b>See:</b> Chapter 5 <a href="#">Part 6</a>                                   | 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:

|                             |   |
|-----------------------------|---|
| <a href="#">Division 1</a>  | Purpose, eligible members, definitions                          |
| <a href="#">Division 2</a>  | Basic recreation leave  |
| <a href="#">Division 3</a>  | Additional recreation leave                                     |
| <a href="#">Division 4</a>  | Extra recreation leave  |
| <a href="#">Division 5</a>  | Additional recreation leave for training ('trainee leave')      |
| <a href="#">Division 6</a>  | Administration and payment for recreation leave                 |
| <a href="#">Annex 5.2.A</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 term of medical residency or a postgraduate internship 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.

| Term                  | Definition in this Part  |
|-----------------------|--|
| Leave year            | The 12 months from 1 July to 30 June.  |
| Non-effective service | A period of more than 24 hours when the member is in any of these situations. <ol style="list-style-type: none"><li>a. On leave without pay.</li><li>b. Absent without leave.</li><li>c. Suspended, on detention or in prison immediately before a conviction.</li><li>d. On detention or in prison after a conviction.</li></ol>  |
| Start date            | <ol style="list-style-type: none"><li>a. For a period of recreation leave: the first day of the member's absence.</li><li>b. For payment instead of recreation leave to the member: the earliest of these dates.<ol style="list-style-type: none"><li>i. The day the member begins career transition training.</li><li>ii. The day they are transferred to a transition centre.</li><li>iii. The day they begin a period of recreation leave or long service leave that is immediately before they cease continuous full-time service.</li><li>iv. The day they cease continuous full-time service.</li></ol></li></ol> <p><b>Note:</b> This definition refers to when the entitlement to be paid arises. The actual payment takes longer.</p> |

## 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:

$$7/14 \quad \times \quad 0.054795 \text{ of a day}$$

## 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.
- e. **Duty assigned to a non-warlike deployment.**

### 5.2.10 Definitions

This table defines terms used in this Division.

| Term                  | Definition  |
|-----------------------|---|
| Clearance Diving Team | A team of members who have the qualifications required by the Navy for clearance divers under Determination No. 4 of 2008, Allowance for Specialist Operations.<br><b>See:</b> Chapter 4 Part 3 Division 13   |
| Field service         | Service living and working in the field for the purposes of Determination No. 14 of 1995, Field Allowance.<br><b>See:</b> Chapter 4 Part 3 Division 4   |
| Fleet Supply Team     | The same meaning as in Determination No. 1 of 1996, Seagoing Allowance.<br><b>See:</b> Chapter 4 Part 3 Division 11   |
| Flight                | A flight in a Service aircraft or commercial aircraft on charter to the Commonwealth.   |
| Flight duties         | The same meaning as in Determination No. 13 of 2008, Flying and Flight Duties Allowance.<br><b>See:</b> Chapter 4 Part 3 Division 5   |
| Flying duties         | Duties performed as a member of an aircrew on an airborne Service aircraft or commercial aircraft on charter to the Commonwealth.   |
| Sea Training Group    | The same meaning as in Determination No. 1 of 1996, Seagoing Allowance.<br><b>See:</b> Chapter 4 Part 3 Division 11   |
| TAG                   | <b>Means Tactical Assault Group and consists of the following groups.</b><br><b>a. Tactical Assault Group (counter-terrorist company), which is an element of 2nd Commando Regiment (TAG East).</b><br><b>b. Tactical Assault Group (counter-terrorist capability), which is an element of Special Air Service Regiment (TAG West).</b> |

### 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.
- 1A. **Additional recreation leave credit that a member accrues under clause 17.9.4 is subject to the general administration and payment rules set out in Division 6 of this Part. It is not subject to the limit set out in subclause 3 of this clause.**

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 18 of Schedule 1 to DFRT Determination No. 5 of 2008, Special Forces Disability 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 Forces Disability 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.

| Item | If the member gets...  | then each time they get the allowance for... | they accrue credit of...   |
|------|--|--|--|
| 1.   | hard lying allowance<br><b>See:</b> Chapter 4 Part 3 <a href="#">Division 7</a>  | 1 day  | 0.1 of a day of additional recreation leave.                                 |
| 2.   | seagoing allowance<br><b>See:</b> Chapter 4 Part 3 <a href="#">Division 11</a>   | a fortnight                                  | pro rata credit for the fortnight worked out using the 10-day annual maximum |
| 3.   | submarine service allowance (disability)<br><b>See:</b> Chapter 4 Part 3 <a href="#">Division 14</a>   |  |  |
| 4.   | the annual rate of allowance for a clearance diver under Schedule 1 to Determination No. 4 of 2008, Allowance for Specialist Operations.<br><b>See:</b> Chapter 4 Part 3 <a href="#">Division 13</a> |  |  |

**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.

| Item | If the member gets...  | then each time they get the allowance for... | they accrue a credit of...                   |
|------|--|--|--|
| 1.   | field allowance<br><b>See:</b> Chapter 4 Part 3 Division 4   | 1 day  | 0.1 of a day of additional recreation leave. |
| 2.   | a daily rate of special forces disability allowance under item 18 [member on designated special duty] of the Schedule to DFRT Determination No. 5 of 2008, Special Forces Disability Allowance<br><b>See:</b> Chapter 4 Part 3 Division 12 |  |  |
| 3.   | a daily rate of allowance for specialist operations under item 6 [member on designated special duty] of Schedule 2 to DFRT Determination No. 4 of 2008, Allowance for Specialist Operations<br><b>See:</b> Chapter 4 Part 3 Division 13    |  |  |

|    |  |             |  |
|----|--|-------------|--|
| 4. | special forces disability allowance for:<br>a. a trainee or qualified special forces member, at an annual rate mentioned in item 1, 2, 3 or 4, or<br>b. a qualified TAG clearance diver or trainee TAG clearance diver at an annual rate mentioned in item 5 or 12<br>of the Schedule to DFRT Determination No. 5 of 2008, Special Forces Disability Allowance<br><b>See:</b> Chapter 4 Part 3 Division 12 | a fortnight | pro rata credit for the fortnight worked out using the 10-day annual maximum |
|----|--|-------------|--|

**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 forces disability allowance 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.  
**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.

| Item | If the member gets...         | then each time they get the allowance for... | they accrue a credit of...   |
|------|-------------------------------|--|--|
| 1.   | flight duties allowance       | 1 day  | 0.1 of a day of additional recreation leave.                                 |
| 2.   | flying allowance - daily rate |  |  |
| 3.   | flying allowance annual rate  | a fortnight                                  | pro rata credit for the fortnight worked out using the 10-day annual maximum |

## 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:

- a. Additional recreation leave credit for service at overseas hardship posts is authorised by Chapter 16 [Part 3](#) and [Annex 16.A](#).
  - b. 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 five days. For each fortnight a member spends there, they are credited a pro rata part of the five days under this formula. The member must meet the minimum stay in subclause 2.

$$\frac{5}{365} \times \text{the number of days in the member's stay}$$

**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 three-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.

$$\left(\frac{3}{365} \times 16\right) + \left(\frac{2}{365} \times 15\right) = 0.132 \text{ days} + 0.082 \text{ days} = 0.214 \text{ days}$$

4. ...
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.
6. ...

## 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 for the following periods.

- a. Whole days of a single leave type.
- b. Whole days made up of a part-day of recreation leave credit and a part-day of war service leave credit.

**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 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 notify the member of the decision as soon as possible and take the relevant action in the table.

| Item | If a member has applied...            | then the supervisor must...                             |
|------|---------------------------------------|---|
| 1.   | electronically on PMKeyS Self Service | approve or deny the application on PMKeyS Self Service. |

|    |                                   |  |
|----|-----------------------------------|--|
| 2. | in writing on an application form | give the member's original application and decision about it to the relevant administrator for record-keeping and audit processes. |
|----|-----------------------------------|--|

**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. **Recreation leave may only be granted for whole days, unless subclause 4 applies.** 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.

4. **If a member has a part-day of recreation leave credit and a part day of war service leave credit that total at least one full day of leave, the following actions may be taken.**
- a. **The member may apply to take a part-day of war service leave and a part-day of recreation leave, that form a combined total of one day of leave.**
  - b. **The member may keep any remaining part-day of leave credit that exceeds the total of one day as credit for future use.**

**Related Information:** Chapter 5 Part 6, War service 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.

4. For the purposes of this clause, decisions about the CDF's own recreation leave may be made by the Minister.
5. A member who holds a statutory appointment and who applies to have their recreation leave credit deferred and treated as recreation leave under this Part, is not eligible to have the leave credited as special leave under Division 3 of Part 7 of Chapter 5, Special leave for private purposes.

