

# Chapter 3 Long-term postings overseas

## Part 1 General

### 3.1.1 Employee this Chapter applies to

This Chapter applies to an employee who is on a long-term posting overseas.

### 3.1.2 United States of America – long-term posting on Manhattan Island

An employee who performs duty on Manhattan Island in the United States of America is taken to be on long-term posting in New York State, unless the employee is directed to live on Manhattan Island.



## **Part 2                      Travel arrangements**

### **3.2.1      Purpose**

The purpose of travel under this Part is to transport employees and any entitled dependants to and from the place of residence at the posting locality by the most efficient and economical route.

### **3.2.2      Employee this Part applies to**

This Part applies to an employee during travel to and from a posting locality at the beginning and end of a period of posting.

### **3.2.3      Cost of transport to be paid**

- (1) The Commonwealth must pay the cost of an employee's transport to a posting locality and the cost of the employee's transport from the locality:
  - (a) on commencement of the ordinary period of posting; and
  - (b) on completion of the ordinary period of posting; and
  - (c) on evacuation of the employee; and
  - (d) on termination of the posting by the Secretary; and
  - (e) on termination of the posting by the employee, if the Secretary is satisfied that it is reasonable that the Commonwealth should pay the cost of the employee's transport.
- (2) For paragraph (1) (e), the Secretary must have regard to:
  - (a) the circumstances relating to the termination of the employee's posting at the locality; and
  - (b) the duration of the employee's service at the locality; and
  - (c) the ordinary period of posting at the locality; and
  - (d) whether the employee has continued to be an employee; and
  - (e) any other factor relevant to the employee's termination of the posting.
- (3) If the employee incurs costs for fares to or from the place of residence within the posting locality, the Secretary may approve reimbursement of the costs, if the Secretary is satisfied that the costs were reasonable.
- (4) For subclause (3), the Secretary must have regard to the availability, safety and cost effectiveness of alternative means of transport at the posting locality.

*Example*

The Secretary may consider a taxi fare from the airport to be reasonable, but not limousine hire.

### 3.2.4 Dependant travelling with the employee

- (1) If the Commonwealth pays the cost of an employee's transport, the Commonwealth is also to pay the cost of transport and related entitlements of a dependant of the employee to the same extent.
- (2) To qualify for travel at Commonwealth expense, the dependant must:
  - (a) be entitled to be removed to the posting locality at Commonwealth expense; and
  - (b) be able to spend the minimum period under subclause 1.2.4 (3) as part of the employee's household at the posting locality; and
  - (c) not be travelling to a posting that is designated as being unaccompanied.

### 3.2.5 Dependant not travelling with the employee

- (1) To qualify for travel at Commonwealth expense, the dependant must:
  - (a) be entitled to be removed to the overseas posting locality at Commonwealth expense; and
  - (b) be able to spend the minimum period under subclause 1.2.4 (3) as part of the employee's household at the posting locality; and
  - (c) not be travelling to or from the posting locality on any type of Commonwealth assisted air fare that is based on the *allowable travel cost*.
- (2) A dependant is not entitled to travel at Commonwealth expense:
  - (a) before the employee is notified in writing of the employee's long-term posting to a locality; or
  - (b) more than 12 months after the employee's travel from the locality.
- (3) Fares used to calculate the Commonwealth liability for a dependant who returns to Australia after the employee are not to exceed those applicable at the date of the employee's return travel to Australia.
- (4) The Secretary may approve an application for a dependant not to travel with the employee (on deferred travel or early return to Australia), if the Secretary is satisfied that separate travel is warranted in the special circumstances of the case.

#### *Examples of special circumstances*

- (a) the dependant is temporarily medically unfit to travel overseas at the time the employee is required to travel on posting;
  - (b) a relative of the employee suffers ill health and the dependant chooses to remain temporarily to assist the relative;
  - (c) it is desirable to delay the dependant's departure for a short period on the grounds of a child's education; or
  - (d) the short notice of movement precludes time for adequate domestic arrangements to be made before departure.
- (5) The amount paid by the Commonwealth for the travel of a dependant not travelling with the employee must not be more than:
    - (a) for a child who travels to or from the employee's posting locality unaccompanied by the employee or the employee's spouse — the *allowable travel cost* to the locality; and
    - (b) for any other dependant — the amount that would have been paid by the Commonwealth if the dependant had accompanied the employee during the travel.

- (6) Costs incurred for necessary portage charges for the dependants personal baggage may be claimed as an acceptable associated travelling expense.
- (7) Unless the Secretary is satisfied that there are compassionate grounds or other special circumstances, the employee must have served at the overseas posting locality for at least 12 months before the early return travel to Australia of a dependant at Commonwealth expense. The entitlements of a dependant returning early to Australia are the same as those for a dependant not travelling with the employee.

*Example*

An employee's marital status may change during a posting, and this could be a ground for a decision under subclause (7).

*Note:* Dependants who do not travel with the employee are not entitled to a rest period – see clause 1.3.6.

### **3.2.6 Dependant's travel costs when period of overseas duty is extended**

If the employee is serving overseas on an unaccompanied long-term posting or short-term duty, and the period is subsequently extended to enable the employee to be accompanied for the remainder of the posting, the employee may be authorised to receive:

- (a) payment of the travel costs of the dependant to the overseas posting locality by the entitled means based on the provisions relating to a dependant not travelling with the employee; or
- (b) if the dependant had already travelled at personal expense to the overseas posting locality, the reimbursement of travel costs equal to the lesser of:
  - (i) the personal costs incurred for fares, conveyance, baggage and acceptable travelling costs, if applicable, for moving the dependant to the posting locality; and
  - (ii) the cost the Commonwealth would have incurred if the dependant had travelled at Commonwealth expense by the normal means at the time the employee was authorised to be accompanied.

### **3.2.7 Dependant's forward travel was not at Commonwealth expense**

The Commonwealth will provide the fare to Australia for a dependant of the member.

*Example*

When the member returns to Australia, they may bring with them a new spouse and dependent children.

### **3.2.8 Dependent spouse is also an employee**

The travel entitlements for a person who is eligible only for the cost of living adjustment of overseas living allowance under clause 3.6.13 are the same as for a dependant under this Part.

### **3.2.9 Dependent child requiring an escort**

If an employee requires a child to travel unaccompanied and the carrier's conditions require that an adult escort accompany the child, the employee is responsible for the cost of providing the escort.

### **3.2.10 Travel by indirect route**

- (1) The fares and all other allowance entitlements for the travel are based on the route between Australia and the posting locality that the Secretary considers to be the most efficient and economical in the circumstances.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) for travel from Australia — advice from Defence Travel Services; and
  - (b) for travel to Australia — advice from the travel agent contracted by the post or, if the post has not contracted a travel agent, from Defence Travel Services.
- (3) Employees may choose in writing to travel by an indirect route, but the cost paid by the Commonwealth for travel by an indirect route is limited to the cost that would have been paid for travel under subclause (1) at the same class of air travel.
- (4) A employee may apply in writing not to use commercial air transport. However, Commonwealth assistance with the alternative means of travel is limited to the amount worked out under subclause (1). The Secretary may approve the application for travel by alternative means, if:
  - (a) Service requirements are met; and
  - (b) the employee is granted recreation leave to cover any extra time taken for the travel; and
  - (c) the employee pays the Commonwealth, before travel, any costs incurred above the cost of travel worked out under subclause (1).
- (5) First class air travel entitlements on particular routes are not be used to offset the cost to the employee when a different mode of travel is utilised. In such circumstances the Commonwealth liability is limited to business class air travel by the most direct route.
- (6) If the employee changes the mode of transport, and if part of the journey is by air, the employee will be eligible for the entitled class of air travel for that particular sector. If the travel for the remainder of the journey is by another mode of transport, the value of business class air travel applicable to the rest of the journey, taken by the most direct route, may be used as an offset against actual costs.
- (7) The Secretary may authorise a dependant to travel by alternative means under this clause. The Commonwealth liability is limited to the cost worked out under subclause (1), and the employee must pay to the Commonwealth, before the travel, any amount above that cost.

#### *Example*

Travel by sea may be allowed if time permits, and the employee meets any additional costs. In assessing those costs, the extra time taken over travel by the entitled means is not to be included when the employee has been granted leave to cover that extra travelling time.

### **3.2.11 Travelling allowance at the beginning and end of posting**

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

### **3.2.12 Baggage charges – free baggage allowance**

- (1) An employee and each dependant authorised to travel overseas at Commonwealth expense are entitled to transport up to 30 kilograms of baggage at Commonwealth expense. If the travel is through the continental United States of America, this entitlement is taken to be two suitcases.
- (2) This entitlement includes the amount of baggage that the carrier allows the employee to carry for no extra charge as part of the fare.
- (3) If the employee uses an airline which operates different baggage charge systems over different sectors of the journey, the Commonwealth liability for each sector is no more than that additional baggage entitlement defined by the application of the specified Commonwealth liability to the airline's baggage charge system. Within these limits, the employee may choose in writing to have necessary additional baggage forwarded by air using such methods as the airline's 'excess baggage', 'unaccompanied baggage' and 'specific commodity' rates.

### **3.2.13 Excess baggage**

- (1) The Secretary may authorise payment to an employee of an amount for excess baggage that the Secretary considers reasonable in the circumstances, but not more than the lesser of:
  - (a) the amount of excess baggage charges incurred by the employee; and
  - (b) the excess baggage charge that would be payable for 15 kilograms of excess baggage.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the nature and content of the baggage, including any special equipment being carried as baggage; and
  - (b) the arrangements for removal by the Commonwealth of the employee's and any dependant's possessions to the posting locality; and
  - (c) the duration and timing of the posting.
- (3) The limit mentioned in paragraph (1) (b) does not apply to an employee who is evacuated from the employee's posting locality.
- (4) For travel through the continental United States of America, the limit of 15 kilograms may be converted to one additional suitcase.
- (5) If the airline does not provide a free baggage entitlement for young children, the Secretary may authorise the employee to take up to 15 kilograms for each child at Commonwealth expense.
- (6) The excess accompanied baggage entitlement may be converted to unaccompanied baggage or air freight. If the employee chooses in writing to send baggage unaccompanied, the cost to the Commonwealth is limited to the cost if the employee had moved the full entitlement of air baggage at the accompanied rate.
- (7) If there is no unaccompanied baggage rate available, air freight rather than unaccompanied baggage may be used on the same principle.

#### *Example*

The United States of America and its territories may not have unaccompanied baggage facilities.

*Note 1:* Generally, the amount of baggage approved to be sent by air should be sufficient to enable the employee to move into furnished accommodation and avoid spending an extended period in settling-in accommodation awaiting the arrival of baggage by sea.

*Note 2:* If the employee has household items and personal effects in excess of the baggage entitlements specified in this Part, the employee may be eligible for a removal of those items or effects.

### **3.2.14 Travel by private motor vehicle**

- (1) An employee who is authorised to travel by private motor vehicle owned or hired by the employee is entitled to vehicle allowance and travelling allowance, worked out as if clause 2.2.8 applied to the employee, for the travel.
- (2) An amount payable to an employee under this clause must not be more than the amount payable by the Commonwealth for the employee's transport if the employee had not used the motor vehicle.
- (3) Costs associated with the transportation of a privately owned motor vehicle to or from the posting locality will not be met at Commonwealth expense nor used in any calculations.

### **3.2.15 Assistance with fares on resignation or termination of posting by employee**

- (1) This clause applies to an employee who, before completing the ordinary period of posting, ends a long-term posting by:
  - (a) resigning at the locality; or
  - (b) terminating the posting in circumstances to which paragraph 3.2.3 (1) (e) does not apply.
- (2) An employee is entitled to be reimbursed, for travel from the posting locality to Australia, for an amount not greater than:
  - (a) if the employee has completed three-quarters or more of the ordinary period of posting — three-quarters of the **allowable travel cost** for the travel; and
  - (b) if the employee has completed half or more, but less than three-quarters of the ordinary period of posting — half the allowable travel cost for the travel.
- (3) Nothing in this clause entitles an employee to be reimbursed an amount greater than the cost of the employee's travel.
- (4) This clause does not apply to an employee who resigns unless the employee returns to Australia within three months of resigning.
- (5) For this clause, the period of previous continuous postings of an employee who has been cross-posted without return to Australia is taken to be service at the last posting locality.

