



## **Public Service (Defence) Determination 2003/6**

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

Dated 28 July 2003

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



# PUBLIC SERVICE (DEFENCE) DETERMINATION 2003/6, OVERSEAS CONDITIONS OF SERVICE

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# Chapter 1 Overseas conditions of service - general

## Part 1 Introduction

### 1.1.1 Name of Determination

This Determination is Public Service (Defence) Determination 2003/6, Overseas Conditions of Service.

*Note:* Unless the contrary intention appears, *this Determination* means Public Service (Defence) Determination 2003/6, Overseas Conditions of Service.

### 1.1.2 Date of effect

This Determination commences on 1 August 2003.

### 1.1.3 Purpose

- (1) The policy aim of the Australian Defence Organisation is that overseas conditions of service should be identical for APS employees and Defence Force members, in the same circumstances. At the same time, this approach recognises that there may be situations overseas in which the entitlements differ because of particular features of service or functions undertaken.
- (2) The overseas conditions of service in this Determination are supplementary to other conditions of service (including salary and allowances) to which employees are entitled under the Agreement.

### 1.1.4 Employees this Determination applies to

- (1) This Determination applies to all employees (including SES employees) who perform duty overseas.
- (2) Part 5 of Chapter 3 applies only to an employee who is entitled to overseas living allowance.

### 1.1.5 Annex equivalent to Schedule

Schedules to this Determination are referred to as Annexes and are located at the end of the Part or Division to which they relate (except in Chapter 4, where the Annex is located at the end of the Chapter).

### 1.1.6 Meaning of words and phrases

- (1) Part 2 of this Chapter defines particular words and phrases used in this Determination.
- (2) Unless the contrary intention appears, a definition in this Determination applies to each use of the word or expression in this Determination.

### **1.1.7 Overpayment**

- (1) If a person has been paid an amount under this Determination that exceeds the amount to which they are entitled, the person must repay to the Commonwealth an amount equal to the difference between the person's entitlement and the amount paid to the person.

*Example*

There may be an overpayment if the employee has received travelling or vehicle allowance in advance of travel and the employee does not undertake the travel, or the travel undertaken is less than anticipated.

- (2) Without limiting the ability of the Commonwealth to otherwise recover an amount payable by a person to the Commonwealth under this clause, the amount may be deducted from moneys that are, or become, payable to the person under the Act.

### **1.1.8 Recovery**

An overpaid amount of salary or allowances payable by an employee to the Commonwealth may, without prejudice to the right of the Commonwealth to recover by other means, be recovered from the salary and allowances that are or become payable in respect of the employee's service.

### **1.1.9 Employee to avoid conflict of interest**

If a decision under this Determination would confer a personal benefit on an employee who is authorised to make the decision, the employee must refer the decision to a substitute decision-maker at or above the employee's classification.

### **1.1.10 Payment of entitlements to another person**

An employee's entitlement under this Determination may be paid:

- (a) to a person nominated in writing by the employee to receive the payment on behalf of the employee; or
- (b) as specifically provided under this Determination.

### **1.1.11 Employee to provide evidence of payment**

An employee who is entitled to a reimbursement under this Determination must provide:

- (a) written evidence of the payment, including any relevant receipts; or
- (b) if written evidence is not available — a statutory declaration of the payment, at the time a claim for reimbursement is lodged or as soon after that time as is reasonably practical.

*Note:* A person who wilfully makes a false statement in a statutory declaration under the *Statutory Declarations Act 1959*, as amended, is guilty of an offence under section 11 of that Act. The penalty may include imprisonment for four years.

### 1.1.12 Change in the employee's circumstances

If an employee or their dependants have satisfied the conditions for an entitlement, and the circumstances by which the employee or dependants satisfied the conditions change, the employee must inform their supervisor of the change as soon as reasonably practicable.