### 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 grade 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 grade 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).

| Item | Allowance  | Reference                                    |
|------|--|--|
| 1.   | Adventurous training instructor allowance  | Chapter 4 Part 3 <a href="#">Division 1</a>  |
| 2.   | Diving allowance   | Chapter 4 Part 3 <a href="#">Division 3</a>  |
| 3.   | Flight duties allowance under subclause 8.2 of DFRT Determination No.4 of 2005, Flying and flight duties allowance | Chapter 4 Part 3 <a href="#">Division 5</a>  |
| 4.   | Flying allowance   | Chapter 4 Part 3 <a href="#">Division 5</a>  |
| 5.   | Paratrooper allowance  | Chapter 4 Part 3 <a href="#">Division 10</a> |
| 6.   | Retention allowances   | Chapter 3 Part 5 <a href="#">Division 5</a>  |
| 7.   | Seagoing allowance   | Chapter 4 Part 3 <a href="#">Division 11</a> |
| 8.   | Service allowance  | Chapter 4 <a href="#">Part 2</a>             |
| 9.   | Special action forces allowance  | Chapter 4 Part 3 <a href="#">Division 12</a> |
| 10.  | Specialist operations allowance  | Chapter 4 Part 3 <a href="#">Division 13</a> |
| 11.  | Submarine escape allowance   | Chapter 4 Part 3 <a href="#">Division 14</a> |
| 12.  | Submarine service allowance  | Chapter 4 Part 3 <a href="#">Division 15</a> |
| 13.  | Trainee's dependant allowance  | Chapter 4 Part 7 <a href="#">Division 1</a>  |

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.
6. On any day that an amount of allowance mentioned in subclause 1 is included in a member's salary, the member is not to be paid that allowance amount under this clause, in addition to salary.

**Authority:** A member's salary is determined under section 58H of the *Defence Act 1903*.

### 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.

| Item | If the member had a...   | then their salary rate under this clause is...   | plus...  |
|------|--|--|--|
| 1.   | substantive rank on ceasing continuous full-time service   | the member's salary for their substantive rank (and pay grade if that applied)   | allowances that would have been paid during a period of recreation leave that began on the start date. |
| 2.   | temporary or acting rank or higher duties allowance for either of these periods.<br>a. The year before the start date.<br>b. The day before the start date <b>plus</b> three of the five years immediately before the start date. This time may be served in broken periods. | the member's salary for the higher rank or position (and their pay grade if that applied).<br><br>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. | <b>Exceptions:</b> Uniform allowance, rent allowance, executive vehicle allowance.                     |

### 5.2.33 How to apply for leave

1. A member must apply for leave using either of the following processes.
  - a. PMKeyS Self Service.
  - b. Form AD097 ADF leave application, located on the Defence Publishing 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.

| Remote location  | Maximum additional days of leave for each leave year |
|--|--|
| <b><i>New South Wales</i></b>  |  |
| Bogan Gate   | 2  |
| Broken Hill  | 2  |
| <b><i>Northern Territory</i></b>                                       |  |
| Alice Springs (including Jindalee)                                     | 3  |
| Darwin   | 3  |
| Jabiru (including Nourlangie, Jim Jim, Cannon Hill and East Alligator) | 5  |
| Katherine  | 5  |
| Nhulunbuy  | 5  |
| Tennant Creek  | 5  |
| Tindal   | 5  |
| <b><i>Queensland</i></b>   |  |
| Atherton   | 2  |
| Ayr  | 2  |
| Bamaga   | 5  |
| Bowen  | 2  |
| Cairns   | 2  |
| Charters Towers  | 2  |
| Ingham   | 2  |
| Innisfail  | 2  |
| Macrossan  | 2  |
| Mount Isa  | 3  |
| Palm Island  | 5  |
| RAAF Scherger  | 5  |
| Roma   | 2  |
| Shoalwater Bay Training Area   | 2  |
| Thursday Island (including Horn Island)                                | 5  |
| Townsville   | 2  |
| Tully  | 2  |
| Weipa  | 5  |
| <b><i>South Australia</i></b>  |  |
| Woomera  | 2  |

| <b>Western Australia</b>                |    |
|---|----|
| Broome                                  | 5  |
| Carnarvon                               | 5  |
| Dampier                                 | 5  |
| Derby                                   | 5  |
| Exmouth                                 | 5  |
| Kalgoorlie                              | 2  |
| Karratha                                | 5  |
| Kununurra                               | 5  |
| Newman                                  | 5  |
| Port Hedland (including South Hedland)  | 5  |
| RAAF Curtin                             | 5  |
| RAAF Learmonth                          | 5  |
| Tom Price                               | 5  |
| <b>Australian territories</b>           |    |
| Antarctica (including Macquarie Island) | 10 |
| Christmas Island                        | 5  |
| Cocos (Keeling) Islands                 | 5  |

## 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:

|                            |  |
|----------------------------|--|
| <a href="#">Division 1</a> | Members eligible, definitions and general principles |
| <a href="#">Division 2</a> | Entitlement to long service leave                    |
| <a href="#">Division 3</a> | Accrual of service for long service leave            |
| <a href="#">Division 4</a> | Salary for long service leave                        |
| <a href="#">Division 5</a> | 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.

| Term                      | Definition in this Part   |
|---------------------------|---|
| Compulsory retirement age | The retirement age specified for the member in the <a href="#">Defence (Personnel) Regulations 2002</a> .   |
| Long Service Leave Act    | <a href="#">Long Service Leave (Commonwealth Employees) Act 1976</a> .<br><b>Note:</b> This is relevant to recognition of prior service.  |
| Start date                | <p>a. For a period of long service leave: the first day of the member's absence.</p> <p>b. For payment instead of long service leave to the member: the earliest of these dates.</p> <p>i. The day the member begins career transition training.</p> <p>ii. The day they are transferred to a transition centre.</p> <p>iii. The day they begin a period of recreation leave or long service leave that is immediately before they cease continuous full-time service.</p> <p>iv. The day they cease continuous full-time service.</p> <p><b>Note:</b> This definition refers to when the entitlement to be paid arises. The actual payment takes longer.</p> |

### 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 the address specified on the form.
3. The member must send the completed application form to the ADF Long Service Leave Section at least one month before the start of the leave period applied for.

**See:** Form AD493, ADF 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 5 Part 3 [Division 5](#), Payment instead of long service leave.

4. This table sets out credits earned for completed years of accrued service.

| Service (years) | Credit |               | Service (years) | Credit |               |
|-----------------|--------|---------------|-----------------|--------|---------------|
|                 | Months | Months / Days |                 | Months | Months / Days |
| 1               | 0.3    | 0 9           | 21              | 6.3    | 6 9           |
| 2               | 0.6    | 0 18          | 22              | 6.6    | 6 18          |
| 3               | 0.9    | 0 27          | 23              | 6.9    | 6 27          |
| 4               | 1.2    | 1 6           | 24              | 7.2    | 7 6           |
| 5               | 1.5    | 1 15          | 25              | 7.5    | 7 15          |
| 6               | 1.8    | 1 24          | 26              | 7.8    | 7 24          |
| 7               | 2.1    | 2 3           | 27              | 8.1    | 8 3           |
| 8               | 2.4    | 2 12          | 28              | 8.4    | 8 12          |
| 9               | 2.7    | 2 21          | 29              | 8.7    | 8 21          |
| 10              | 3.0    | 3 0           | 30              | 9.0    | 9 0           |
| 11              | 3.3    | 3 9           | 31              | 9.3    | 9 9           |
| 12              | 3.6    | 3 18          | 32              | 9.6    | 9 18          |
| 13              | 3.9    | 3 27          | 33              | 9.9    | 9 27          |
| 14              | 4.2    | 4 6           | 34              | 10.2   | 10 6          |
| 15              | 4.5    | 4 15          | 35              | 10.5   | 10 15         |
| 16              | 4.8    | 4 24          | 36              | 10.8   | 10 24         |
| 17              | 5.1    | 5 3           | 37              | 11.1   | 11 3          |
| 18              | 5.4    | 5 12          | 38              | 11.4   | 11 12         |
| 19              | 5.7    | 5 21          | 39              | 11.7   | 11 21         |
| 20              | 6.0    | 6 0           | 40              | 12.0   | 12 0          |

### 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 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.

| Item | If a day of Reserve service... | then the member...                              |
|------|--------------------------------|---|
| 1.   | is for less than 6 hours       | does not accrue long service leave for the day. |
| 2.   | is for 6 hours or more         | accrues long service leave for the full day.    |

**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 the previous period of service or employment was ceased 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:

|                       |                              |
|-----------------------|------------------------------|
| Jan 1999 – March 2003 | Continuous full-time service |
| April 2003 – May 2004 | 4 hours duty, one day a week |
| June 2004 onwards     | Continuous full-time service |

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.