### **3.2.16 Assisted leave travel to Australia on extension of posting**

*Note:* Ordinary period of posting is defined in clause 1.2.2.

- (1) The purpose of this clause is to enable extended family contact and to allow private business arrangements to be undertaken on extension of a posting.
- (2) If the Secretary extends an employee's posting to meet organisational requirements, so that the employee's period of posting is at least 12 months longer than the ordinary period of posting, the employee is entitled to be reimbursed for the lesser of:
  - (a) the cost incurred by the employee for return air travel from the posting locality to the locality in Australia where the employee ordinarily lives; and
  - (b) the **allowable travel cost** for the travel.

*Note:* No financial assistance is to be provided under this clause to offset travel to another overseas locality, but travel may be provided to an alternate locality in Australia (see subclause 3.2.16 (9)).

- (3) Reimbursement under this clause is available only for travel by an employee in conjunction with a period of annual leave.
- (4) For an employee to whom Part 3 of Chapter 4 applies, travel to Australia under this clause is taken to be in substitution for travel to a regional leave centre.
- (5) If an employee forgoes other assisted leave travel by virtue of subclause (4), and the travel forgone includes an entitlement to be reimbursed for the cost of excess baggage, the employee is entitled to be reimbursed under this clause for the cost of up to 12 kilograms of excess baggage carried by the employee on the return flight to the posting locality.
- (6) Travel for which an employee is entitled to be reimbursed under this clause is not to include a rest period.
- (7) An accompanied employee is entitled to be reimbursed for travel under this clause for each dependant living at the overseas posting locality, if the dependant travels with the employee to and from Australia.
- (8) The following conditions apply:
  - (a) the travel is to be taken during the extended period of posting, but not within three months of the end of the posting; and
  - (b) the employee is to be granted leave for the travel. The leave is to be long enough to enable the employee to meet the purpose of the travel.
- (9) The employee is permitted to travel to an alternate locality within Australia, but Commonwealth liability is restricted to the limit of assistance in subclause (2).
- (10) Meals and accommodation expenses incurred en route to or from Australia are not payable.
- (11) Employees who qualify for travel to Australia under this clause have no entitlement to a rest period.
- (12) The employee may be reimbursed for:
  - (a) compulsory insurance costs to enable the employee to secure a discounted fare; and
  - (b) rebooking and cancellation fees incurred because the employee is not able to travel on the scheduled date for service reasons.



## Part 3 Removals

### 3.3.1 Purpose

The purpose of this Part is to provide for the various removal entitlements which an employee may be granted in relation to a long-term posting.

### 3.3.2 Employee not entitled to a removal under this Part

Employees are not eligible for a removal when:

- (a) a posting results from a voluntary exchange of posting with another employee, in the absence of any official requirement to post either employee; or
- (b) items intended for sale are removed from store.

### 3.3.3 Interpretation

- (1) In this Part:

***approved arrangements for transport***, for the removal of an employee's household goods to a posting locality, means the means of transport arranged and approved by the Secretary as the most effective and efficient use of Commonwealth resources.

***household goods*** includes personal and household effects such as those mentioned in Part 1 of Annex 3.3.A, and excludes furniture and large whitegoods such as those mentioned in Part 2 of Annex 3.3.A.

- (2) For subclause (1), the Secretary must have regard to:

- (a) the quantity and nature of the goods to be removed; and
- (b) the means of transport available to remove the goods to the locality; and
- (c) the cost of removal by available means of transport; and
- (d) the need for the goods to arrive as close as possible to the date of the employee's arrival at the locality; and
- (e) any other factor relevant to the removal.

- (3) In this Part, an employee's possessions, however described, include similar possessions of a dependant that are at the employee's residence.

*Example 1*

Air freight will normally be the most cost effective and efficient means available when transporting household goods from Australia to an overseas posting locality, bearing in mind the need for the goods to arrive as close as possible to the employee's date of arrival at the locality. Air freight would not normally be used:

- (a) for excessively large consignments;
- (b) for consignments containing oversized items which do not fit within standard air freight containers; and
- (c) in conjunction with sea freight to overcome problems of excessively large consignments or oversized items.

*Example 2*

Some factors relevant to cost comparison of freight charges include land transport costs, storage costs while in transit, demurrage, delivery costs and any saving in settling in and out allowances.

*Example 3*

Sea freight could be used to transport household goods back to Australia on completion of posting unless it can be shown that air freight is more cost effective. Sea freight is often used for removals to and from Papua New Guinea and South Pacific Islands, other than New Zealand.

### **3.3.4 Entitlement to remove goods at Commonwealth expense**

- (1) At the beginning of a long-term posting, an employee is entitled to have removed to the posting locality, under the approved arrangements for transport, the household goods of the employee that the Secretary considers reasonable.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the locality from which the employee is posted; and
  - (b) the locality to which the employee is posted and the circumstances at the locality; and
  - (c) the intended duration of the posting; and
  - (d) any prospective postings and the employee's expected future career path; and
  - (e) the number and age of any dependants of the employee; and
  - (f) any other factor relevant to the residential arrangements of the employee and any dependants at the locality.
- (3) An employee who:
  - (a) lived in Australia immediately before posting; and
  - (b) is entitled to have household goods removed to the posting locality, may choose in writing to have stored in Australia at Commonwealth expense the employee's furniture and whitegoods and that part of the employee's household goods that is not to be removed to the locality.
- (4) If an employee on long-term posting must move from one residence to another at the posting locality as a result of organisational requirements, the employee is entitled to have the employee's possessions removed to the other residence at Commonwealth expense under the approved arrangements for transport.
- (5) An employee who returns to Australia after completing the ordinary period of posting, or on termination of the posting by the Secretary, is entitled to have removed under the approved arrangements for transport the household goods of the employee that the Secretary considers reasonable.
- (6) For subclause (5), the Secretary must have regard to:
  - (a) the locality from which the employee is returning; and
  - (b) the period since the employee last lived in Australia; and
  - (c) the number and age of the employee's dependants; and
  - (d) any other factor relevant to the return to Australia of the employee and dependants.
- (7) On the completion of a posting, an employee is entitled to have removed from the posting locality in conjunction with the employee's other household goods, furniture and whitegoods not exceeding 2.25 cubic metres inclusive of packing materials, being furniture and whitegoods bought by the employee because the employee's reasonable requirements were not met by the furniture and whitegoods otherwise available to the employee in the accommodation occupied by the employee.

### **3.3.5 Insurance premiums on goods removed overseas**

If an employee's household goods are removed overseas at Commonwealth expense, the employee is entitled to be reimbursed the lesser of:

- (a) the cost of world-wide multiple risks insurance necessary to cover the value of the household goods to a value of not more than AUD 53,000, for the period beginning on the day the goods are uplifted from the employee's residence in Australia and ending on the day on which the goods are returned to the employee's residence; and
- (b) the cost of the insurance if the rate for insurance were AUD 2 per AUD 100 insured.

### **3.3.6 Compensation for possessions in storage**

An employee whose possessions are stored at Commonwealth expense is entitled to compensation for any loss or damage arising from the storage and the removal to and from storage, but not more than the difference between AUD 68,000 and the value of any household goods for which the employee was reimbursed for the insurance premium under clause 3.3.5.

### **3.3.7 Separate removal of employee and dependant**

- (1) If:
  - (a) the household goods of an employee and those of the employee's dependant are removed from a posting locality at different times; and
  - (b) the amount that the Commonwealth incurs for the removals is greater than the amount that the Commonwealth would have incurred if all the household goods were removed with the employee,the employee must pay the extra amount to the Commonwealth.
- (2) The Secretary may waive the requirement for the employee to pay the Commonwealth the extra amount under subclause (1) if the Secretary is satisfied that it is reasonable in the circumstances to effect the removals at different times.
- (3) If approval is granted under subclause (2) and the employee already has possessions in storage at Commonwealth expense when a removal entitlement occurs, storage charges may continue until the Secretary is satisfied that the employee has had reasonable opportunity to effect the deferred removal of the dependants.

### **3.3.8 Assistance with removal on resignation or termination of posting by employee**

An employee to whom clause 3.2.15 applies and who returns to Australia within three months of finishing duty at the posting locality is entitled to the same proportion of the cost of removal as the proportion of the employee's *allowable travel cost* that is reimbursed under that clause.

### **3.3.9 Removal for dependants of unaccompanied employee**

- (1) An employee posted overseas is entitled to a removal for dependants living in Australia to another locality in Australia if:
  - (a) the employee will be an unaccompanied employee overseas, including by the employee's choice, for a posting of at least six months' duration; and
  - (b) the Secretary considers that:
    - (i) there are no family members available to provide support for dependant children in the employee's absence from the locality; or
    - (ii) the locality of the home is too remote to provide social and educational facilities for dependant children; or
    - (iii) the dependant has a medical condition that requires them to move to another locality; or
    - (iv) the circumstances of the dependants would otherwise meet a special circumstance described in subclause (4).
- (2) The Secretary may approve the removal at Commonwealth expense to any destination in Australia having regard to:
  - (a) whether the reason for which the removal was granted can be addressed at the locality; and
  - (b) the locality of the employee's next posting; and
  - (c) whether it is anticipated that the employee will complete their service within 12 months of returning to Australia.
- (3) A employee who is granted a removal at Commonwealth expense may instead be reimbursed for private removal arrangements, if the Secretary approves those arrangements before the removal takes place.
- (4) The special circumstances for subparagraph (1) (a) (iv) are:
  - (a) the safety or welfare of the member or dependants would be at high risk if they remained in their accommodation; or
  - (b) there is a change in family circumstances that requires urgent action; or
  - (c) the removal is necessary to prevent an emergency arising.

#### *Examples*

A member may be in imminent danger because of involvement as a witness to a serious criminal offence.

A member or dependant needs to be removed to a place of safety.

A dependant has died violently at the accommodation.

### **3.3.10 Loss incurred if employee chooses to dispose of furniture etc**

- (1) An employee who chooses in writing to dispose of furniture and other household possessions instead of removing them to the posting locality or storing them in Australia is entitled to be reimbursed an amount equal to any loss sustained as a result of the disposal.
- (2) The amount payable to an employee under subclause (1) must not be more than the amount that the Commonwealth would have paid for the removal and storage of the possessions if the employee had not chosen to dispose of them.

### **3.3.11 Storage during evacuation**

If an employee is evacuated from the employee's posting locality, the employee is entitled to have the following stored at Commonwealth expense during the period of evacuation:

- (a) household goods to which subclause 3.3.4 (4) or (5) would apply, but not more than the value of goods on which the employee is entitled to be reimbursed for insurance under clause 3.3.5; and
- (b) a motor vehicle owned by the employee or a dependant.

### **3.3.12 Loss on sale of motor vehicle**

- (1) An employee posted overseas may choose in writing to sell or store a motor vehicle and claim associated entitlements under this clause.

*Note:* If the employee chooses to store the vehicle, see clause 3.3.13.