*Note:* This requirement is placed on the employee so that, if the employee is aware that they may no longer meet eligibility criteria for payment under this Determination, then they ensure that the Commonwealth is informed of this change. This will assist the Commonwealth to take steps to prevent overpayments from occurring.

### 1.1.13 Fortnightly and daily rates

- (1) If a payment at an annual rate is made to an employee fortnightly, the fortnightly rate of payment must be worked out using the formula:

$$\text{annual rate} \times \frac{12}{313}$$

- (2) The daily rate is the fortnightly rate divided by 10.

### 1.1.14 Dual entitlement

- (1) In this clause:

*relevant entitlement* means:

- (a) reimbursement for loss on sale of furniture and effects;
- (b) reimbursement for loss on sale of a vehicle;
- (c) provision of reunion travel at Commonwealth expense;
- (d) reimbursement for education costs for a child.

- (2) If, but for this subclause, an employee and the employee's spouse (*the employees*) would have a relevant entitlement under this Determination for the same circumstances and period, the entitlement is to be provided only to:

- (a) if the employees jointly nominate one of them to receive the entitlement — that employee; and
- (b) otherwise:
  - (i) if the employees hold different classifications — the employee with the higher classification; and
  - (ii) if the members hold the same classification — the employee with the longer period of service in the classification.

- (3) If, but for this subclause, an employee would have a relevant entitlement under this Determination and, for the same circumstances and period, the employee's spouse would have a similar entitlement (other than under this Determination), the relevant entitlement is to be reduced by the amount of the similar entitlement.

### **1.1.15 Payment of amount to person under legal disability**

- (1) If an amount is payable under this Determination to a person who is under a legal disability, the amount may be paid to a trustee appointed by the Secretary to act on behalf of the person, having regard to any instructions given by the employee before the legal disability commenced.
- (2) An amount paid to a trustee under subclause (1):
  - (a) is to be held by the trustee on trust for the benefit of the person in accordance with any directions of the Secretary; and
  - (b) is taken, for this Determination, to have been paid to the person.

### **1.1.16 Payment of amounts on death of an employee**

- (1) If an amount is payable under this Determination in relation to an employee on the employee's death, it may be paid to:
  - (a) the employee's dependants; or
  - (b) if the employee has no dependant or the Secretary considers it more appropriate in the circumstances — the employee's legal personal representative.
- (2) If the amount is payable to a dependant and there is more than one dependant, the Secretary must, when authorising the payment, have regard to the respective losses suffered by the dependants as a result of the loss of earnings of the employee.
- (3) If a payment has not been made under subclause (1) within 12 months after the employee's death, the amount must be paid to the employee's legal personal representative.
- (4) If there is no person who will be entitled to an amount payable under this Determination in relation to an employee, this Determination does not authorise payment of the amount.

### **1.1.17 Presumed date of death**

If the Secretary, after having regard to all relevant circumstances, directs that for this Determination an employee's death is to be presumed to have occurred on a specified date, this Determination applies to the employee as if the employee had died on that date.

### **1.1.18 References to Acts**

A reference in this Determination to an Act is a reference to the Act as in force from time to time.

## Part 2                      Meaning of words and phrases

### 1.2.1      Coverage

The meanings of words and phrases given in this Part apply as necessary to the overseas conditions of service set out in this Determination.

### 1.2.2      Dictionary

In this Determination:

***accompanied employee***, see clause 1.2.3

***Act*** means the *Public Service Act 1999*.

***Agreement*** means the *Defence Employees Certified Agreement 2002-2003*.

***allowable travel cost*** means the minimum cost of air travel between two localities if:

- (a) the travel is undertaken by an airline that has seats available at the required time and offers a reasonable standard of safety and security; and
- (b) stopovers are avoided wherever practicable; and
- (c) advantage is taken of concessions and discounts (including discount for advance purchase) that would be available with reasonable planning.