### 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.
  - ii. Leave without pay under the [Defence \(Parliamentary Candidates\) Act 1969](#).

**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.

| Step | Action   | See                                     |
|------|--|---|
| 1.   | 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. | Clauses 5.3.13 to 5.3.17                |
| 2.   | Work out their total long service leave credit for completed years of service.   | <a href="#">Division 2</a> clause 5.3.8 |
| 3.   | Subtract any leave that they have already taken as leave or been paid for instead of leave.  |   |

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 grade.
- 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 grade, 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.

| Item | Allowance  | Reference                                    |
|------|--|--|
| 1.   | The annual rate of adventurous training instructor allowance.  | Chapter 4 Part 3 <a href="#">Division 1</a>  |
| 2.   | The annual rate of diving allowance.   | Chapter 4 Part 3 <a href="#">Division 3</a>  |
| 3.   | Flying allowance under subclause 8.2 of DFRT Determination No.4 of 2005, Flying and flight duties allowance        | Chapter 4 Part 3 <a href="#">Division 5</a>  |
| 4.   | The annual rate of paratrooper allowance.  | Chapter 4 Part 3 <a href="#">Division 10</a> |
| 5.   | The annual rate of seagoing allowance.   | Chapter 4 Part 3 <a href="#">Division 11</a> |
| 6.   | Special action forces allowance.   | Chapter 4 Part 3 <a href="#">Division 12</a> |
| 7.   | Specialist operations allowance.   | Chapter 4 Part 3 <a href="#">Division 13</a> |
| 8.   | Submarine escape allowance.  | Chapter 4 Part 3 <a href="#">Division 14</a> |
| 9.   | Submarine service allowance.   | Chapter 4 Part 3 <a href="#">Division 15</a> |
| 10.  | Flight duties allowance under subclause 8.2 of DFRT Determination No.4 of 2005, Flying and flight duties allowance | Chapter 4 Part 3 <a href="#">Division 5</a>  |

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.
4. On any day that an amount of allowance mentioned in subclause 1 is included in a member's salary, the member is not to be paid that allowance amount under this clause, in addition to salary.

**Authority:** A member's salary is determined under section 58H of the *Defence Act 1903*.

**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, ADF 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.

| Step | Action  | See   |
|------|---|---|
| 1.   | Work out the member's total period of accrued service, in years and months.<br><br>This includes the member's current service, prior full days of Reserve service and other prior service.        | <a href="#">Division 3</a> clauses 5.3.13 to 5.3.17 |
| 2.   | 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.) | <a href="#">Division 2</a> clause 5.3.8             |
| 3.   | Work out their total long service leave credit for the remaining months of service.   | Subclause 5.3.26.3                                  |
| 4.   | Add the credits from Steps 2 and 3 together.  |   |
| 5.   | Subtract any leave that they have already taken as leave or been paid for instead of leave.   |   |

**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.

| Months of service | Long service leave as part of a month |
|-------------------|---------------------------------------|
| 1                 | 0.025                                 |
| 2                 | 0.050                                 |
| 3                 | 0.075                                 |
| 4                 | 0.100                                 |
| 5                 | 0.125                                 |
| 6                 | 0.150                                 |
| 7                 | 0.175                                 |
| 8                 | 0.200                                 |
| 9                 | 0.225                                 |
| 10                | 0.250                                 |
| 11                | 0.275                                 |

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 grade.
- 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, ADF district allowance, uniform allowance, hardship allowance, rent allowance and executive vehicle 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.

| Step | Action  |
|------|---|
| 1.   | Divide the salary for long service leave by 12, to give the monthly rate.<br><b>Note:</b> 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.<br><b>See:</b> 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 grade, 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:

|                            |                                     |
|----------------------------|-------------------------------------|
| <a href="#">Division 1</a> | Overview                            |
| <a href="#">Division 2</a> | Maternity leave entitlements        |
| <a href="#">Division 3</a> | Required absence                    |
| <a href="#">Division 4</a> | 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.

| Term               | Definition in this Part   |
|--------------------|---|
| Birth              | The birth of a child that happens at one of these times.<br>a. Twenty weeks before the expected date of the birth.<br>b. Any day that is after the day in paragraph a.  |
| Qualifying service | For entitlement to paid maternity leave, a continuous period of 12 months of:<br>a. full-time service in the ADF, or<br>b. any other employment recognised for the purpose of the <a href="#">Maternity Leave (Australian Government Employees) Act 1973</a> , subsection 6 (4).<br><b>Note:</b> 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 member's Career Management Agency. |
| Required absence   | A period of absence under Division 3.   |

|             |  |
|-------------|--|
| Salary      | Salary and allowances as if the period were a period of recreation leave.<br><b>See:</b><br>Part 2 <a href="#">Division 6</a> clause 5.2.29, Salary for recreation leave<br>Part 2 <a href="#">Division 6</a> 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.<br>a. The day that is twenty weeks before the expected date of the birth.<br>b. Any day that is after the day in paragraph a.<br><br><b>Examples:</b> Miscarriage, stillbirth, termination.<br><br><b>See also:</b> 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.
  - c. An interdependent partner of the person who has given birth.
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

1. A member must report to an ADF health facility when she believes she is pregnant.

**Note:** In accordance with Health Directive No. 235, *Management of pregnant members of the Australian Defence Force*, Command is informed once pregnancy has been confirmed. This information may only be used for the following purposes.

- a. To ensure that the member is employed safely within OHS policies and procedures relevant to her employment environment.
- b. To approve the member's access to benefits and conditions of service.
- c. To provide information to ensure that members are not disadvantaged in relevant career management agency decisions.

**See:** Health Directive No. 235, *Management of pregnant members of the Australian Defence Force*.

2. The member must provide the CDF with evidence of the end of pregnancy within six weeks of it happening. Another person may provide the evidence on the member's behalf. This is required regardless of the way the pregnancy ends.

#### **5.4.11 How to apply for maternity leave**

1. A member must apply for maternity leave.
- 1A. A member who has not applied for maternity leave but who would be eligible, had they applied, is taken to be on the required absence for maternity leave from the earlier of the following dates.
  - a. Six weeks before the expected date of birth notified under subclause 5.4.10.1.
  - b. The date of birth, when the birth occurs earlier than six weeks before the expected date of birth notified under subclause 5.4.10.1.

**See also:** Division 3, Required absence

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  
Division 1 clause 5.4.4, Definition of 'qualifying service'
    - 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 14 weeks of her maternity leave. This table sets out the period of entitlement.

**See:** Division 1 clause 5.4.4, Definition of 'qualifying service'

| Item | If the member's absence is for... | then she is entitled to salary for...  |
|------|-----------------------------------|--|
| 1.   | more than 14 weeks                | the first 14 weeks of the absence. The rest of her absence will be unpaid maternity leave.<br><b>But see:</b> Clause 5.4.18, Access to other leave |
| 2.   | less than 14 weeks                | the whole of the period.   |

**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.

**Example 1:** A member completes her first 12 months of qualifying service, she then becomes pregnant with her first child and takes 14 weeks of paid maternity leave and other types of leave which adds up to her 52 weeks of entitled leave. She comes back to full time service for an additional five months before applying for maternity leave to have her second child. She is entitled to 14 weeks of paid maternity leave for the second child.

**Example 2:** A member completes her first 12 months of qualifying service, she then becomes pregnant with her first child and takes 14 weeks of paid maternity leave and other types of leave which adds up to her 52 weeks of entitled leave. At the end of the leave she comes back to full time service for two months before leaving the ADF to join a Federal Government department for two years. After the two years she rejoins the ADF and after three months applies for maternity leave to have her second child. She is entitled to 14 weeks of paid maternity leave for the second child.