- (2) The provisions for loss on sale apply only to one motor vehicle per posting, and do not apply to any towable items (including caravans and trailers).
- (3) An employee is entitled to be reimbursed the amount of a loss necessarily incurred on the sale of a motor vehicle owned by the employee if:
  - (a) the employee sells the vehicle in Australia because the employee is to undertake a long-term posting; and
  - (b) the employee bought the vehicle before the employee was notified in writing of the posting; and
  - (c) the employee has not imported into Australia a vehicle that the employee bought in another country within the preceding seven years without incurring the full amount of taxes and duties that would ordinarily be payable in that country on such a vehicle; and
  - (d) the price that the employee obtained for the vehicle is less than the market price for a vehicle of the same model and age and in a similar condition.
- (4) Under subclause (3) an employee is not entitled to be reimbursed more than AUD 1,400, and is not entitled to be reimbursed unless the Secretary is satisfied that the employee made reasonable efforts to dispose of the vehicle without incurring a loss.
- (5) For subclause (4), the Secretary must have regard to:
  - (a) when and how widely the employee advertised the vehicle for sale; and
  - (b) the manner in which the employee sought to dispose of the vehicle; and
  - (c) the nature and extent of offers made for the vehicle; and
  - (d) particulars of the sale effected by the employee; and
  - (e) any other relevant aspect of the sale.
- (6) If an employee is informed that a long-term posting is likely and subsequently buys a motor vehicle less than a year before the employee departs from Australia on posting, the maximum amount of reimbursement under subclause (3) is AUD 700.

### **3.3.13 Storage as an alternative to sale**

- (1) An employee who is entitled to reimbursement for loss on sale of a vehicle may choose in writing to store the vehicle instead, if the vehicle:
  - (a) was owned by the employee on the date of notification of the posting; and
  - (b) is stored in a commercial storage area.

*Non-example*

Private storage with relatives or friends would not be a commercial storage area for paragraph (b).

- (2) The employee may be reimbursed for storage costs up to a maximum of AUD 1,400, including:
  - (a) maintenance costs that are included in the storage costs; and
  - (b) cost of insurance for the vehicle while in storage, if the storage costs and the premium cannot be separately identified.
- (3) The employee must meet the cost of:
  - (a) transporting the vehicle from the posting locality in Australia to or from the commercial storage facility; and
  - (b) preparing the vehicle for storage.

### **3.3.14 Removal of vehicle on return to Australia**

- (1) If an employee retains ownership of a vehicle during the period of posting overseas, the employee may be granted a removal of the vehicle on return to Australia.
- (2) The maximum amount that may be reimbursed is the cost of removal from the employee's last posting locality in Australia to the new posting locality in Australia.
- (3) The employee must meet all other transportation costs relating to the vehicle, including travelling expenses, from any other storage locality.
- (4) The removal of the vehicle on return to Australia is to be carried out under the normal within-Australia provisions.

### **3.3.15 Transfer allowance**

- (1) The purpose of transfer allowance is to compensate for miscellaneous costs associated with overseas removals.
- (2) An employee who is entitled to a removal under clause 3.3.4 is entitled to transfer allowance of:
  - (a) if the employee's removal is from a locality in Australia to a locality overseas:
    - (i) for an employee with a spouse who is removed at Commonwealth expense to the locality — AUD 1,498 plus AUD 294 for each dependant, other than the spouse, who removes to the locality; and
    - (ii) for any other employee — AUD 775 plus AUD 294 for each dependant who removes to the locality; and
  - (b) if the employee's removal is from one locality overseas to another locality overseas:
    - (i) for an employee with a spouse who is removed at Commonwealth expense to the locality — AUD 730 plus AUD 229 for each dependant, other than the spouse, who removes to the locality; and
    - (ii) for any other employee — AUD 407 plus AUD 229 for each dependant who removes to the locality; and

- (c) if the employee's removal is from the employee's residence to another residence at a locality overseas — AUD 152 plus an amount equal to the costs incurred by the employee for telephone disconnection and reconnection; and
  - (d) if the employee's removal is from a locality overseas to a locality in Australia:
    - (i) for an employee with a spouse who is removed at Commonwealth expense to the locality — AUD 322 plus AUD 133 for each dependant, other than the spouse, who removes to the locality; and
    - (ii) for any other employee — AUD 179 plus AUD 133 for each dependant who removes to the locality.
- (3) An entitled employee may be paid transfer allowance within two months of the scheduled date of departure.

### **3.3.16 Transfer allowance – return to Australia between long-term postings**

- (1) In this clause:  
*full removal* means a removal of all household goods from the overseas posting locality to Australia and the delivery from storage of household goods to the employee's residence in Australia.
- (2) An employee is entitled to transfer allowance under paragraph 3.3.15 (2) (b) if the employee:
- (a) is posted from one locality overseas to another locality overseas; and
  - (b) is required to return to Australia for an interim period but does not effect a full removal from the overseas posting locality to Australia.

### **3.3.17 Dual entitlement**

- (1) If both an employee and the employee's spouse would, but for this clause, have a relevant entitlement under this Part or under another Act for the same locality and period, and the employee is entitled only to cost of living adjustment under clause 3.6.13, the entitlement is not to be provided to that employee.
- (2) In this clause:  
*relevant entitlement* means:
- (a) a removal;
  - (b) reimbursement for the cost of insurance on goods removed overseas;
  - (c) compensation for possessions in storage;
  - (d) reimbursement for loss on sale of furniture and effects;
  - (e) reimbursement for loss on sale of a vehicle;
  - (f) transfer allowance.

### 3.3.18 Assistance with expenses for overseas pet relocation

(1) In this clause:

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

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

but excludes:

- (c) any expenses incurred by the employee for the purchase of equipment or other items used in the transportation or boarding of pets; or
  - (d) the transportation and boarding of any animal that the employee or dependant owns primarily for economic or business purposes.
- (2) This clause applies to an employee who chooses in writing to remove a pet to or from a posting locality overseas.
- (3) However, this clause does not apply to an employee who chooses in writing to be reimbursed for transportation of any pet within Australia in connection with the long-term posting. These employees are entitled to be reimbursed under section F2 (Relocation assistance) of the Agreement.
- (4) The employee is entitled to be reimbursed up to AUD 652 for the transportation of all pets removed to or from the posting locality.

*Example*

Three pets are removed to the posting locality and the employee is reimbursed AUD 652. At the end of the posting, two pets are returned to Australia and the employee is again reimbursed AUD 652. The total reimbursement is a maximum of AUD 1,304 for all pets.

## Annex 3.3.A Household goods

### Part 1 Acceptable for overseas removal at Commonwealth expense

Removal by air freight	Removal by sea freight	Removal by sea freight (in special circumstances)
Small consignment of personal effects and household goods (not including furniture or whitegoods).	Larger consignments of personal effects and household goods not considered reasonable to be sent air freight.	Larger items of furniture or household goods that are required for medical reasons and supported by medical certificate (for example waterbeds, ergonomic desk, chair). These items will only be removed if they are not readily available at the posting locality.
Microwave oven.	Non-perishable foodstuffs and cleaning agents, depending on the availability of the items in country of posting.	On return to Australia, up to 2.25 cubic metres of furniture and household goods. Some of these items may have been obtained at the posting locality for reasons approved by the post.
Small recreation items such as tennis racquets, bats, deflatable balls.		
Bicycles (non-motorised).		
Portable stereos, organs and cabinets (dismantled for travel).		Small furniture items that can be dismantled and packed flat to a reasonable size. For example, collapsible stereo cabinet.
Portable BBQ (not including gas bottles).		
Personal computers (consisting of system unit, keyboard, VDU, up to two small printers and associated drives, plugs, cables and power supply but not including associated furniture such as stands).		Recreational equipment that is provided for in standards but is not available at the posting locality. For example, camping equipment, windsurfers, surf skis, canoes, kayaks, trampolines, folding table, tennis tables, weights or exercise equipment, if the item is under two metres long.
Children's toys.		
Baby items such as bassinets and prams.		Large quantities of books or other very heavy items.

## **Part 2      Not acceptable for overseas removal at Commonwealth expense**

Any consignment containing dangerous goods of an explosive, flammable, combustible or corrosive nature.

Any item that exceeds or contravenes Customs regulations (in Australia or the host country).

Items such as beds, whitegoods, wardrobes, lounge suites, book cases etc, unless there are special circumstances that require items of furniture to be removed overseas.

Televisions, stereos, piano and organs that are not portable. (*Note:* The general definition of portable is something that can be carried by one person).

Vehicles of any kind, including caravans, hobby vehicles, motor cars, trucks, motorcycles, scooters, go-carts.

Water recreational equipment including boats, yachts, jet skis, outboard motors. (*Note:* See Annex 3.3.A for details regarding sea freight of certain water items, such as surfboards and canoes, in special circumstances).

Aircraft of any sort, including hang gliders and gyrocopters.

Household furnishings and appliances such as carpets, mats, rugs, blinds and awnings, bean bags, mops, brooms, linen baskets.

Air conditioners (*Note:* In certain overseas localities in Papua New Guinea, not including Port Moresby, approval may be granted for personal air conditioners to be moved at Commonwealth expense).

Ride-on lawn mowers, garbage bins, pot plants, wheelbarrows, stepladders, garden furniture, sheds, greenhouses, cubby houses, large or heavy barbecue equipment including gas bottles.

Perishable foods of any kind, including packaged or frozen food.

Swimming pools (but not excluding an infant's collapsible wading pool), movable spas.

## Part 4 Settling in and settling out – meal costs

### 3.4.1 Purpose

- (1) The purpose of this Part is to cover the additional costs incurred for meals when an employee and dependants are obliged to live temporarily in hotel-type accommodation during transit to or from a long-term posting to an overseas locality. This includes motels, serviced apartments and other similar accommodation.

*Note 1:* Costs for meals might include compulsory service charges and taxes in the total cost.

*Note 2:* During a period of settling in and settling out, an employee will continue to be entitled to overseas living allowance and be required to make a rent and utilities contribution.

### 3.4.2 Period of eligibility – settling in

- (1) In this Part, the *settling in period*, for an employee, is the period beginning on the first day of the employee's period of posting and ending on the earlier of:
  - (a) the day on which suitable accommodation becomes available at the posting locality; and
  - (b) the day six weeks after the day on which the employee's period of posting begins.
- (2) If an employee has been unable to obtain suitable accommodation within the settling in period that would, but for this subclause, have applied, and the Secretary is satisfied that the employee should be allowed more time to obtain suitable accommodation, the Secretary may extend the settling in period to a day that the Secretary considers reasonable in the circumstances.
- (3) For subclause (2), the Secretary must have regard to:
  - (a) the availability of suitable accommodation; and
  - (b) the action taken by the employee to obtain suitable accommodation; and
  - (c) the efficient operation of the Department; and
  - (d) the costs associated with extension of the period of settling in; and
  - (e) any special circumstances relating to the employee and the employee's dependants (if any); and
  - (f) the reasonable accommodation needs of the employee; and
  - (g) any other factor relevant to the provision of suitable accommodation to the employee.

*Note:* The settling-in period of eligibility will as short as possible and may be less than the maximum period specified.

### 3.4.3 Termination of settling-in allowance

If an employee refuses or rejects suitable accommodation at the posting locality, the entitlement to meals supplement ceases.

**3.4.4 Period of eligibility – settling out**

- (1) In this Part, the *settling out period*, for an employee, is the period beginning on the day on which suitable accommodation becomes unavailable at the posting locality because of the completion of the employee’s posting and ending on the day on which the employee’s period of posting ends.
- (2) The settling out period is not to be longer than two weeks, unless the Secretary is satisfied that the approved arrangements and other circumstances relating to the employee’s removal from the locality make it impractical to reduce the period during which the employee occupies temporary accommodation.

*Note:* The settling-out period of eligibility will as short as possible and may be less than the maximum period specified.

**3.4.5 Amount of meals supplement**

- (1) If an employee and the employee’s dependants (if any) are authorised to live in a hotel during a settling in period or a settling out period at a locality, the employee is entitled, for each complete day during the period, to meals supplement equal to:
  - (a) for the employee and each dependant who is 12 or more years old — two-thirds of the amount for meals mentioned for the locality in whichever of Part 1 or 2 of Annex 2.2.A applies to the employee; and
  - (b) for each dependant who is less than 12 years old — two-thirds of the amount mentioned for the employee in paragraph (a).
- (2) If the accommodation tariff includes the cost of a meal, the amount of meals supplement under subclause (1) is to be reduced by:
  - (a) for breakfast — 30 per cent; and
  - (b) for lunch — 30 per cent; and
  - (c) for dinner — 40 per cent.