***APS*** means the Australian Public Service.

***child*** includes an adopted child, an ex-nuptial child, a foster child, a step-child who is ordinarily a member of the employee's household or a ward.

***data service provider*** means the company contracted by the Department to provide data about living costs and conditions at overseas posting localities.

***Department*** means the Department of Defence.

***dependant***, see clause 1.2.4.

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

- (a) salary;
- (b) subject to clause 3.6.4 — additional responsibility pay or additional responsibility allowance;
- (c) first aid certificate allowance;
- (d) hardship allowance;
- (e) language proficiency allowance,

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

***employee*** means a person engaged under the Act as an APS employee in the Department.

***hardship post grade***, for a locality, means the hardship post grade mentioned for the locality in Part 1 or 2 of Annex 4.A.

***Head of Post***, for an employee, means the Australian Ambassador or High Commissioner, appointed by the Governor-General, who is responsible for the employee's posting locality.

***headquarters***, for an employee, means the place at which the employee ordinarily performs duties or, if the employee does not ordinarily perform duties at any one place, the place at which the employee is ordinarily required to report for duty.

**long-term posting**, see clause 1.2.5.

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

- (a) if the locality is listed in Part 1 of Annex 4.A — the period mentioned in column 2 of that Part; and
- (b) otherwise — three years.

**overseas post** means any office or other establishment of the Commonwealth, including a mission in a country overseas, or any appointment, station or place in a country overseas, in which, or at which, an employee is required by the Commonwealth to serve for any purpose.

**parent** includes a guardian or other person who is responsible for the day-to-day care of a child.

**period of evacuation**, for an employee or a dependant of the employee, means the period that begins on the day on which the employee or dependant is evacuated from the posting locality of the employee and ending on:

- (a) for an employee — the earliest of:
  - (i) the day on which the employee returns to the posting locality; and
  - (ii) the day on which the posting of the employee is terminated; and
  - (iii) the day on which the employee begins living permanently in Australia or at a locality other than the posting locality; and
- (b) for a dependant of the employee — the earliest of:
  - (i) the day on which the dependant returns to the posting locality; and
  - (ii) the day on which the employee leaves the posting locality because of the termination of the employee's posting; and
  - (iii) the day on which the dependant begins living permanently in Australia or at a locality other than the posting locality.

**period of posting**, see clause 1.2.6.

**posting locality**, for an employee, means the locality overseas at which the employee is on a long-term posting.

**salary** means the salary payable to an employee.

**Secretary** means the Secretary of the Department.

**senior ADF representative** means the most senior Defence Force member at a posting locality, who has administrative authority for members serving at that locality.

**SES** means the Senior Executive Service.

**SES employee** has the meaning given by section 34 of the Act.

**short-term duty** means a temporary absence from headquarters that is authorised by the Commonwealth for the purpose of performing duty overseas or within overseas countries, for periods expected to be six months or less.

**spouse**, for an employee, includes a person who is living with the employee as a spouse on a bona fide domestic basis although not legally married to the employee.