- 2A. Paid maternity leave may only be taken during the first 14 weeks of maternity leave absence.
3. A member is not entitled to paid maternity leave for any period of absence before her first 12 months' qualifying service.

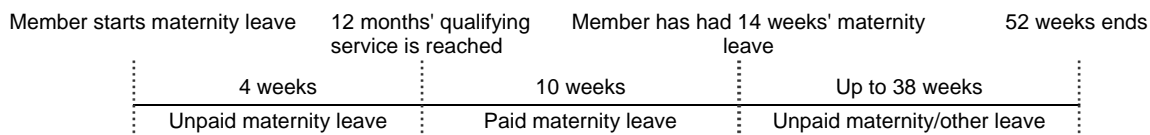
**Example 1:** A member completes her first 12 months of qualifying service, she then becomes pregnant with her first child and takes 14 weeks of paid maternity leave and other types of leave which adds up to her 52 weeks of entitled leave. She comes back to full time service for an additional five months before leaving the ADF. After two years the member rejoins the ADF. Three months after rejoining she applies for maternity leave to have her second child. She has only completed three months of her qualifying period of service and is not entitled to the 14 weeks of paid maternity leave.

**Example 2:** A member completes her first 12 months of qualifying service, she then becomes pregnant with her first child and takes 14 weeks of paid maternity leave and other types of leave which adds up to her 52 weeks of entitled leave. She comes back to full time service for an additional five months before leaving the permanent ADF to join as a Reserve Force member. The member then completes two years of reserve service before applying for maternity leave to have her second child. The member is not entitled to the 14 weeks paid maternity leave as she has broken her full-time service and has not completed a continuous period of 12 months full-time service.

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 14 weeks' maternity leave.

**Example:** A member falls pregnant during her first year of service and her compulsory period of absence commences four weeks before she reaches her 12 months' qualifying service. She takes four weeks unpaid maternity leave until her qualifying period is reached. She then takes paid maternity leave for the remaining 10 weeks of her 14 week maternity leave entitlement.



5. A multiple birth or adoption is taken to be a single event.

#### 5.4.15 Maternity leave at half pay

1. The CDF may grant a member a period of her entitlement at half her salary rate to extend the time she is entitled to paid maternity leave under subclause 5.4.14.2.

Example:

| Item | If a member applies for half pay for...   | then she is entitled to...                                    |
|------|---|---|
| 1.   | all of her entitlement (maximum of 14 weeks subject to qualifying service)<br><b>See:</b> Division 1 clause 5.4.4, Definition of 'qualifying service' | 28 weeks maternity leave at half pay.                         |
| 2.   | 6 weeks of her entitlement  | 8 weeks maternity leave at full pay and 12 weeks at half pay. |

2. The member must apply to the CDF in writing to request a period of maternity leave at half pay under subclause 1.

**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.

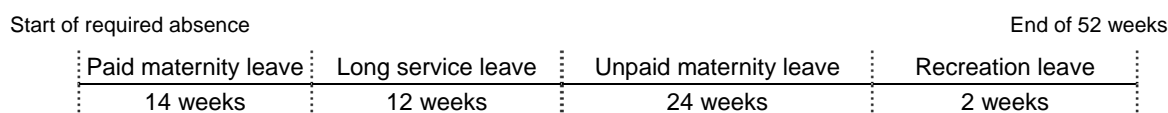
#### 5.4.17 Second period of maternity leave

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.

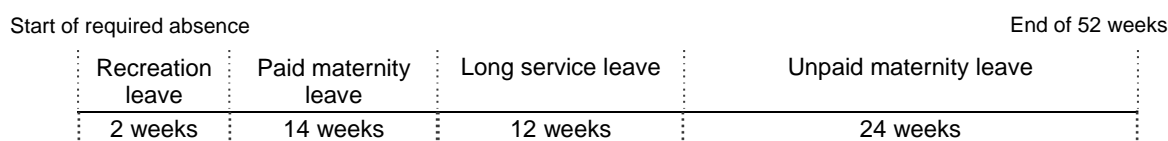
#### 5.4.18 Access to other leave

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.



**Non-example:** The non-example below is not an acceptable alternative. This is because paid maternity leave must be the first 14 weeks of the maternity leave absence.



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.

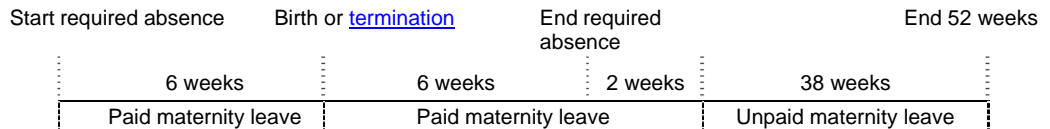
See: Chapter 5 [Part 5](#), Parental leave

## 5.4.22 Examples

These examples set out some maternity leave scenarios.

**Note:** Example 4 is allowable but is unusual and would rarely occur.

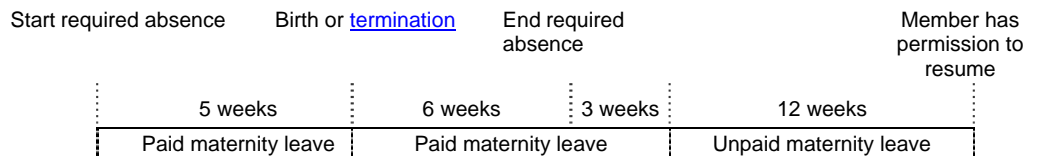
### Example 1:



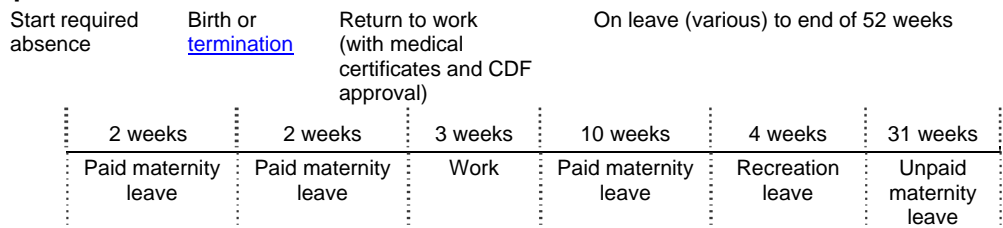
### Example 2:



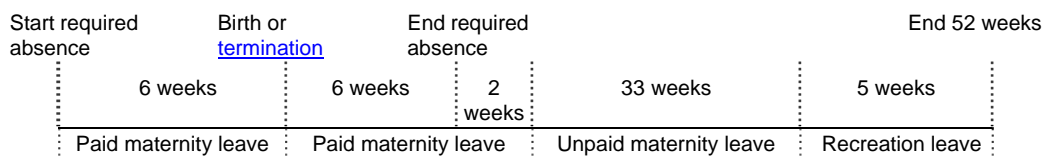
### Example 3:



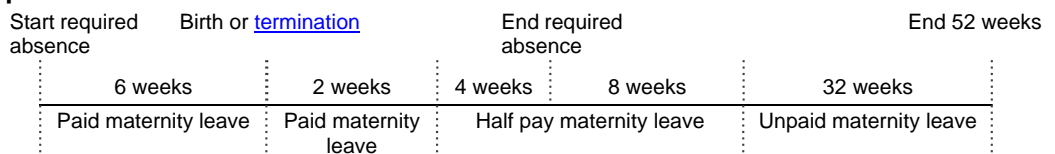
### Example 4:



### Example 5:



### Example 6:



## 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.

| Item | If the member...   | then she must be absent...  |
|------|--|---|
| 1.   | has a birth or termination earlier than six weeks before the expected date of the birth  | for six weeks starting on the date of the birth or termination.<br><b>See:</b> <a href="#">Division 1</a> clause 5.4.4 for the definition of <i>termination</i> |
| 2.   | is still pregnant six weeks before the expected date of the birth  | <b>from</b> six weeks before the expected date of the birth,<br><b>until</b> six weeks after the actual date of the birth or termination.                       |
| 3.   | meets all of these conditions...<br>a. The member is still pregnant six weeks before the expected date of the birth.<br>b. The member is given permission by the CDF to continue to perform duty (see clause 5.4.26).<br>c. The member <b>is able</b> to continue working until the date approved by the CDF.  | <b>from</b> the end of the day immediately after the day she has permission to work to,<br><b>until</b> six weeks after the date of the birth or termination.   |
| 4.   | meets all of these conditions...<br>a. The member is still pregnant six weeks before the expected date of the birth.<br>b. The member is given permission by the CDF to continue to perform duty (see clause 5.4.26).<br>c. The member <b>is not able</b> to continue working until the date approved by the CDF, because the birth or termination happens before that date. | for six weeks starting on the date of the birth or termination.   |

|    |  |   |
|----|--|---|
| 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. If the CDF has approved a member to continue to perform duty under subclause 2, the member may be granted other leave not related to her pregnancy during that period.