**3.4.6 Amount of meals supplement for part of a day**

The amounts of meals supplement payable for the first and last days of a period of settling in or settling out are worked out by multiplying the amounts calculated under clause 3.4.5 by the applicable percentages in the following table.

<b>Column 1</b> <b>Time of arrival or departure (local time)</b>	<b>Column 2</b> <b>Rate for day of arrival (%)</b>	<b>Column 3</b> <b>Rate for day of departure (%)</b>
Before 0700 hours	100	Nil
0700 – 1300 hours	75	25
1301 – 1900 hours	50	50
After 1900 hours	Nil	100

*Examples*

An employee who arrives before 0700 hours is entitled to 100 per cent of the full amount for that day.

An employee who arrives between 0700 and 1300 hours is entitled to 75 per cent of the full amount for that day.

### **3.4.7 Meals supplement not payable in certain circumstances**

- (1) An employee is not entitled to meals supplement:
  - (a) if meals are provided to the employee or a dependant, or are otherwise paid for, by the Commonwealth; or
  - (b) during a period of annual leave taken by the employee and the weekends and public holidays contiguous with the leave; or
  - (c) while the employee occupies accommodation with facilities and utensils sufficient to allow the employee to prepare a cooked meal.
- (2) If an employee is entitled to travelling allowance during a period of settling in or settling out, the employee is not entitled to meals supplement for him or herself. However, the employee remains entitled to meals supplement for a dependant who is staying with the employee.

### **3.4.8 Dual entitlement**

If both an employee and the employee's spouse would, but for this clause, be entitled to meals supplement under this Part or under another Act for the same locality and period, and the employee is entitled only to cost of living adjustment under clause 3.6.13, the employee is not entitled to meals supplement.

### **3.4.9 Reversion to settling in**

- (1) If, during an employee's posting, an employee's accommodation becomes unavailable or unfit for occupation, the employee is entitled to meals supplement as if the employee began a period of posting at the locality on the day on which the accommodation becomes unavailable or unfit.
- (2) The period of eligibility under this clause is not to be longer than two weeks, unless the Secretary is satisfied that the approved arrangements and other circumstances relating to the employee's accommodation make it impractical to reduce the period during which the employee occupies temporary accommodation.

*Note:* The period of eligibility will as short as possible and may be less than the maximum period specified.

### **3.4.10 Accommodation and meal costs during evacuation**

- (1) If an employee or dependant is evacuated from the employee's posting locality, the employee is entitled, during the period of evacuation:
  - (a) to have the cost of the employee's or dependant's accommodation at the locality to which the employee or dependant is evacuated paid by the Commonwealth; and
  - (b) to be paid meals supplement as if the employee or dependant were settling in at the locality to which the employee or dependant is evacuated, and were occupying accommodation without facilities and utensils sufficient to allow the employee or dependant to prepare a cooked meal.
- (2) If an employee or dependant is evacuated to Australia, the daily amount of meals supplement mentioned in paragraph 3.4.5 (1) (a) is taken to be two-thirds of the sum of the daily amounts that would be payable for meals if the employee were temporarily performing duty in Canberra for less than 21 days.

### **3.4.11 Purchase of apparel etc during evacuation**

- (1) If an employee or dependant is evacuated from the employee's posting locality and the Secretary is satisfied that it is essential for the employee or dependant to buy apparel or other personal items in order to live at the locality to which the employee or dependant is evacuated, the employee is entitled to be reimbursed for the cost necessarily incurred by the employee for apparel and other personal items.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the circumstances of the evacuation of the employee or dependant; and
  - (b) the localities involved in the evacuation; and
  - (c) the expected duration of the evacuation; and
  - (d) any other factor relevant to the evacuation.

## Part 5 Residential accommodation

### Division 1 General

#### 3.5.1 Purpose

The purpose of this Division is to provide employees on long-term posting overseas with assistance with their accommodation requirements and related utilities costs, subject to a contribution based on salary. The aim is to ensure provision of suitable, adequately furnished housing based on family needs and located within a reasonable distance of the place of duty.

*Note:* Defence only provides Commonwealth-owned or -leased accommodation for a small number of senior personnel at major posts. Employees are generally responsible for arranging their own accommodation on the local rental market. Overseas accommodation standards may differ from the accommodation standards applicable to employees within Australia.

#### 3.5.2 Employee this Part applies to

- (1) This Part applies only to an employee who is entitled to overseas living allowance.
- (2) Employees must make a specified rent and utilities contribution for this assistance under clause 3.5.10.

#### 3.5.3 Definitions

- (1) In this Part:  
*utilities* means:
  - (a) water services, including special arrangements for provision of drinking water for an employee if the Secretary is satisfied that the water available at the employee's residence is not fit for consumption by the employee; and
  - (b) gas and electricity services; and
  - (c) other fuel for ordinary household purposes; and
  - (d) garbage services; and
  - (e) sewerage.
- (2) For paragraph (1) (a), the Secretary must have regard to:
  - (a) the standards for Australian drinking water quality established by the National Health and Medical Research Council; and
  - (b) the quality of the water ordinarily available at the employee's residence.

## **Division 2**

## **Rent and utilities contribution**

### **3.5.4 Provision of residential accommodation**

The Commonwealth must arrange to make available to an employee who is on long-term posting a furnished house or other dwelling, in reasonable proximity to the employee's headquarters, that is suitable as a residence for the employee and any dependant of the employee, having regard to:

- (a) the status and duties of the employee; and
- (b) the composition of the employee's family; and
- (c) the conditions at the employee's posting locality.

*Note:* The Head of Post is normally responsible for allocating available accommodation.

### **3.5.5 Utilities**

- (1) If an employee on a long-term posting overseas lives in accommodation provided by the Commonwealth and incurs costs for utilities, the employee is entitled to be reimbursed for the costs.

*Note:* Accommodation includes approved privately leased accommodation, and accommodation provided by the host government for exchange personnel.

- (2) If an employee fails to exercise due care and economy in the use of utilities and as a result additional costs are incurred for utilities, the amount that the employee is entitled to be reimbursed under subclause (1) must be reduced by an amount equal to the amount of additional costs for utilities that the Secretary considers is attributable to the employee failing to exercise due care and economy in the use of utilities.
- (3) For subclause (2), the Secretary must have regard to:
  - (a) the composition of the employee's family; and
  - (b) the condition and nature of the residence occupied by the employee; and
  - (c) climatic conditions at the posting locality; and
  - (d) the level of consumption of utilities by the employee; and
  - (e) any special circumstances affecting the employee that may cause a high level of use of utilities.
- (4) An employee is not entitled to be reimbursed for costs incurred by the employee for swimming-pool heating.

### **3.5.6 Leases on behalf of the Commonwealth**

- (1) If an employee has been directed to seek residential accommodation that is suitable for leasing on behalf of the Commonwealth, the employee is entitled to be reimbursed costs incurred by the employee in searching for, securing and retaining the accommodation.

- (2) An employee is not entitled to incur the costs mentioned in subclause (1) unless authorised to do so by the Secretary.

*Note:* A lease on behalf of the Commonwealth is not signed by a private individual such as the employee. This type of lease is signed by a person acting for the Commonwealth.

- (3) An employee is not permitted to make private rental payments to supplement the rental payable under a lease made on behalf of the Commonwealth.

### 3.5.7 Privately leased accommodation

- (1) If Commonwealth-owned or -leased accommodation is unavailable in the posting locality, the Secretary may authorise an employee to seek suitable privately leased accommodation.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the employee's posting locality; and
  - (b) the standard of the accommodation; and
  - (c) the location of the accommodation; and
  - (d) whether the standard and location of the accommodation are appropriate to the employee's classification and family needs.

#### *Example*

Private rental is mostly used in the United Kingdom, the United States of America and Canada.

- (3) The Commonwealth will not be involved in the lease arrangement.

*Note:* Private lease documents should not refer to the Commonwealth or to the employee in their official capacity.
- (4) The employee may be reimbursed for the cost of the privately leased accommodation, up to a maximum of the amount of rental, less a rent and utilities contribution worked out under clause 3.5.10.

### 3.5.8 Costs incurred under terms of occupancy

An employee who is required to pay property taxes or make other payments because of the agreement entered into by the Commonwealth for a residence occupied by the employee is entitled to be reimbursed an amount equal to the amount expended by the employee.

### 3.5.9 Rent group

- (1) An employee's rent group is that group having the relevant salary band within which the employee's salary falls.
- (2) For this clause, an employee's salary includes:
  - (a) additional responsibility pay or additional responsibility allowance, if the Secretary certifies that the employee will receive the allowance for a continuous period that is expected to be at least three months; and
  - (b) shift penalties, if:
    - (i) the employee is ordinarily required to perform duty under a shift roster; and
    - (ii) the Secretary certifies that it is intended that the employee's performance of duty under the shift roster is to continue for at least 12 months; and
    - (iii) the penalty payments to the employee, if received for 12 months, would qualify as salary for superannuation purposes.
- (3) In this clause, the **relevant salary band**, for a rent group, is:
  - (a) for rent group 1 — the range below the lower limit of the relevant salary band of rent group 2; and
  - (b) for rent groups 2 to 11 inclusive — the range from the rate at which salary is payable from time to time to an employee who is entitled to salary at the point in the scale of rates of salary mentioned in Annex 3.5.A opposite the rent group to, but not including, the lower limit of the relevant salary band for the next higher rent group; and

- (c) for rent group 12 — the range from the average of the lower limit of the relevant salary band of group 11 and group 13 to, but not including, the lower limit of the relevant salary band for group 13; and
- (d) for rent groups 13, 14 and 16 — the range from the rate at which salary is payable from time to time to an employee who is entitled to salary at the point in the scale of rates of salary mentioned in the Annex opposite the rent group to, but not including, the lower limit of the relevant salary band for the next higher rent group; and
- (e) for rent group 15 — the range from the average of the lower limit of the relevant salary band of group 14 and group 16 to, but not including, the lower limit of the relevant salary band for group 16; and
- (f) for rent group 17 — the range from the average of the lower limit of the relevant salary band of group 16 and group 18 to, but not including, the lower limit of the relevant salary band for group 18; and
- (g) for rent group 18 — the range commencing from and extending above the rate at which salary is payable from time to time to an employee who is entitled to the maximum rate of salary payable to an employee having the classification mentioned in the Annex opposite group 18.

### **3.5.10 Rent and utilities contribution**

- (1) An employee who lives in accommodation provided or arranged by the Commonwealth without charge to the employee must pay a contribution to the Commonwealth for rent and utilities at the weekly rate specified in:
  - (a) for an unaccompanied employee — column 2 of Annex 3.5.B opposite the employee's rent group; and
  - (b) for an accompanied employee — column 4 of the Annex opposite the employee's rent group.

*Example*

This accommodation could include hotels, privately leased residences, service residences or dedicated government-owned or arranged housing which is provided at no cost to the employee.

- (2) If the employee's posting locality has a hardship post grade, the employee's contribution under subclause (1) is to be reduced by AUD 10 a week.

### **3.5.11 Dual liability**

If both an employee and the employee's spouse would, but for this clause, be required to pay a rent and utilities contribution under this Determination or another Act for the same locality and period, and the employee is entitled only to cost of living adjustment under clause 3.6.13, the employee is not required to pay a rent and utilities contribution.

### **3.5.12 Employee not required to pay rent and utilities contribution**

- (1) An employee is not required to pay a rent and utilities contribution if:
  - (a) the employee's spouse ordinarily lives with the employee; and
  - (b) the employee's spouse does not accompany the employee to the employee's posting locality at Commonwealth expense.