**UN** means the United Nations.

**unaccompanied employee** means an employee who is not an accompanied employee.

### 1.2.3 Accompanied employee

- (1) For overseas conditions of service, an *accompanied employee* is an employee:
  - (a) who is on a long-term posting of 12 months or more; and
  - (b) whose spouse:
    - (i) lives with the employee at the employee's posting locality; or
    - (ii) is not absent from the posting locality for a continuous period of more than four weeks unless accompanying the employee on a period of annual leave accruing to the employee as a result of service at that locality.
- (2) However, subclause (1) is taken to apply to an employee who is on a long-term posting of at least six months, if:
  - (a) the Secretary is satisfied that it is reasonable in the circumstances to treat the employee as an accompanied employee; and
  - (b) the requirements of paragraph (1) (b) are met.
- (3) For paragraph (2) (a), the Secretary must have regard to:
  - (a) the nature of the posting; and
  - (b) the duration of the posting; and
  - (c) the likely cost and benefit to the Commonwealth of treating the employee as an accompanied employee; and
  - (d) advice from the financial manager in the employee's Group about the impact of the likely cost on the Group's budget; and
  - (e) the family circumstances of the employee; and
  - (f) any other factor relevant to the posting.
- (4) When considering the costs involved under paragraphs 1.2.3 (3) (c) and (d), the Secretary must take into account the wide range of additional costs, both direct and indirect, associated with an accompanied long-term posting. These costs arise from entitlements described in Chapter 3, including (but not limited to):
  - (a) fares, removal and storage – Parts 2 and 3;
  - (b) loss on sale of motor vehicle – Part 3 (clause 3.3.12);
  - (c) settling in and housing at post – Parts 4 and 5;
  - (d) overseas living allowance – Part 6;
  - (e) health care – Part 9;
  - (f) settling out on return to Australia – Part 4.
- (5) An employee with a spouse, who is not entitled to be accompanied by their spouse overseas, and who then chooses in writing to be accompanied at their own expense, is taken to be an unaccompanied employee.

*Note:* If a long-term posting overseas is for a period of less than 12 but more than six months, the employee may be entitled to be accompanied by dependants at Commonwealth expense for any purpose, including overseas living allowance and reunion travel. This will depend on approval under subclauses 1.2.3 (2) and 1.2.4 (3).

#### 1.2.4 Dependant of employee

- (1) In this Determination, a *dependant*, for an employee, is:
  - (a) a spouse who ordinarily lives with the employee; and
  - (b) a child of the employee, or of the employee's spouse, who:
    - (i) is dependent on the employee; and
    - (ii) ordinarily lives with the employee; and
    - (iii) is less than 18 years old; and
  - (c) any other person who is a relative of the employee, or of the employee's spouse, and whom the Secretary approves for a specified period as a dependant of the employee for the purpose of the provision in which the reference occurs.

*Note:* This also applies to children who turn 18 years old during the period of posting.

- (2) For paragraph (1) (c), the Secretary must have regard to:
  - (a) the relationship of the person to the employee or to the employee's spouse; and
  - (b) the extent of the person's dependency on the employee; and
  - (c) whether the person's ordinary place of residence is the employee's ordinary place of residence and, if so, the duration of residence of that person at that place or at the employee's posting locality, as the case may be; and
  - (d) the duration and timing of the employee's period of posting; and
  - (e) if applicable, the period during which the person intends to live with the employee at the posting locality and the reason the person intends to leave, or leaves, the locality; and
  - (f) the likely effect on the person's health and welfare of alternative arrangements that the employee could make for the person's care and maintenance; and
  - (g) any other special circumstance bearing on the employee's relationship to the person.

*Example 1*

A child over 18 years old might be approved as a dependant for the purpose of assistance with health costs until the end of the calendar year under Part 9 of Chapter 3, but not for child allowance under Part 6 of Chapter 3.

*Example 2*

An elderly parent living with the employee at the posting locality could be approved as a dependant for travel to and from the locality, but not for any other purpose.

- (3) An allowance or other entitlement under Chapters 1, 3 and 4 is not to be provided to an employee for a dependant unless:
  - (a) the employee is on a long-term posting; and
  - (b) the dependant:
    - (i) lives, or intends to live, with the employee at the posting locality for at least 12 months, or a shorter period of not less than six months that the Secretary considers reasonable in the circumstances; or
    - (ii) is a dependant for whom the employee is, or will be, entitled to be provided with education assistance under Part 8 of Chapter 3.

- (4) For subparagraph (3) (b) (i), the Secretary must have regard to:
  - (a) the nature of the posting; and
  - (b) the duration of the posting; and
  - (c) the likely cost and benefit to the Commonwealth of providing entitlements under Chapters 1, 3 and 4 for the dependant; and
  - (d) advice from the financial manager in the employee's Group about the impact of the likely cost on the Group's budget; and
  - (e) the family circumstances of the employee; and
  - (f) any other factor relevant to the posting.