#### **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 14 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 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 or interdependent partner 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.

| Term   | Definition in this Division   |
|--------|---|
| Salary | The salary and allowances the member would be entitled to if they were on recreation leave for the period.<br><b>See:</b> Chapter 5 <a href="#">Part 2</a> , Recreation leave |

### 5.5.3 Paid parental leave

1. The CDF may grant a member two weeks (14 calendar days) of parental leave with salary if they meet all these conditions.
  - a. They are on continuous full-time service.
  - b. The member becomes the parent of, or takes full parental responsibility for, 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 64 weeks of unpaid parental leave if they become the parent of a newborn or adopted dependent child.

**Note 1:** 64 weeks' leave under this clause, plus two weeks' 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 only be taken in one of the following ways.
  - a. One unbroken period of up to two weeks (14 calendar days).
  - b. Two separate periods, each of up to one week (seven calendar days).

**Example 1:** A member takes a period of 10 days of paid parental leave from 1 to 10 July. The member has no further entitlement to paid parental leave.

**Example 2:** A member takes one week of paid parental leave from 1 to 7 August. The member is later granted a second period of paid parental leave, from 1 to 3 September. The member has no further entitlement to paid parental leave.

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*.

**See:** [Maternity Leave \(Commonwealth Employees\) Act 1973](#)

**Example:** A member takes 52 weeks of maternity leave. The maximum parental leave they can take is 14 weeks. This would take the total period of absence to 66 weeks.

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 an agreement or workplace agreement.

**Example:** A member's spouse or interdependent partner works in another agency whose 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 or interdependent partner 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.

### 5.5.9 ...

## 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.

| Terms            | Definition in this Part   |
|------------------|---|
| Operational area | a. For overseas service on a deployment.<br><b>See:</b> Chapter 1 Part 3 <a href="#">Division 1</a> clause 1.3.46.<br>b. For overseas service other than a deployment – the same meaning as in the <i>Veterans' Entitlements Act 1986</i> , section 6.<br><b>See:</b> <a href="#">Veterans' Entitlements Act 1986</a> . |
| Warlike service  | <b>See:</b> Chapter 1 Part 3 clause 1.3.73  |

### 5.6.3 War service leave credit

1. The member may accrue up to 18 days of leave credit for every year of service in the operational area, calculated using the method in subclause 3.
2. War service leave credits are calculated and accrue each time the member leaves the operational area for at least one full day.
3. The amount of a war service leave credit is calculated using the following table.

| Step | Action   |
|------|--|
| 1.   | Count the number of days the member spent in an operational area while on warlike service.<br><br>In this Step, count the following as full days in the operational area.<br>a. Any part days at the beginning or end of the period.<br>b. Any days where the member is absent from the operational area for only part of the day.<br><br>Do not count any days when the member is absent from the operational area for the full day.  |
| 2.   | Divide the outcome of Step 1 by 365.   |
| 3.   | Multiply the outcome of Step 2 by 18 days.   |
| 4.   | Round the outcome of Step 3 to the nearest two decimal places.   |
| 5.   | The outcome of Step 4 is the number of days of war service leave the member is to be credited.<br><b>Example:</b><br>A member spends from midday 1 March to midday 23 March in an operational area on a warlike deployment.<br>Step 1 The member spent 23 days in an operational area while on warlike service.<br><br>The part days on 1 March and 23 March are counted as whole days.<br>Step 2 23 divided by 365 = 0.06301<br>Step 3 0.06301 multiplied by 18 days = 1.13425 days<br>Step 4 1.13425 days rounded is 1.13 days<br>Step 5 The member may be credited with 1.13 days of war service leave. |

**Note:** War service leave credits are calculated by the PMKeyS personnel management system.

#### 5.6.4 Granting leave

1. The CDF may grant war service leave to a member for a period up to the period of the member's war service leave credit.
2. The member may only be granted a part day of war service leave in combination with a part day of recreation leave.

See: Clause 5.6.6, Debiting 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.
- 3. **If a member has a part-day of war service leave credit, it can be combined with a part day of recreation leave credit in order to provide the member with a whole day of leave credit to take.**

**Related Information:** Chapter 5 [Part 2](#), Recreation 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 — during ADF service

- 1. The CDF may approve payment instead of war service leave to a member who meets both the following conditions.
  - a. The member is not permitted to take the leave for Service reasons.
  - b. The member applies for payment instead of leave.
- 2. Payment instead of war service leave is worked out in accordance with the following table.

| Item | For...  | the member is paid...     |
|------|---|---------------------------|
| 1.   | every five days of war service leave credit           | for seven days of salary. |
| 2.   | every remaining whole day of war service leave credit | for one day of salary.    |
| 3.   | remaining part day of war service leave credit        | nothing.                  |

**Example:** A member has 13.25 days of war service leave. This period includes two sets of five days, three remaining whole days, and a part day. The member is paid as follows:

For two periods of five days of leave credit = 2 sets of 7 days, or 14 days

For the remaining 3 whole days = 3 days

For the remaining 0.25 days = nothing

Total = 17 days

The member is to be paid 17 days' salary and allowances. (**See:** Clause 5.6.7, Salary for leave)

3. A part day of war service leave credit for which the member is not paid remains in a member's leave balance.

**Example:** In the example in subclause 2, the member has 0.25 days remaining in their leave balance.

#### 5.6.8A Payment instead of leave — leaving continuous full-time service

1. A member must be paid an amount instead of their war service leave credit in the following situations.
  - a. The member leaves the Permanent Forces.

**Examples:** Resignation, becoming a Reserve member on continuous full-time service
  - b. The member is a Reserve member and ends a period of continuous full-time service.

**Note:** For entitlements when a member dies, see Chapter 11 Part 3.
2. Payment instead of war service leave is worked out in accordance with the following table.

| Item | For...  | the member is paid...           |
|------|---|---------------------------------|
| 1.   | every five days of war service leave credit           | for seven days of salary.       |
| 2.   | every remaining whole day of war service leave credit | for one day of salary.          |
| 3.   | remaining part day of war service leave credit        | salary for the part of the day. |

**Example:** A member has 13.25 days of war service leave. This period includes two sets of five days, plus a remaining credit of 3.25 days. The member is paid as follows:

For two periods of five days of leave credit = 2 sets of 7 days, or 14 days

For the remaining three whole days of credit = 3 days

For the remaining 0.25 days = 0.25 days

Total = 17.25 days

The member is to be paid 17.25 days' salary and allowances. (**See:** Clause 5.6.7, Salary for leave)



### 5.6.9 How to apply for war service leave

1. A member must apply for war service leave using either of the following processes.
  - a. PMKeyS Self Service.
  - b. Form AD097 ADF leave application, located 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.

## 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:

|                             |  |
|-----------------------------|--|
| <a href="#">Division 1</a>  | Introduction                               |
| <a href="#">Division 2</a>  | Compassionate leave                        |
| <a href="#">Division 2A</a> | Carer's leave                              |
| <a href="#">Division 3</a>  | Special leave for private purposes         |
| <a href="#">Division 4</a>  | Examination leave                          |
| <a href="#">Division 5</a>  | Travelling leave                           |
| <a href="#">Division 6</a>  | Pre-deployment leave                       |
| <a href="#">Division 7</a>  | 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: Compassionate leave

### 5.7.8 Purpose

Compassionate leave gives a member leave when their close relative is seriously ill, very seriously ill or dies.