*Example*

This would cover those situations where the period of posting is for less than 12 months or the posting locality is deemed unsafe for dependants and the employee is not granted an overseas removal for dependants.

- (2) An employee is not required to pay a rent and utilities contribution while the employee's spouse is absent from the employee's posting locality for a period not longer than:
  - (a) 13 weeks, if the Secretary is satisfied that the spouse is absent because the spouse has delayed departure for the posting locality to allow the employee's child to complete the academic term or year at the school that the child attended immediately before the posting; and
  - (b) nine weeks from the day on which the employee became an unaccompanied employee, if the Secretary is satisfied that the spouse is absent because the spouse:
    - (i) has made an early departure to allow the employee's child to begin school at a new locality at the beginning of an academic term or year; or
    - (ii) is visiting another locality for compassionate reasons and is eligible for reimbursement of fares for travel to the locality; or
    - (iii) is supervising the enrolment of the employee's child at a boarding school in Australia and is eligible for reimbursement of fares for travel to Australia; or
    - (iv) is obtaining medical treatment at another locality and is eligible for reimbursement of fares for travel to the locality; or
    - (v) is escorting an employee or a dependent requiring medical treatment at another locality and is eligible for reimbursement of fares for travel to the locality.
- (3) A rent and utilities contribution is not payable following the death of the employee – see paragraph 3.13.2 (2) (a).

## **Division 3**

## **Remission of contributions**

### **3.5.13 Remission of rent contribution – maintenance of household in Australia**

- (1) An employee who is on long-term posting and who, because of the posting, establishes and maintains a household in Australia for a dependant, is entitled to a remission of as much of the employee's contribution for rent, mentioned in whichever of column 3 or column 5 of Annex 3.5.B applies to the employee, as the Secretary considers reasonable in the circumstances.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the costs incurred by the employee; and
  - (b) the circumstances relating to the employee establishing the household; and
  - (c) the locality at which the dependant lives before and after the beginning of the employee's posting; and
  - (d) the age and welfare of the dependant; and
  - (e) the financial circumstances of the employee and the dependant; and
  - (f) any other factor relevant to the establishment and maintenance of the household.
- (3) An employee is not entitled to a remission of rent contribution under this clause for a child for whom the employee is entitled to assistance with school boarding costs under clause 3.8.18.
- (4) An employee is not excluded from an entitlement for a dependant under this clause only because the dependant does not comply with paragraph 1.2.4 (3) (b).

### **3.5.14 Remission of rent and utilities contribution for substandard accommodation**

- (1) The Secretary may remit in whole or in part the rent and utilities contribution that an employee is liable to pay for a residence at a particular locality.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the size, configuration, condition and surroundings of the residence; and
  - (b) the nature and quality of the utilities supplied to the residence; and
  - (c) whether the hardship allowance grading for the posting locality takes deficiencies in the accommodation into account.
- (3) This clause does not apply to privately rented accommodation.

#### *Example*

An employee would not be able to seek a remission of contributions if they select and occupy their own rented accommodation in the local community, Defence will assist with the costs, but in doing so it will normally be assumed that the accommodation is of a suitable standard. This clause will therefore not generally be available for consideration of remissions in the rent and utilities contribution where employees have reasonable control over their own choice of housing.

*Note:* Remissions of this nature are a short-term solution and not an alternative to the correct solution, which is to allow employees to secure suitable accommodation on the local rental market.

### **3.5.15 Remission of rent and utilities contribution during short-term hardship**

- (1) If the Commonwealth is unable to provide an employee with accommodation and utilities of the quality ordinarily made available to employees at a locality because of war, civil disorder, natural disaster or other similar event, the Secretary may remit as much of the rent and utilities contribution payable by the employee as is commensurate with the reduction in the quality of the employee's accommodation and utilities caused by the event.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the quality of accommodation and utilities ordinarily made available to employees at the locality; and
  - (b) the nature and extent of any deficiency in the accommodation and utilities made available to the employee; and
  - (c) the extent to which the deficiencies arise from the event and the expected timing of repairs to remedy the deficiencies.

### **3.5.16 Rent and utilities contribution during evacuation**

If an employee or dependant is evacuated from the posting locality, the employee must pay a rent and utilities contribution for the period of evacuation as if the employee or the employee's dependant, as the case may be, had not been evacuated from the posting locality.

#### *NOTE: DISPUTE RESOLUTION*

Any disputes about matters arising under this Part may be referred to the Head of Post for consideration and resolution if possible.

The Head of Post may refer the matter to the Overseas Administration Cell, Canberra.

This dispute resolution framework is informal only, and does not prevent an employee using the review mechanism available under section 33 of the Act.



## Annex 3.5.A Rent group overseas

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Column 1	Column 2
Rent group	Limit of relevant salary band
1	
2	The 30 <sup>th</sup> percentile point in the salary range applicable to APS 1
3	The 25 <sup>th</sup> percentile point in the salary range applicable to APS 2
4	Minimum rate of APS 3
5	Minimum rate of APS 4
6	Minimum rate of APS 5
7	Minimum rate of APS 6
8	The 70 <sup>th</sup> percentile point in the salary range applicable to APS 6
9	Minimum rate of Executive Level 1
10	Minimum rate of Executive Level 2
11	The 30 <sup>th</sup> percentile point in the salary range applicable to Executive Level 2
12	
13	Minimum rate of SES Band 1
14	Maximum rate of SES Band 1
15	
16	Maximum rate of SES Band 2
17	
18	SES Band 3

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## Annex 3.5.B Rent and utilities contribution

Column 1	Column 2	Column 3	Column 4	Column 5
Rent group	Unaccompanied employee		Accompanied employee	
	Total contribution AUD	Rent component AUD	Total contribution AUD	Rent component AUD
1	12.00	3.00	43.00	30.00
2	13.00	4.00	45.00	32.00
3	19.00	10.00	54.00	40.00
4	25.00	16.00	62.00	48.00
5	31.00	21.00	72.00	57.00
6	39.00	29.00	84.00	69.00
7	44.00	34.00	91.00	75.00
8	51.00	40.00	102.00	86.00
9	59.00	48.00	114.00	97.00
10	69.00	58.00	129.00	112.00
11	75.00	63.00	137.00	120.00
12	79.00	67.00	144.00	127.00
13	85.00	73.00	152.00	134.00
14	105.00	92.00	183.00	164.00
15	119.00	106.00	204.00	185.00
16	133.00	120.00	225.00	205.00
17	149.00	135.00	249.00	228.00
18	165.00	151.00	272.00	250.00

*Note:* The rent contribution within the total for each rent group has been shown in the Annex for information purposes only. It is the total contribution rate that is deducted on a fortnightly basis from salary. The difference between the rent and total contributions is the amount for utilities.

## Part 6 Overseas living allowance

### Division 1 General

#### 3.6.1 Purpose

- (1) The purpose of this Part is not to increase employee's remuneration, but to assist in maintaining a comparable standard of living to that which the individual would have experienced on the same level of disposable income in Australia.
- (2) Although overseas living allowance is based on notional rather than actual expenditure, the purpose of the allowance is to:
  - (a) maintain the purchasing power of disposable income (and relative standard of living), while taking into account the existing economic conditions in Australia and the overseas country; and
  - (b) provide compensation for those intangible and unquantifiable living costs generally associated with long-term postings overseas; and
  - (c) reimburse specific excess costs, such as communications, holidays, vehicle depreciation and extreme winter clothing, which are considered necessary at the posting locality.

*Note:* As a consequence of the methodology of overseas living allowance, the total amount of the allowance will be subject to variation. These variations will be both upwards and downwards during a normal period of posting in reaction to the annual September price reviews, currency exchange rate fluctuations, variations to an individual's salary or changes in family circumstances. These changes may be substantial in monetary terms with limited, if any, warning.

Because of this volatility, current rates of overseas living allowance for use in individual calculations of entitlement should be accessed electronically from the sources listed in Part 1 of Chapter 1.

#### 3.6.2 Posting locality

The posting locality that is used to obtain the factors required to calculate overseas living allowance is taken to be the locality of the overseas post where the employee is serving on long-term posting.

#### 3.6.3 Definition

In this Part:

*rate* means rate a year.

#### 3.6.4 Additional responsibility pay or additional responsibility allowance to be excluded from disposable income in certain circumstances

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

## **Division 2 Overseas living allowance**

### **3.6.5 Entitlement to overseas living allowance**

- (1) An employee is entitled to overseas living allowance for the period of posting at the rate mentioned in clause 3.6.6.
- (2) An employee is not entitled to overseas living allowance while the employee:
  - (a) is not entitled to salary; or
  - (b) is absent from the posting locality, except as provided in clause 3.6.15, 3.6.16, 3.6.18 or 3.6.19; or
  - (c) is on long service leave.
- (3) Overseas living allowance is not payable to an employee who is receiving a scholarship, bursary or endowment for studying overseas from an organisation other than the Commonwealth.

### **3.6.6 Rate of overseas living allowance**

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

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

#### *NOTE: COMPOSITION OF OVERSEAS LIVING ALLOWANCE*

Overseas living allowance is calculated by adding the sum of 45 individual elements. The following is a brief summary of the main components of the allowance:

**cost of living adjustment (clause 3.6.7)** is designed to compensate for additional costs of purchasing goods and services at posted localities.

**post adjustment (clause 3.6.8)** is designed to compensate for additional living costs that are likely to be incurred as a consequence of living overseas. Post adjustment takes into account the impact a long-term posting has on one's life, such as reduced access to family and friends and the consequential additional costs involved in maintaining contact.

**child allowance (clause 3.6.9)** If a dependent child lives at the overseas posting locality, this component assists with the additional costs of maintaining the child. (See the definition of *dependant* in clause 1.2.4.)

**child reunion allowance (clause 3.6.10)** If a dependent child remains in Australia, this component assists with the costs of communicating with the child and for the additional costs incurred when the child visits the employee at the posting locality.

### **3.6.7 Calculation of cost of living adjustment**

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

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

### 3.6.8 Rate of post adjustment

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

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

#### *Example 1*

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

#### *Example 2*

An accompanied employee has a salary of AUD 95,000. The rate of post adjustment is 33 per cent of AUD 85,000, plus 16.5 per cent of AUD 10,000.

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

### 3.6.9 Entitlement to child allowance

- (1) In this clause:

***period of child allowance eligibility***, for a dependent child of an employee, means the period that:

- starts on the later of:
    - the day on which the child arrives to take up residence at the employee's posting locality; and
    - the day on which the employee's period of posting begins; and
  - ends on the earliest of:
    - four weeks after the day on which the child leaves the posting locality on ceasing to live there; and
    - on the day on which the employee becomes eligible for child reunion allowance for the child; and
    - on the day on which the employee's period of posting ends.
- (2) The employee is entitled to child allowance for the period of child allowance eligibility at the rate worked out from column 2 or 3 of the following table:

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

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

### 3.6.10 Entitlement to child reunion allowance

An employee is entitled to child reunion allowance for the period of posting for each dependant who is a child and who:

- (a) is eligible for a reunion visit each year; and
- (b) in spite of paragraph 1.2.4 (3) (b) — does not live at the employee's posting locality.

### 3.6.11 Rate of child reunion allowance

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

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

- (1) For this clause, each of the following benefits is a *relevant benefit*:
- (a) carer allowance for a child under the *Social Security Act 1991*;
  - (b) double orphan pension under the *Social Security Act 1991*;
  - (c) family tax benefit (Part A and Part B rate) under the *A New Tax System (Family Assistance) Act 1999*;
  - (d) maternity allowance under the *A New Tax System (Family Assistance) Act 1999*;
  - (e) parenting payment (single) under the *Social Security Act 1991*.
- (2) If:
- (a) an employee has a dependant who is a child; and
  - (b) the payment of a relevant benefit for the child:
    - (i) is precluded only because the child, or the parent of the child to whom the relevant benefit is ordinarily payable, is absent from Australia as a result of the employee's long-term posting; or
    - (ii) is reduced only because of an amount reimbursed to the employee under Part 8 of this Chapter for the education costs of a child,

the rate at which overseas living allowance is payable to the employee must be increased by an amount equal to the rate of relevant benefit which is forgone as described in paragraph (b).