*Note:* Each application for recognition as a dependant is considered on its individual merits. The employee should provide information to support the application.

### **1.2.5 Long-term posting**

- (1) For overseas conditions of service, a *long-term posting*, for an employee, is:
  - (a) a period of duty of the employee in an overseas country for longer than six months; or
  - (b) a period of duty of the employee in a series of overseas countries for longer than six months in total, if the Secretary considers that it is reasonable in the circumstances to treat the period of duty as a long-term posting.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the accommodation and living arrangements likely to be adopted by the employee during the period of duty; and
  - (b) the period the employee is to spend in each country; and
  - (c) any other factor relevant to the period of duty.
- (3) An employee is taken to be on long-term posting to a locality from the day the Secretary approves an extension of the employee's short-term duty at the locality for a period that, together with the completed period of short-term duty, is six months or longer.

### **1.2.6 Period of posting**

- (1) For overseas conditions of service, the *period of posting*, for an employee, is the period beginning on the day on which the employee starts duty at the posting locality and ending at the end of the day on which the employee finishes duty at the posting locality.
- (2) An employee is taken to start duty on the day on which the employee arrives at the posting locality, if the employee arrives at the posting locality on a day observed by employees at the locality as a day of the weekend or as a public holiday and starts duty on the next working day.
- (3) An employee is taken to finish duty on the day on which the employee departs from the posting locality, if the employee departs from the posting locality on a day observed by employees at the locality as a day of the weekend or as a public holiday and finishes duty on the immediately preceding working day.

### **1.2.7 Post index**

- (1) For overseas conditions of service, the *post index*, for an employee, is the post index mentioned in column 2 of Annex 1.2.A for the employee's posting locality.
- (2) The published index in column 3 of Annex 1.2.A is the index published for the posting locality by the data service provider. The published index is not used in working out overseas living allowance, because the post index used for this purpose must not be less than 100.
- (3) The post index is worked out from local prices surveyed in September each year by the data service provider. The post index may subsequently be varied as a result of:
  - (a) exchange rate movements (see clause 3.6.14); or
  - (b) special analysis of costs at the posting locality, if the Secretary agrees that the circumstances at the locality justify an earlier review.

### **1.2.8 Locality in Australia where employee ordinarily lives**

For overseas conditions of service, a *locality in Australia where an employee ordinarily lives* is, if the employee does not ordinarily live at a locality in Australia, the locality in Australia that the Secretary considers reasonable in the circumstances.

### **1.2.9 Expenses on cancellation of posting**

- (1) This clause applies if:
  - (a) an employee has received written notification of overseas duty; and
  - (b) the duty is cancelled before the employee commences the duty; and
  - (c) the cancellation did not result from the employee's personal circumstances; and
  - (d) the employee has incurred, as the direct result of the notification, expenses on goods or services; and
  - (e) the employee is not entitled to be reimbursed for those expenses from a third party; and
  - (f) the employee cannot subsequently make use of those goods or services.
- (2) Subject to subclause (3), if the expenses would have been wholly or partly reimbursed by a relevant allowance, the employee is entitled to an amount that does not exceed the amount or rate of the allowance to which the employee would otherwise have been entitled if the overseas duty had not been cancelled.
- (3) If no relevant allowance would have applied, or the expenses are more than the amount payable under subclause (2), the Secretary may approve payment to the employee of an amount for any reasonable and unavoidable expenses.
- (4) For subclause (3), the Secretary must have regard to:
  - (a) the nature of the expenses; and
  - (b) the circumstances under which the expenses were incurred; and
  - (c) the residual benefit (if any) of the goods and services purchased; and
  - (d) any other factor relevant to the expenses.