#### 5.7.8A Definitions

These definitions apply in this Division.

| Item | Term                 | Definition in this Division   |
|------|----------------------|---|
| 1.   | Close relative       | Any of these people:<br>a. The member's parent, brother, sister, child, dependant or spouse.<br>b. The parent or child of the member's spouse.<br>c. The parent or child of the member's interdependent partner.<br>d. If the member's spouse or interdependent partner is also a member, a dependant of the member's spouse or interdependent partner.<br>e. Any other person approved by the CDF as a close relative of any of these people.<br>i. The member.<br>ii. The member's spouse.<br>iii. The member's interdependent partner. |
| 2.   | Serious illness      | An illness or injury that could endanger life.  |
| 3.   | Very serious illness | An illness or injury so severe that life is imminently endangered   |

### 5.7.9 Compassionate leave

1. The CDF may grant up to five days of compassionate leave in a leave year, for any of these situations.
  - a. A close relative has died.
  - b. A close relative is seriously ill.
  - c. A close relative is very seriously ill.
2. These conditions apply to a grant of compassionate leave.
  - a. Only days that would otherwise be duty count towards the five days.
  - b. Leave may be taken in broken periods.
 

**Example:** A member's mother-in-law dies. The member chooses to take three days of leave to travel and attend the funeral. Later in the same leave year the member's sister is very seriously ill. The member may be granted no more than two days of compassionate leave.
3. The CDF may grant additional compassionate leave to a member. The CDF must consider these factors.
  - a. The member's circumstances.
  - b. The reasons the member gives for their request.

Example: A member may need to travel to get to a remote area.

Example: A member's mother-in-law dies. The member chooses to take three days of leave to travel and attend the funeral. Later in the same leave year the member's sister is very seriously ill. She is in hospital in a remote area. The member is granted seven days of compassionate leave to travel to the sister and be with her.

## Division 2A: Carer's leave

### 5.7.10 Purpose

Carer's leave gives a member leave to care for and support their sick dependants.

### 5.7.11 Carer's leave

1. The CDF may grant carer's leave to a member in any of these circumstances.
  - a. The member is to provide direct care and support to a sick dependant who lives with them, and who they normally look after.

**Example:** A member lives with their child. The child gets sick and needs to be looked after. The member may be granted carer's leave.
  - b. The member provides direct care and support to a dependant who lives with them because another resident dependant, who would normally look after that dependant, is sick.

**Example:** A member lives with their spouse or interdependent partner and baby. The member's spouse or interdependent partner usually looks after the baby while the member works. If the spouse or interdependent partner is sick the member may be granted carer's leave to look after the baby.

**Non-example:** A member seeks carer's leave to care for children while the spouse or interdependent partner is in hospital giving birth. Pregnancy and childbirth are not illnesses. Carer's leave is not appropriate because enough notice is available to make childcare arrangements. This could include the member taking recreation leave.

**Example:** A member's spouse or interdependent partner is in hospital with unforeseen pregnancy complications. The member seeks carer's leave to care for children the spouse or interdependent partner usually looks after. The member's spouse or interdependent partner is sick, as well as pregnant. The member may be granted carer's leave.

2. These conditions apply to a grant of carer's leave.
  - a. No more than five working days' carer's leave may be granted in a leave year.
  - b. Only days that would otherwise be duty count towards the five days.
  - c. Leave may be taken in broken periods.

**Example:** A member's child is too sick for school from Friday until Tuesday morning. The member usually works Mondays to Fridays. The member uses two days of carer's leave to care for the child on Friday and Monday. The member still has another three days of carer's leave for later in the leave year, should the member need it.

## 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.

| Item | If the member is the...                            | then the approving authority is the... |
|------|--|--|
| 1.   | CDF  | Minister.                              |
| 2.   | Vice Chief of the Defence Force or a Service Chief | CDF.                                   |

## **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 compassionate 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](#).
  - e. **Return travel to Australia from a deployment using relief out-of-country travel fare assistance provided under Chapter 17.**  
**See:** Chapter 17 Part 9 [Division 6](#), Relief out-of-country fare assistance
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.

| Item | If the member's travel period (in hours) is... | then they are entitled to a maximum period of travelling leave of... |
|------|--|--|
| 1.   | 12 or more but less than 36                    | one day.   |
| 2.   | 36 or more but less than 60                    | two days.  |
| 3.   | 60 or more but less than 84                    | three days.  |
| 4.   | 84 or more but less than 108                   | four days.   |
| 5.   | 108 or more but less than 132                  | five days.   |
| 6.   | 132 or more but less than 144                  | six days.  |

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.
7. For a member travelling on a journey to or from Australia on relief out-of-country travel fare assistance, the period of travelling leave is a form of additional recreation leave. It is taken on occurrence and does not accrue as a leave credit.

## 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

| Term            | Definition in this Division   |
|-----------------|---|
| Prescribed area | a. An operational area, or<br>b. another defined area approved by the Minister. |

### 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 Attendance at court proceedings

1. A member appearing for the Commonwealth in court proceedings is treated as being on duty.

**Note:** A member of the ADF is exempt from jury duty.

2. In any other case where the member is attending a court or tribunal proceeding, the CDF may grant short absence from duty or leave without pay.

**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.

## **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                            |
| Division 3  | Part-time leave without pay for members overseas       |
| 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.

**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.

**Example:** Lack of suitable child care facilities at a posting location.

4. Leave without pay must not be used for maternity leave without pay.

**Example:** A member takes 12 weeks' paid maternity leave, then 40 weeks as maternity leave without pay, not leave without pay.

**See:** Chapter 5 [Part 4](#), Maternity leave

### 5.8.5 Leave without pay to accompany spouse on posting

1. This clause applies to a member who meets all these conditions.
  - a. They have a spouse or interdependent partner.
  - b. The member's spouse or interdependent partner is also a member.
  - c. The member is granted a period of leave without pay to accompany the spouse or partner to a new posting location.
2. The member's period of leave ends on the earlier of these two days.
  - a. The day a suitable posting becomes available for the member at that location.
  - b. The day their spouse or interdependent partner'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.  
**See:** [Annex 5.8.A](#), Allowances and reimbursements during leave without pay
  - 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.

| Item | Entitlement   | See   |
|------|---|---|
| 1.   | Salary increments   | Chapter 3 Part 2 Division 3 clause 3.2.26           |
| 2.   | Recreation leave, if the leave without pay is more than 24 hours                              | Chapter 5 <a href="#">Part 2</a> clause 5.2.8       |
| 3.   | Long service leave, if the leave without pay is not for illness and is more than three months | Chapter 5 <a href="#">Part 3</a> paragraph 5.3.18.b |

**Note:** Leave without pay may affect the qualifying service period and a member's service credit under the Defence Home Ownership Assistance Scheme.

**See:** *Defence Home Ownership Assistance Scheme Regulations 2008*

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.
  - b. Gratuities on retirement or invalidity under the [Defence Force Retirement and Death Benefits Act 1973](#).

**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 compassionate or carer's 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 Australia 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 in Australia who meets both of the following conditions.
  - a. The member has applied for part-time leave without pay.
  - b. The member has completed a period of continuous full-time service made up of both of the following.
    - i. Initial recruit training and any relevant specialist training.
    - ii. Any further service that the CDF considers necessary to strengthen the training listed in subparagraph i.
2. For subparagraph 1.b.ii, 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 | If the member is entitled to...                           | or must pay...  | then their entitlement or liability while on part-time leave without pay is...  |
|------|---|---|---|
| 1.   | a. temporary accommodation allowance<br>b. rent allowance | a contribution for a Service residence or living-in accommodation | set out in Chapter 7:<br>c. Part 3 <a href="#">Division 2</a> clause 7.3.18, Member on part-time leave without pay (living-in accommodation).<br>d. Part 4 <a href="#">Division 5</a> clause 7.4.26, Rate of contribution (temporary accommodation allowance).<br>e. Part 5 <a href="#">Division 9</a> clause 7.5.52, Member on part-time leave without pay (Service residence).<br>f. Part 6 <a href="#">Division 5</a> clause 7.6.32, Member on part-time leave without pay (rent allowance). |
| 2.   | a. uniform allowance<br>b. retention allowance            | -   | reduced on a pro rata basis.  |
| 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 service for salary increment purposes on a pro rata basis. That is, the period of part-time leave without pay increases the 12 months referred to in paragraph 3.2.25.1.c on a pro rata basis.