- (3) If:
- (a) a child or parent mentioned in subclause (2) returns to Australia before beginning a further period of absence from Australia as a result of an employee's long-term posting; and
  - (b) while the child or parent is in Australia, the parent is ineligible for the payment of a relevant benefit because of the expected period of absence of the child or parent from Australia on further posting,
- additional overseas living allowance is payable to the employee at the rate at which the relevant benefit would have been payable to the parent if the child or parent were not absent from Australia.
- (4) If:
- (a) an employee receives additional overseas living allowance under subclause (2) during a long-term posting; and
  - (b) the parent mentioned in that subclause applies, within three weeks of returning to Australia, to receive the relevant benefit for which the additional overseas living allowance is paid; and
  - (c) payment of the relevant benefit to the parent is approved,
- the employee is entitled to an amount equal to the additional overseas living allowance that the employee would have received on long-term posting for the inclusive period from the day of the parent's return to Australia to the end of the day before the parent becomes entitled to the relevant benefit.

### **3.6.13 Dual entitlement**

- (1) If:
- (a) both an employee and the employee's spouse would, but for this clause, be entitled to overseas living allowance under this Determination or another Act for the same locality and period; and
  - (b) the employee and the spouse jointly nominate the employee to be paid as an unaccompanied employee,
- the employee is entitled only to cost of living adjustment for that period.
- (2) If:
- (a) both an employee and the employee's spouse would, but for this clause, be entitled to overseas living allowance under this Determination or another Act for the same locality and period; and
  - (b) the employee and the employee's spouse do not jointly nominate one of them under subclause (1) or another Act; and
  - (c) the employee has the lower disposable income, or if the employee and the spouse have the same disposable income, the employee has the lesser period of service,
- the employee is entitled only to cost of living adjustment for that period.

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

- (1) In this clause:

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

*exchange rate* means the exchange rate notified by the data service provider.

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

*relevant currency* means the national currency at a locality mentioned in Annex 1.2.A.

- (2) If, for a locality mentioned in Annex 1.2.A, the average exchange rate of the relevant currency for a pay period differs from the relevant average exchange rate by two per cent or more, the post index for the locality is to be recalculated. Action will be taken to include the new post index in Annex 1.2.A as soon as practicable after the recalculation.

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

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

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

- (1) This clause applies to an employee who is temporarily absent from the posting locality on duty or paid leave (except annual leave or long service leave) for a period of more than one day.
- (2) An unaccompanied employee remains entitled to full overseas living allowance for up to four weeks of continuous absence. After the first four weeks, the employee becomes entitled to the cost of living adjustment only.
- (3) An accompanied employee remains entitled to the full accompanied rate of overseas living allowance until the later of:
- (a) four weeks of continuous absence by the employee; or
  - (b) four weeks of continuous absence by the dependants.
- After this time, the employee is to be treated as an unaccompanied employee.
- (4) An employee who is recalled to duty at a locality during assisted leave travel authorised under clause 3.2.16 or 4.3.4 is entitled, for the period of recall, to:
- (a) travelling allowance at the rate mentioned for the locality in this Determination; and
  - (b) overseas living allowance at the rate mentioned for the employee's posting locality.

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

If:

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

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

- (d) the continued employment of domestic assistance or gardening assistance; and
- (e) utilities as defined in clause 3.5.3; and
- (f) telephone rental.

### **3.6.18 Overseas living allowance during evacuation**

- (1) If an employee or dependant is evacuated from the posting locality, the employee is entitled to overseas living allowance for the period of evacuation as if the employee or dependant, as the case may be, had not been evacuated from the locality.
- (2) Clause 3.6.17 applies to the employee for the period of evacuation as if the employee were temporarily absent from the posting locality on duty.

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

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

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

(1) In this clause:

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

- (a) medical or compassionate reasons relating to the employee or a dependant, that resulted in the early ending of the posting or in the employee ceasing to be an employee; or
- (b) the operational requirements of the Department.

(2) The Secretary may, after the end of an employee's period of posting, authorise payment of an amount of overseas living allowance to the employee for a period of unused leave taken while overseas. No payment will be made for leave taken in Australia after the employee returns from overseas.

(3) For this clause:

- (a) the period of unused leave is not to exceed the period of annual leave accruing to the employee for the last 12 months' service at the posting locality; and
- (b) the amount of overseas living allowance payable for the period of unused leave must be worked out on the same basis as was used to work out the rate of overseas living allowance payable to the employee on the last day of the employee's period of posting.

## **Division 3**

## **Conditions of service related to overseas living allowance**

### **3.6.21 Outlay advance**

- (1) In this clause:  
*outlay advance*, for an employee, means an advance payable for the employee's establishment costs at the employee's posting locality.
- (2) An employee (other than an employee who is entitled only to cost of living adjustment under clause 3.6.13) is entitled to an outlay advance if the employee is about to undertake, or has recently begun, a long-term posting.
- (3) The employee may choose in writing how much outlay advance is paid, if any.
- (4) The amount of outlay advance must not be more than AUD 15,000.
- (5) If an employee is paid an outlay advance, the employee must repay the outlay advance to the Commonwealth by fortnightly instalments deducted from the salary and allowances payable to the employee.

*Note:* The *Payment of outlay advance deed* (Form No. FD071) is available on the Defence Publishing Service Web Forms system.

- (6) Each fortnightly instalment repaid by an employee must be as nearly as practicable equal to the amount of the employee's outlay advance divided by the number of fortnights in a year.
- (7) If the repayment period extends beyond a year, the employee must also pay to the Commonwealth an amount equal to any tax that the Department becomes liable to pay as a result.
- (8) If an employee has been paid an outlay advance, and the employee's posting is cancelled or ends, the outstanding amount (if any) of the outlay advance becomes immediately repayable in full to the Commonwealth unless the Secretary approves continuation of fortnightly repayments by the employee.
- (9) For subclause (8), the Secretary must have regard to:
  - (a) the period of the posting undertaken by the employee; and
  - (b) the reason for the cancellation or ending of the posting; and
  - (c) the employee's circumstances following the cancellation or ending of the posting; and
  - (d) the outstanding amount of the outlay advance; and
  - (e) any other factor relevant to the repayment of the outlay advance.

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

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



## **Part 7 Other conditions of service related to living costs**

### **3.7.1 Overtime meal allowance**

- (1) Overtime meal allowance is paid under the same basic conditions as within Australia (see Section E4 of the Agreement). The rate of allowance is payable for a meal period in the relevant overseas currency at the rate applicable to the posting locality. The rates are in Annex 3.7.A.
- (2) *Meal period* includes a period that the Secretary approves as an equivalent period at the posting locality.
- (3) For subclause (2), the Secretary must have regard to local meal times and the hours of duty that employees ordinarily observe.

### **3.7.2 Meal costs in special circumstances**

If an employee is directed to live in temporary accommodation at the employee's posting locality in connection with the employee's performance of duty at the locality, the employee is entitled to be reimbursed for the reasonable cost of meals necessarily incurred by the employee at the temporary accommodation.

### **3.7.3 Household maintenance and assistance**

- (1) If the Secretary is satisfied that it is necessary for an employee to employ a person at the employee's posting locality to perform household tasks so that the employee can perform official duties efficiently and effectively, the Secretary may authorise the employment of a person by the employee for that purpose.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the official duties that the employee is required to perform at the employee's posting locality; and
  - (b) the representational responsibilities of the employee and the employee's dependants (if any); and
  - (c) the number and age of the employee's dependants; and
  - (d) the security of the employee and the employee's dependants; and
  - (e) the general living conditions at the locality; and
  - (f) social or religious custom or law at the locality; and
  - (g) any special features of the residence that the Commonwealth makes available to the employee at the locality, in relation to:
    - (i) the size, configuration, condition and surroundings of the residence; and
    - (ii) the nature and quality of the utilities supplied to the residence.
- (3) An employee is entitled to be reimbursed an amount equal to the costs necessarily incurred by the employee in employing a person in accordance with an authorisation under this clause.

### 3.7.4 Representation supplement

- (1) If the Secretary is satisfied that an employee and any dependants are regularly expected to undertake substantial representational duties, the employee is entitled, during the employee's period of posting, to representation supplement at the rate of:
  - (a) for an accompanied employee — 35 percent of the representational funds provided to the employee; and
  - (b) for an unaccompanied employee — 25 percent of the representational funds provided to the employee.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the duties of the employee at the locality of posting; and
  - (b) the nature and extent of the representational responsibilities of the employee and any dependants; and
  - (c) the extent of representational funds provided to the employee; and
  - (d) any other factor relevant to the employee's representational responsibilities.
- (3) An employee is not entitled to representation supplement while the employee:
  - (a) is not entitled to salary; or
  - (b) is on a period of leave or absence on duty from the locality of posting, except for the first 4 weeks of such a period.

### 3.7.5 Club membership at a relevant locality

- (1) In this clause and clause 3.7.5:
 

**approved club**, for an employee, means the club mentioned for the employee's posting locality in the following table:

Column 1	Column 2
Posting locality	Approved club
Cambodia	International Youth Club, Phnom Penh
Fiji	Fiji Club, Suva
India	Hyatt Hotel Health Club, New Delhi
Indonesia	Hilton Executive Club, Jakarta
Israel	Moadon Club, Tel Aviv
Italy	Roman Sports Centre, Rome
Jordan	Interfit Health Club
Kiribati	Betio Fishing Club, Tarawa
Korea	Seoul Club
Malaysia – Kuala Lumpur	Kelab Darul Ehsan ( <i>basic membership only, cost of golf membership not to be reimbursed</i> )
Malaysia – elsewhere	Penang Sports Club
Marshall Islands	Outrigger Marshall Islands Resort Cowry Club
Pakistan	Islamabad Club
Papua New Guinea	Port Moresby Golf Club
Philippines	Shangri-La Fitness Club, Manila
Samoa	Health Attack Fitness Centre
Solomon Islands	Club Supreme, Honiara
Thailand	British Club, Bangkok
Tonga	Tonga Golf Club
United Arab Emirates	Hiltonia Beach Club
USA – Manhattan	New York Health and Racquet Club ( <i>only for employees who are directed to live on Manhattan Island</i> )
Vanuatu	Club le Lagon and Club Circle Sportif, Port Vila
Vietnam	New World Sports Club, Ho Chi Minh City

- (2) This clause applies to an employee at a posting locality which has an approved club.
- (3) The employee is entitled to be reimbursed the cost incurred for membership of a club at the locality, not exceeding the cost for membership of the approved club.

*NOTE: CLUB MEMBERSHIP*

If facilities for a range of sporting and recreational activities are available at the posting locality, overseas living allowance is adjusted to compensate employees for the costs (above the Australian norm) of using the facilities. This is achieved through indexation of sessional rates for sporting and recreational activities in the cost of living adjustment.

If sessional rates for sporting and recreational facilities are not available at the posting locality, the post may seek to have a club added to the list of approved clubs. A club would not be added to the list for purely social or representational purposes.

For a club to be approved, the post would need to demonstrate to the Directorate of Service Conditions that:

- a. the locality does not have acceptable sporting and recreational facilities on a sessional basis or as public facilities; or
- b. employees and their families suffer serious difficulty in gaining access to public or sessional sporting and recreational facilities because of cultural limitations, climatic conditions, overcrowding, traffic congestion, or hygiene and pollution problems.
- c. it is common practice for the employees and their families to make use of sporting or recreational clubs to replace the lack of availability of public or sessional sporting or recreational facilities.