(5) In this clause:

***overseas duty*** means short-term duty or a long-term posting.

***relevant allowance*** means:

- (a) transfer allowance;
- (b) equipment allowance;
- (c) assistance with residential accommodation;
- (d) reimbursement for education costs for a child;
- (e) reimbursement for loss on sale of a vehicle.

***third party*** means the supplier of the goods or services in question, or the supplier who would normally provide a refund on cancellation of a service or a return of goods.

### **1.2.10 Evacuation**

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

### **1.2.11 Public holidays**

- (1) The Secretary may direct that employees at an overseas locality are to observe a day or part of a day as a public holiday.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the efficient operation of the Department; and
  - (b) the public holidays observed at the locality.

(3) In this clause:

***public holiday*** means a day or part of a day observed as a public holiday at an employee's locality.

### **1.2.12 Camping allowance**

If an employee performing duty overseas is entitled to camping allowance or camping outlay allowance, the rate of the allowance applicable to the employee is to be worked out using the formula:

$$A = \frac{\text{Post index}}{100}$$

where:

**A** is the relevant rate of camping allowance mentioned in Schedule 5 of the Agreement.



## Annex 1.2.A Post indexes

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

# Annex 1.2.A Post indexes – continued

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

## Part 3 Rest periods

### 1.3.1 Purpose

The purpose of this Part is to provide employees with a reasonable opportunity to recover from jet lag following a journey by air in the course of travel on duty.

### 1.3.2 Definitions

In this Part:

**rest period**, for an employee, means a period of between 12 and 24 hours in which the employee is not required to attend for duty.

**time zone hour** means a change of one hour in time zones in the course of a journey by air, as measured by Coordinated Universal Time (UTC), formerly known as Greenwich Mean Time (GMT). Time zones are set out in the map at Annex 1.3.A.

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

- (a) begins at the latest permitted airport check-in time for the scheduled time of departure from the locality where the journey originates; and
- (b) ends at the scheduled time of arrival at the locality that is the destination of the journey (or, if the journey is unavoidably delayed, at the actual time of arrival), but excluding any rest period or period of leave or stopover at a locality at which an employee is not required to perform duty.

### 1.3.3 Entitlement

- (1) The entitlement to rest periods is set out in the following table:

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

- (2) No more than two rest periods will be provided for any journey.
- (3) An employee is taken to be on duty during a rest period. If a rest period taken at the journey's destination falls outside normal working hours, it will not entitle the employee to time off duty in lieu.

#### **1.3.4 Effect of stopover on rest period**

- (1) If an employee has an unavoidable stopover during a journey on short-term duty, the employee is not entitled to a rest period unless the Secretary is satisfied that the stopover is not equivalent to the grant of a rest period to the employee.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the duration and locality of the stopover; and
  - (b) the duration of travel to and from the locality where the stopover occurs; and
  - (c) any other factor relevant to the employee's travel.

#### **1.3.5 Annual leave and rest periods**

- (1) If an employee has approval to take annual leave, either en route or on arrival at the journey's destination, the employee may be granted a rest period as if travelling by the most direct route.
- (2) An employee may take a rest period at the same locality as annual leave. The duration of the rest period is to be determined as though the employee was to continue the journey without taking leave.
- (3) Time spent on a rest period is not to be deducted from annual leave credits.

#### **1.3.6 Dependants – rest periods**

- (1) A rest period also applies to an employee's dependant who travels with the employee at Commonwealth expense:
  - (a) in connection with the beginning and end of the employee's long-term posting; or
  - (b) as spouse-accompanied travel on short-term duty.
- (2) A dependant who does not travel with the employee is not entitled to a rest period.

#### **1.3.7 Accommodation and allowances during a rest period**

For an overnight rest period, the following entitlements apply:

- (a) the Commonwealth will provide accommodation; and
- (b) the employee is entitled to travelling allowance under Part 2 of Chapter 2.

## **Annex 1.3.A    International time zones**

**[include map]**