**See:** Chapter 3 Part 2 clause 3.2.25, Increment advancement

**Note:** For the salary of a member on part-time leave without pay, see Chapter 3 Part 2 clause 3.2.8, Salary and allowances (member on part-time leave without pay)

### 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.

| Item | Entitlement                   | See   |
|------|-------------------------------|---|
| 1.   | Salary                        | Chapter 3 Part 2 Division 1 clause 3.2.8                  |
| 2.   | Higher duties allowance       | Chapter 4 <a href="#">Part 1</a>                          |
| 3.   | Housing assistance            | Clause 5.8.14   |
| 4.   | Additional leave for training | Chapter 5 Part 2 <a href="#">Division 5</a> clause 5.2.22 |

2. A member who has been granted part-time leave without pay must notify the Defence Housing Australia 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.

$$\frac{\text{Number of days' PTLWOP} - 4}{10} \times 100$$

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.

## Division 3: Part-time leave without pay for members overseas

### 5.8.21 Purpose

Part-time leave without pay may be made available to members overseas.

**Related Information:** See Division 2, for equivalent conditions for members in Australia.

### 5.8.22 Decision maker

In this Division, a **decision maker** means any of the following.

- a. CDF.
- b. Director General Navy Personnel and Training.
- c. Director General Personnel – Army.
- d. Director General Personnel – Air Force.

### 5.8.23 Members who are entitled

1. The decision maker may grant a period of part-time leave without pay to a member overseas who meets both of the following conditions.
  - a. The member has applied for part-time leave without pay.
  - b. The member has completed a period of continuous full-time service made up of any of the following.
    - i. Initial recruit training and any relevant specialist training.
    - ii. Any further service that the decision maker considers necessary to strengthen the training listed in subparagraph i.
2. For subparagraph 1.b.ii, the decision maker 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.

### 5.8.24 Members who are not entitled

A member on Reserve service is not entitled to part-time leave without pay overseas.

### 5.8.25 Period of leave

1. The decision maker may not grant part-time leave without pay under clause 5.8.23 to a member for any of these periods.
  - a. More than two years. However, the decision maker 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 decision maker may vary a date, or the days, stated in the grant of leave. The decision maker must consider the member’s interests and views and any factor relevant to the circumstances in which the leave was granted.

### 5.8.26 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 decision maker may end a member’s period of leave in any of these circumstances.
  - a. The member returns to Australia.
  - b. A significant change occurs in the circumstances that the decision maker relied on to grant the leave to the member.

**Example:** The location where the member is performing work becomes unsafe.

- 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 on days for which the leave without pay has been granted.
- 4. A period of part-time leave without pay does not break continuity of service for conditions provided in this Determination.

**Exception:** This happens unless the rules for the condition say otherwise.

### 5.8.27 Other conditions of service that apply

A member granted part-time leave without pay under this Division may only be paid conditions of service listed in the following table.

**Example:** A member on part-time leave without pay can only be granted maternity leave if she meets all the normal requirements for a grant of leave. Despite this subclause, a member who is not pregnant cannot be granted maternity leave.

| Item | Name  | Reference  | Notes   |
|------|---|--|---|
| 1.   | Any condition of service the member qualifies for in Chapters 1 to 11.<br><br><b>Exceptions:</b> Chapter 7, ADF Housing and meals             | a. Chapters 1 to 6<br>b. Chapters 8 to 11  | The following clauses describe how these conditions are modified for members on part-time leave without pay.<br>a. Clause 5.8.28, Effect on allowances and contributions<br>b. Clause 5.8.29, Effect on other forms of leave<br>c. Clause 5.8.30, Effect on salary increments |
| 2.   | Matters provided for under determinations made under section 58H of the <i>Defence Act 1903</i><br><b>Examples:</b> Salary, Service allowance | As published in Chapters 3 and 4 of the ADF Pay and Conditions Manual              | Some conditions for members on part-time leave without pay may be provided for in the section 58H determination.  |
| 3.   | Travel on evacuation  | Clause 14.4.4<br><br><b>Exception:</b><br>Subclause 14.4.4.3.                      | The member is only entitled to travel on evacuation. The member is not entitled to travel at the beginning and end of the member's period of duty overseas.   |
| 4.   | Conditions on evacuation from post  | a. Clauses 14.6.3 to 14.6.7<br>b. Clause 14.6.12<br>c. Clauses 14.6.15 and 14.6.16 |   |
| 5.   | Public holidays   | Clause 15.1.4  |   |
| 6.   | Travel for short-term duty while on long-term posting   | Chapter 15 Part 3 Division 1   |   |
| 7.   | Vehicle allowances  | Chapter 15 Part 3 Division 4   |   |
| 8.   | Entitlement – funeral costs   | Clause 15.8.3  |   |

### 5.8.28 Effect on allowances and contributions

1. Clause 5.8.27 prescribes the conditions of service that may apply to a member on part-time leave without pay who is performing duty in an overseas location.

**See:** Clause 5.8.27, Other conditions of service that apply

2. The following table sets out the effects of part-time leave without pay on those allowances and contributions that a member may be paid, under clause 5.8.27.

| Item | If the member is entitled to... | or must pay...         | then their entitlement or liability while on part-time leave without pay is... |
|------|---------------------------------|------------------------|--|
| 1.   | uniform allowance               | -                      | reduced on a pro rata basis.   |
| 2.   | retention allowance             |                        | reduced on a pro rata basis.   |
| 3.   | any other allowance             | any other contribution | as if they were not on part-time leave without pay.                            |

### 5.8.29 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 the following conditions.
  - a. They were on part-time leave without pay at the time they were granted maternity leave.
  - b. The member's grant of part-time leave without pay would have continued 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 the member had continued on part-time leave without pay until the end of the period granted.

**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.

3.
  - 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.

### 5.8.30 Effect on salary increments

Part-time leave without pay counts as service for salary increment purposes on a pro rata basis. That is, the period of part-time leave without pay increases the 12 months referred to in paragraph 3.2.25.1.c on a pro rata basis.

**See:** Chapter 3 Part 2 clause 3.2.25, Increment advancement

**Note:** For the salary of a member on part-time leave without pay, see Chapter 3 Part 2 clause 3.2.8, Salary and allowances (member on part-time leave without pay)

### 5.8.31 Effect on time for bonuses and service obligations

1. This subclause applies to a member who meets both these conditions.
  - 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.
2. 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 5.8.32.

### 5.8.32 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, worked out using the following table.

| Step | Action  |
|------|---|
| 1.   | Work out the total number of days a member is absent on part-time leave without pay in a pay period. Include any weekends the member does not work. |
| 2.   | Subtract 4 days from the figure in Step 1.  |
| 3.   | Multiply the outcome of Step 2 by 10. The outcome of this Step is the percentage that is used to vary pro rata entitlements.                        |

**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.

## 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.

| Item | Entitlement type                                     | Specific allowance or reimbursement  |
|------|--|--|
| 1.   | Entitlements relating to regular accommodation costs | a. Rent allowance<br>b. Temporary accommodation allowance  |
| 2.   | ADF district allowance and similar allowances        | a. ADF district allowance<br>b. Port Wakefield allowance<br>c. Woomera allowance   |
| 3.   | Removal entitlements                                 | a. Disturbance allowance<br>b. Indemnity for loss or damage arising from removal within Australia<br>c. Reimbursement of expenses for pet relocation |
| 4.   | Education assistance                                 | a. Reimbursement in place of eligible child's scholarship<br>b. Reimbursement of education costs for child   |
| 5.   | Miscellaneous entitlements                           | a. Reimbursement for extra risk insurance expenses<br>b. Home purchase or sale expenses allowance<br>c. Separation allowance                         |

## Part 9: Short absence

### 5.9.1 Overview

1. This Part sets out when a member may be granted short periods of absence in particular circumstances. The grant of this kind of absence is at the discretion of the approver listed for the specific circumstances of the absence.
2. Short absence is different from other kinds of leave for these reasons.
  - a. It is for short, informal periods of time off duty.
  - b. It does not accrue for particular service and cannot be kept for later use.
  - c. It is for situations where other kinds of leave may not be available or appropriate.
3. Command power may be used to grant this form of absence for situations not set out in this Part.

### 5.9.2 Contents

This Part includes the following Divisions:

- |            |                                    |
|------------|------------------------------------|
| Division 1 | Short absence from duty            |
| Division 2 | Short absence for removal purposes |

## Division 1: short absence from duty

### 5.9.3 Purpose

Short absence from duty has the following purposes.

- a. For the member to rest and recover from long or unusual duty.
- b. For the member to attend to urgent personal matters if Service requirements prevent them from dealing with the matter without the short absence.