The post will need to recommend a club that offers a reasonable selection of such facilities at reasonable cost.

### **3.7.6 Extra costs of club membership**

- (1) If:
  - (a) at a relevant locality an employee incurs costs of club membership greater than the amount that may be reimbursed under clause 3.7.4; and
  - (b) the Secretary is satisfied that it is necessary for the employee to incur the extra costs,the employee is entitled to be reimbursed for as much of the extra costs as the Secretary considers reasonable in the circumstances.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the general living and working conditions at the posting locality; and
  - (b) the recreational or social facilities available at the locality, the arrangements for access to them and their cost; and
  - (c) the needs of employees and dependants at the locality for access to such facilities; and
  - (d) the nature of the employee's duties at the locality, including any representational responsibilities; and
  - (e) the cost of club membership at the locality, including family membership; and
  - (f) the nature of the facilities at the approved club and at the club that the employee joins; and
  - (g) any other factor relevant to club membership at the locality.

### **3.7.7 Cost of club membership for dependant**

In clauses 3.7.4 and 3.7.5, the cost of club membership incurred by an employee includes the cost of club membership incurred by or on behalf of a dependant of the employee.

### **3.7.8 Cost of club membership for dependant during reunion visit**

An employee at a relevant locality who incurs a cost of club membership for a dependant during a reunion visit to the locality is entitled to be reimbursed the amount that the Secretary considers reasonable in the circumstances.

### **3.7.9 Club membership may be provided instead of reimbursement**

- (1) If an employee would be entitled under this Part to be reimbursed in full or in part for the cost of club membership, the Secretary may, at the request of the employee, authorise payment to a club of the cost of membership on behalf of the employee or a dependant of the employee instead of reimbursing the employee.
- (2) Subclause (1) does not apply to an employee unless the employee has paid to the Commonwealth any amount by which the cost of club membership payable by the Commonwealth exceeds the amount that the employee is entitled to be reimbursed for the cost of club membership under this Part.

### **3.7.10 Special clothing requirements**

- (1) If:
  - (a) an employee or a dependant of the employee is required to wear a garment only to conform to a dress code imposed by religious custom or law at the employee's posting locality; and
  - (b) the employee or dependant buys a garment for this purpose that is not useful for any purpose other than that mentioned in paragraph (a), regardless of fashion and the personal taste of the employee or dependant,the employee is entitled to be reimbursed, in addition to any other allowance payable to the employee, the amount that the Secretary considers reasonable in the circumstances.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the nature of the clothing required to be worn to conform to the dress code; and
  - (b) the nature and cost of the garment bought by the employee or dependant.
- (3) An employee who incurs a cost for clothing of a kind mentioned in this clause for a dependant during a reunion visit to the employee's posting locality is entitled to be reimbursed the amount that the Secretary considers reasonable in the circumstances.

### **3.7.11 Snow clearing**

- (1) If the Secretary is satisfied that it is reasonable for an employee who occupies a free-standing residence to use commercial snow clearing services, the employee is entitled to be reimbursed an amount equal to the costs necessarily incurred by the employee for those services.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the amount of snowfall at the employee's posting locality; and
  - (b) the period of the year that snow persists on the ground at the locality; and
  - (c) any legal obligation on the employee to clear snow from footpaths and other public thoroughfares adjacent to the employee's residence; and
  - (d) the general community practice on snow clearing at the locality; and
  - (e) any other factor relevant to snow clearing at the locality.

### **3.7.12 Excess commuting costs**

- (1) An employee is entitled to an amount worked out on a monthly basis for the costs necessarily incurred by the employee in travelling by public transport between the employee's residence and the employee's headquarters.
- (2) The amount to which an employee is entitled under subclause (1) is the amount by which the cost of travel exceeds the monthly amount for fares mentioned in subclause (3).
- (3) For subclause (2), the monthly amount for fares in any calendar year is worked out using the formula:

$$A \times B \times \frac{C}{100}$$

where:

- A** is the cost of an adult monthly bus ticket in Canberra on 1 January in that year;
- B** is the exchange rate used to pay salary to employees at the posting locality on the payday immediately prior to 1 January in that year;
- C** is the post index in force on the payday immediately before 1 January in that year.

- (4) An employee who uses a motor vehicle owned or hired by the employee to travel between the employee's residence and the employee's headquarters is entitled to an amount worked out on a daily basis for each kilometre of travel that exceeds 30 kilometres.
- (5) For subclause (4), the amount must be worked out under subclause 3.10.4 (4).
- (6) If an employee travels between the employee's residence and the employee's headquarters:
  - (a) for part of the journey by public transport; and
  - (b) for part of the journey in a motor vehicle owned or hired by the employee, the employee is taken to have travelled the entire journey by public transport and to have paid, for each kilometre of travel by motor vehicle, a fare worked out under subclause 3.10.4 (4).
- (7) An employee is entitled to be reimbursed or paid an allowance under this clause only for travel by the most direct available route.

### **3.7.13 United States of America – personal property tax**

- (1) This clause applies to an employee on a long-term posting in the United States of America, who owns a motor vehicle and has paid personal property tax on the vehicle to the Government of the State in which the employee lives.
- (2) The employee is entitled to be reimbursed an amount equal to the tax mentioned in subclause (1) for one motor vehicle only.

#### **3.7.14 Vietnam – air freight of foodstuffs**

An employee on long-term posting in Vietnam is entitled to be reimbursed for the costs incurred by the employee for air freight between Bangkok and the employee's posting locality on reasonable quantities of essential foodstuffs bought by the employee during a courier journey to Bangkok.

## Annex 3.7.A Overtime meal allowance

Locality	Currency	Rate
CAMBODIA	USD	13.20
CANADA	CAD	15.30
CHINA	CNY	96.70
COOK ISLANDS	NZD	28.90
FIJI	FJD	17.30
FRANCE	FRF	94.50
GERMANY	DEM	25.60
INDIA	INR	313.00
INDONESIA	IDR	49039.00
ISRAEL	USD	20.80
ITALY	ITL	24832.00
JAPAN	JPY	1764.00
KIRIBATI	AUD	25.50
KOREA, REPUBLIC OF	KRW	15358.00
KUWAIT	SAR	47.90
MALAYSIA	MYR	21.90
MARSHALL ISLANDS	USD	19.20
MICRONESIA	USD	10.50
NEW ZEALAND	NZD	16.90
PAKISTAN	PKR	435.00
PALAU	USD	17.60
PAPUA NEW GUINEA	PGK	19.80
PHILIPPINES	PHP	269.00
SAUDI ARABIA	SAR	47.90
SAMOA	WST	28.80
SINGAPORE	SGD	16.50
SOLOMON ISLANDS	SBD	64.30
SWEDEN	SEK	101.00
THAILAND	THB	252.00
TONGA	TOP	22.40
TUVALU	AUD	14.10
UNITED KINGDOM	GBP	9.10
UNITED STATES OF AMERICA	USD	13.00
VANUATU	VUV	2467.00
VIETNAM	USD	10.30



## Part 8 Assistance with education

### Division 1 General

#### 3.8.1 Purpose

The purpose of this Part is to give assistance to an employee for the additional costs incurred in educating a child, either overseas or in Australia, as a direct consequence of the employee being required to serve overseas on a long-term posting.

#### 3.8.2 Structure of this Part

This Part is divided into six Divisions to recognise the different schooling needs of children which occur when an employee is posted overseas:

- (a) Division 1 sets out preliminary matters: who is entitled, and the meaning of defined terms;
- (b) Division 2 maintains the family unit by having the child accompany the employee overseas and attend an appropriate school at the posting locality which provides, as nearly as possible, the equivalent to a standard Australian education;
- (c) Division 3 maintains a consistent Australian education by enabling the child to attend school in Australia while the employee is serving overseas;
- (d) Division 4 sets out the miscellaneous provisions relating to education assistance payable when the child attends school either overseas or in Australia;
- (e) Division 5 sets out certain special provisions for a child attending school in Canada, the United Kingdom or the United States of America;
- (f) Division 6 sets out examples of applying the overseas education assistance provisions.

#### 3.8.3 Employee this Part applies to

This Part applies to an employee on long-term posting for the full-time education at school overseas or in Australia of a child who is a dependant of the employee.

#### 3.8.4 Definitions

In this Part:

***compulsory tuition fees***, for a school, means the sum of the annual amounts of:

- (a) tuition and sports fees levied by the school; and
- (b) fees levied by the school for travel by a child in a specially designated school bus; and
- (c) other fees and charges levied by the school and required to be paid so that a child may attend the school, but excluding boarding fees; and
- (d) any Government taxes levied on the fees.

***pre-school*** means an institution providing instruction and teaching under a curriculum that is directed to preparing a child for attendance at primary school.

***primary school*** means a primary school in Australia or a similar educational institution overseas.

***relevant person***, for an employee, means a person with whom the employee shares responsibility for the day-to-day care of a child.

***school year***, for a child, means the school year applying at the school attended by the child.

***secondary school*** means a secondary school in Australia or a similar educational institution overseas.

## **Division 2 Assistance with education overseas**

### **3.8.5 Overview of entitlement**

- (1) An employee is entitled to receive education assistance for schooling costs necessarily incurred by a child over three years of age who is attending a pre-school, primary school or secondary school at the overseas posting locality.
- (2) The eligible employee is reimbursed under clause 3.8.7 for the **compulsory tuition fees** incurred (as defined in clause 3.8.4), up to the limit of the compulsory tuition fees levied by the **benchmark school** (clause 3.8.6) at the locality, less an employee contribution representing the typical cost for attendance at government schools in Australia (subclause 3.8.7 (2)).
- (3) Certain other school expenses such as examination fees, foreign language tuition, school transport and remedial teaching may also be reimbursed.
- (4) In addition, the Secretary may approve a child's attendance at a primary or secondary school at another locality within the same country of posting, or in a third country, during the period of posting. The special conditions relating to this discretionary entitlement are also in this Division.

### **3.8.6 Benchmark school at posting locality**

- (1) The purpose of a benchmark school is to establish the financial extent of assistance that may be paid.
- (2) In this Part:  
**benchmark school**, for a posting locality and a stage of education, means (as the case requires):
  - (a) a pre-school, primary school or secondary school mentioned in Annex 3.8.A for the locality and the stage of education; or
  - (b) a correspondence school operated by a department or authority of the Government of an Australian State or Territory.
- (3) If available, a benchmark school is designated for each overseas posting locality where personnel are required to serve.
- (4) The benchmark school provides as closely as possible an equivalent Australian standard of education at a reasonable cost. The general assessment criteria for including a benchmark school in Annex 3.8.A are:
  - (a) the basis on which the school charges fees, and the level of its fees; and
  - (b) the school's educational curriculum; and
  - (c) the standard of tuition at the school; and
  - (d) the school's ability to provide for the physical, cognitive and emotional needs of Australian children; and
  - (e) the language in which the school conducts tuition; and
  - (f) the extent to which other educational institutions recognise qualifications conferred by the school for entry to subsequent stages of education; and
  - (g) the degree of access to places at the school; and
  - (h) the extent to which the school complies with relevant laws affecting the operation of schools at the locality; and
  - (i) any other factor relevant to the suitability of the school for providing education for Australian children.

- (5) Employees are not obliged to send a child to the benchmark school. They may choose to enrol the child at a school which levies fees above or below the benchmark school level.
- (6) The compulsory tuition fees levied by the benchmark school set the upper limit of Commonwealth assistance for the posting locality.

*Note:* In the long term, only one pre-school, primary school and secondary school will eventually be specified in Annex 3.8.A as a benchmark school for each posting locality. This will ensure an established level of assistance. As there is special provision for additional education expenses to be approved, there should not be many situations where more than one benchmark school is ever required.