### 5.9.3A Decision-maker and time limits

1. In this Division, a **decision-maker** is a person who can approve short absence from duty because they meet the conditions set out in subclauses 2, 3 or 4.
2. A person who meets both the following conditions is the decision-maker for up to three consecutive working days of short absence.
  - a. They are a supervisor in the member's direct chain of command.
  - b. They are not below the following rank or APS classification.
    - i. Warrant Officer Class 2.
    - ii. APS 4.
3. A person who meets both these conditions is the decision-maker for up to five consecutive working days of short absence.
  - a. They are in the member's direct chain of command or supervision.
  - b. They are not below the following rank or APS classification.
    - i. Major.
    - ii. APS 6.
4. A person who meets both these conditions is the decision-maker for up to 20 consecutive working days of short absence.
  - a. They are in the member's direct chain of command or supervision.
  - b. They are not below the following rank or APS classification.
    - i. Brigadier.
    - ii. SES Band 1.

### 5.9.4 Approval of absence

A decision-maker may grant a member short absence from duty if they consider that both the following conditions are met.

- a. The member needs the absence for either of the following reasons.
  - i. To rest and recover from long or unusual duty.
  - ii. To attend to urgent personal matters. This is only if Service requirements prevent the member from dealing with the matter without the short absence.

**Non-examples:**

Short absence cannot be granted for any purpose other than the two listed above. Here are two examples of other reasons, where short absence from duty cannot be granted.

- i. As a reward for a job well done.
  - ii. To attend to urgent personal requirements when there was no Service requirement stopping the member from doing the task in their own time.
- b. There is no form of leave that can reasonably be used to provide the member with leave for the period. In considering what is reasonable the following considerations are relevant.
- i. It is not reasonable to grant a member short absence from duty for an urgent personal matter if the member has recreation or other paid leave available.
  - ii. Leave without pay does not need to be considered.  
**See:** Chapter 5 Part 8 Division 1, Leave without pay
  - iii. Any other factors that go to the reasonableness of the use of leave.

**Examples:**

- i. Recreation leave might be reasonable in a range of situations. An example is a member who has a recreation leave credit and who needs to attend to a personal issue.
- ii. Carer's leave is reasonable to use to care for a sick dependant.
- iii. Maternity or parental leave is reasonable to use following the birth of a child.

**Non-example:**

Recreation leave would not be reasonable for a member who needs to be absent for less than a day. Recreation leave cannot be granted for less than a day.

**Exception:**

Short absence from duty may not be granted immediately before or after a period of recreation leave unless either of the following conditions are met.

- a. The decision-maker considers that exceptional circumstances apply.
- b. Short absence from duty is granted as described in clause 5.9.4A.

**See:** Clause 5.9.4A, Short absence from duty and additional recreation leave

**5.9.4A Short absence from duty and additional recreation leave**

1. The additional conditions in this clause apply if short absence is sought in relation to activity for which a member was granted additional recreation leave.
2. Short absence from duty may not be granted for the member to recover from the activity, unless both the following conditions are met.
  - a. The member will use all the additional recreation leave before the member takes the short absence from duty.
  - b. The decision-maker believes the additional recreation leave is not enough for the member to recover from the rigours of the activity.

**Example:** A member performs field service and accrues two days of additional recreation leave. The member's supervisor believes the member needs three days of recovery time.

No other appropriate leave exists. The member's supervisor grants one day of short absence from duty.

**See:** Clause 5.9.4, Approval of absence. The rules in that clause must also be met before a member can be granted short absence from duty with additional recreation leave. This includes the requirement that no other appropriate leave is available.

### 5.9.5 Conditions on grant of absence

1. If short absence from duty is granted in relation to a Service event or activity, it must be taken as soon as Service requirements allow after the event or activity.

**Related Information:** Paragraph 5.9.1.2.b provides that short absence cannot accrue to be taken at a later date.

**Example:** A member cannot take short absence from duty straight after an event due to debriefing requirements. The debriefing takes two days. After the debriefing the member can be approved short absence from duty, if the member still needs to rest and recover.

**Non-example:** A member would like to "save" their short absence from duty. They hope to use it for a family function a week after the event that the absence was granted for. The member is not granted short absence from duty, as the absence must be taken as soon as Service requirements allow.

2. Two periods of short absence from duty are not to be granted for one event.
3. The member or their supervisor must record any period of short absence from duty that is one day or more on PMKeyS. Recording the short absence from duty may be done before or after the period of absence.
4. The amount to be recorded is the duration of the absence, rounded down to the nearest whole day.

**Example:** A member is granted one day, five hours of short absence from duty. One day is recorded on PMKeyS.

# Division 2: Short absence for removal purposes

## 5.9.6 Purpose

Short absence for removal purposes allows a member time to carry out a variety of removal tasks.

## 5.9.7 Approval of absence

1. A member may apply for short absence for removal purposes.
2. A person who meets both the following requirements may decide to grant a member a short absence for removal, up to the limits set out in clause 5.9.8.
  - a. The person is the member's supervisor in the member's direct chain of command or supervision.
  - b. They are not below the following rank or APS classification.
    - i. Warrant Officer Class 2.
    - ii. APS 4.

## 5.9.8 Conditions on grant of absence

1. The decision-maker must consider whether it is reasonable to grant the absence under clause 5.9.7, having regard to operational needs.
2. The following table sets out how much short absence can be granted to a member for each removal.

| Item | If the member's removal is... | then they may be granted short absence of... |
|------|-------------------------------|--|
| 1.   | between locations             | two consecutive days at each location.       |
| 2.   | within the same location      | three days in total.                         |

3. The member may be granted one additional day consecutive to another day of short absence, if the decision-maker considers it reasonable.
4. The member may take the absence on dates agreed with the decision-maker under clause 5.9.7.

## 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.

**See:** Clause 5.10.2A, Christmas stand-down, for details of short absence when not required for duty granted to members over the Christmas period.

3. ...
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.

**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.

#### 5.10.2A Christmas stand-down

1. Members are not required to attend for duty for the following periods.

| Item | For the Christmas stand-down of... | the stand-down commences on... | and ends on...  |
|------|------------------------------------|--------------------------------|-----------------|
| 1.   | 2010-2011                          | 24 December 2010               | 3 January 2011. |
| 2.   | 2011-2012                          | 24 December 2011               | 3 January 2012. |

2. The periods in subclause 1 include public holidays that fall within the period.

3. A Commanding Officer may determine that the member must perform duty on a day listed in subclause 1. The Commanding Officer should consider if there are pressing operational, preparatory or safety needs that prevent the member from being absent.
4. Absences are treated in accordance with the following table.

| Item | If the day ...          | the day is to be ...   |
|------|-------------------------|--|
| 1.   | is a public holiday     | granted under clause 5.10.1.<br><br><b>See:</b> Clause 5.10.1, Public holidays |
| 2.   | is not a public holiday | treated as short absence when not required for duty.                           |

**Related Information:** Clause 15.1.4A, Christmas stand-down, for arrangements that apply to members overseas

# 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.

| Item |  | Clause |
|------|--|--------|
| 1.   | Member is recalled from posting location                 | 5.11.4 |
| 2.   | Member is temporarily recalled from leave location       | 5.11.5 |
| 3.   | Costs where member is recalled from holiday location     | 5.11.6 |
| 4.   | Costs where member's leave is cancelled before it starts | 5.11.7 |

## 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

1. The member must fill in Form AD388, *Application for compensation resulting from cancellation or recall from leave* to claim reimbursement under this Division.

**See:** Annex 5.11.A, Application for compensation resulting from cancellation or recall from leave

2. The member's unit is to forward the completed claim form to the appropriate approving authority. The address is detailed in the instructions on the form.
3. The member must include documents with the claim form that show the following matters.
  - a. Details of any advance received.
  - b. Evidence of costs.
  - c. Evidence of any attempts at reimbursement from a booking or insurance company, and whether any reimbursements were made.
  - d. Evidence of the approved leave.
  - e. Either of the following.
    - i. Evidence of the cancellation of an approved grant of leave.
    - ii. Evidence of the recall from an approved grant of leave.

### 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.

## **Annex 5.11.A: Application for Compensation Resulting from Cancellation or Recall from Leave**

**See:** Chapter 5 Part 11

Copy of:  
Application for Compensation Resulting from Cancellation or Recall from Leave form  
(AD388)