### **3.8.7 Education assistance – child at posting locality**

- (1) If a child is at an employee's posting locality and attends a pre-school, primary school or secondary school, the employee is entitled to be reimbursed, for the cost of schooling necessarily incurred for the child during a year, an amount equal to the lesser of:
  - (a) the amount of the compulsory tuition fees paid by the employee; and
  - (b) the amount of compulsory tuition fees levied by the benchmark school at the locality for the child's stage of education.
- (2) An amount payable to an employee under subclause (1) must be reduced by the amount mentioned in column 3 of Part 2 of Annex 3.8.B for the child's stage of education at a Government school.
- (3) An employee is not entitled to be reimbursed for the cost of schooling at pre-school level for a child who is less than three years old.

### **3.8.8 Compulsory examination fee**

If an employee is required to pay an examination fee for examinations relating to the completion of primary or secondary schooling of a child at the employee's posting locality, the employee is entitled to be reimbursed an amount equal to the lesser of:

- (a) the examination fee incurred by the employee; and
- (b) the examination fee for similar examinations at the benchmark school for that stage of education at the locality.

### **3.8.9 Foreign language tuition**

An employee is entitled to be reimbursed for reasonable costs incurred by the employee for foreign language tuition for a dependant who is a child if:

- (a) because English language tuition is not available at the appropriate stage of education at the employee's posting locality, the child attends a school that does not use English as a teaching language; and
- (b) the employee incurs costs for additional tuition in a foreign language required by the child to enable reasonable participation in tuition at the school.

### 3.8.10 School transport costs

- (1) If an employee's child ordinarily travels to and from school by public transport or transport contracted by the school (where the cost of transport is not levied by the school) at the employee's posting locality, the employee is entitled to be reimbursed for school transport for the child in a year an amount equal to the lesser of:
  - (a) the fares or other transport charges necessarily incurred by the employee; and
  - (b) the fares or other transport charges that would be payable for the child if the child attended the benchmark school for the child's stage of education at the locality.
- (2) An amount payable to an employee under subclause (1) in any calendar year must be reduced by an annual amount worked out using the formula:

$$\frac{A \times B \times 4}{2} \times \frac{C}{100}$$

where:

- A** is the cost of a school term ticket (bus) in Canberra on 1 January in that year;
  - B** is the exchange rate used to pay salary to an employee at the posting locality on the payday immediately before 1 January in that year;
  - C** is the post index in force on the payday immediately before 1 January in that year.
- (3) Unless special provisions apply at the posting locality as mentioned in clause 3.8.12, costs incurred for using private transport to take a child to or from school will not be reimbursed by the Commonwealth.

### 3.8.11 Remedial tuition

- (1) An employee is entitled to be reimbursed for the extra cost of remedial tuition incurred by the employee for a dependant who is a child if:
  - (a) the child attends an overseas primary or secondary school full time; and
  - (b) the Secretary is satisfied that the cost incurred by the employee for remedial tuition essential to allow the child to make reasonable educational progress within the limits of the child's ability is greater than the cost that the employee would have incurred for the tuition, had the child remained in Australia.
- (2) For paragraph (1) (b), the Secretary must have regard to:
  - (a) the child's educational progress; and
  - (b) the nature and cost of tuition provided; and
  - (c) the probable need for and cost of similar tuition in Australia; and
  - (d) any other factor relevant to the child's educational welfare.
- (3) An employee is not entitled to be reimbursed for the extra cost of more than 200 hours' remedial tuition a year for a child.

### 3.8.12 Overseas education costs in special circumstances

- (1) If:
  - (a) an employee who incurs costs for the education of a child overseas is not otherwise eligible to be reimbursed for the costs under this Part; and
  - (b) the Secretary is satisfied that it is necessary for the employee to make special arrangements for the child's education because the educational facilities at the posting locality are inadequate,then:
  - (c) the amount mentioned in paragraph 3.8.7 (1) (b) is increased by the amount that the Secretary considers reasonable in the circumstances; and
  - (d) the compulsory tuition fees applicable to the employee are taken to include the additional costs that the Secretary approves.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the availability and nature of the educational facilities at the employee's posting locality; and
  - (b) the educational arrangements made by the employee for the child and the cost of the arrangements; and
  - (c) the nature and cost of other arrangements that the employee could be expected to make to educate the child at the posting locality or in Australia; and
  - (d) any other circumstance at the locality affecting the educational welfare of the child.
- (3) If subclause (1) applies:
  - (a) the child is taken to attend a school at the employee's posting locality; and
  - (b) the cost of the special arrangements made by the employee is taken to be the cost of schooling for this Part.
- (4) If:
  - (a) the Secretary is satisfied under subclause (1) that it is necessary for an employee to make special arrangements for a child's education because the educational facilities at the posting locality are inadequate; and
  - (b) those arrangements require the child to attend an overseas school located away from the posting locality,the employee is not entitled to be reimbursed more than the amount that would be reimbursed under this Part if the child lived in Australia in the same circumstances and attended a non-Government school.
- (5) If a child is educated away from the employee's posting locality (even in the same country), the employee is entitled to:
  - (a) reunion visits for the child; and
  - (b) child reunion allowance instead of child allowance; but not
  - (c) assisted leave travel.

However, the child is taken to be living with the employee for all other purposes under this Chapter.

### **3.8.13 Education assistance during a period of evacuation**

- (1) If an employee's child is evacuated from the employee's posting locality to another overseas locality, this Part applies to the employee as if the employee were on long-term posting to the other locality for the period of evacuation.
- (2) If an employee's child is evacuated from the employee's posting locality to Australia, and continues to study the curriculum of the school at the posting locality:
  - (a) clauses 3.8.7, 3.8.8, 3.8.9 and 3.8.11 continue to apply as if the child were attending the school at the posting locality for the period of evacuation; and
  - (b) if the continued study by distance education requires payment of additional education expenses to the school, and any related information technology and telecommunications costs, then the employee is entitled to be reimbursed for those expenses that the Secretary considers reasonable.

### **3.8.14 Summer school costs**

- (1) In this clause:

***approved summer school***, for an employee, means a summer school mentioned in the following table for the employee's posting locality.

*Note:* The general assessment criteria for approving a summer school are:

- a. the nature of the program offered by the summer school and its relationship to the educational program of the child's school; and
- b. the attitude adopted by the child's school and the school community towards attendance at the summer school; and
- c. the educational and general living conditions at the locality affecting the welfare of the child; and
- d. the opportunities for school-age children of employees at the locality to engage in suitable recreational or social activities during the summer holidays.

<b>Column 1</b>	<b>Column 2</b>
<b>Posting locality</b>	<b>Approved summer school</b>
Cambodia	Northbridge International School of Cambodia
China	International School, Beijing
France	American School, Paris CIPEC Bilingual School, Aix-en-Provence Lennen's Bilingue School of Paris
India	American Embassy School, New Delhi
Indonesia	Bandung International School British International School, Jakarta Jakarta International School, Jakarta
Japan	Hiroo International Kindergarten Nisimachi International School, Tokyo Sacred Heart International School, Tokyo St Maur International School, Yokohama The British School in Tokyo Tokyo International School
Korea	International School, Seoul
Malaysia	International School, Kuala Lumpur
Pakistan	The Satellite Centre, Islamabad International School
Philippines	Brent International School, Manila International School, Manila
Thailand	New International School of Bangkok (NIST) Noddy Pre-School Patana

- (2) This clause applies in relation to a child for whom the employee is entitled to education assistance at the posting locality under this Division.
- (3) The employee is entitled to be reimbursed for the cost necessarily incurred for the child to attend an approved summer school at the posting locality for a period of not more than:
- for France — three weeks; and
  - otherwise — four weeks.
- (4) An employee will not be reimbursed summer school costs if:
- there is no approved summer school for the posting locality; or
  - the child is not eligible for education assistance; or
  - the child is eligible for education assistance under this Division, but is attending a summer school conducted by other than the approved summer school; or
  - the child is eligible for education assistance under Division 3 and is only living with the employee during an authorised reunion visit.

### **3.8.15 Fares for child travelling to undertake schooling**

If a child travels from an employee's posting locality to begin school, and the employee is entitled under this Part to education assistance for the child, the employee is entitled to be reimbursed for the child's travel the least of:

- the cost incurred by the employee for the travel; and
- the **allowable travel cost** for the child to travel from the locality to the school; and
- if the travel is not to a locality in Australia — the allowable travel cost for the child to travel from the posting locality to the locality in Australia at which the employee ordinarily lives.

### 3.8.16 Fares to accompany child to begin school

- (1) This clause applies in relation to a child who:
  - (a) has lived at an employee's posting locality for a year or for a whole school year; and
  - (b) has not previously attended school as a boarder.
- (2) If a child has not lived at the posting locality for a year or for a whole school year, but the Secretary is satisfied that because of special circumstances in relation to the welfare of the child, the continued schooling of the child at the posting locality is undesirable, this clause is taken to apply in relation to the child.

#### *Example*

It may become untenable for the child to continue to live overseas if:

- a. the child is not making satisfactory academic progress and the situation is unlikely to change;
- b. the curriculum at the school is significantly different from schools previously attended; and
- c. educational opportunities at the posting locality do not help the child overcome their difficulties.

- (3) If:
  - (a) a child travels from the posting locality to begin full-time education as a boarder at a primary or secondary school; and
  - (b) the Secretary is satisfied that:
    - (i) the arrangements for the child's enrolment could not, with reasonable planning, have been made in conjunction with other travel at Commonwealth expense; and
    - (ii) alternative arrangements for the child's enrolment by persons other than the employee or the employee's spouse would be severely detrimental to the child's welfare,the employee is entitled to be reimbursed an amount equal to the least of:
    - (c) the cost incurred by the employee for travel by the employee or the employee's spouse to accompany the child and return to the posting locality; and
    - (d) the **allowable travel cost** for the travel; and
    - (e) if the travel is not to a locality in Australia — the allowable travel cost if the travel were from the posting locality to the locality in Australia at which the employee ordinarily lives.
- (4) For paragraph (3) (b), the Secretary must have regard to:
  - (a) the period the child has been overseas as a result of the employee's postings; and
  - (b) the period the employee has been overseas on posting; and
  - (c) the cost and duration of travel involved; and
  - (d) the availability of other persons who could undertake the necessary actions to effect the enrolment of the child; and
  - (e) the date on which the employee or the employee's spouse last had opportunity to travel to the country in which the child is to be enrolled; and
  - (f) any other factor relevant to the enrolment of the child as a boarder.
- (5) The employee is not entitled to be reimbursed for any costs incurred by the employee, spouse or child for:
  - (a) stopovers; or
  - (b) accommodation and meals at the locality of the boarding school.

- (6) An employee is not entitled to be reimbursed under this clause for more than one journey during the period of posting.

*Note:* See also clause 1.2.8 if the employee does not ordinarily live at a locality in Australia.

## **Division 3 Assistance with education in Australia**

### **3.8.17 Overview of entitlement**

- (1) An employee is entitled to receive education assistance for schooling costs necessarily incurred for a child who remains in Australia to attend primary or secondary school.
- (2) To be recognised for education assistance under this Division, the child must:
  - (a) normally be part of the employee's household; and
  - (b) have been eligible for removal to the posting locality at Commonwealth expense as a dependant of the employee (see clause 1.2.4).
- (3) The eligible employee is reimbursed under clause 3.8.18 for *compulsory school fees* (clause 3.8.19) incurred up to the limit of the *maximum allowable school fees* (clause 3.8.20), less a contribution representing the *ordinary school fees* (clause 3.8.21) that the employee would normally have incurred for the child.

### **3.8.18 Education assistance – child in Australia**

- (1) If a child of an employee attends a primary or secondary school in Australia, the employee is entitled to be reimbursed for the cost of schooling necessarily incurred for the child during a year within the period of assistance an amount equal to the lesser of:
  - (a) the compulsory school fees paid by the employee; and
  - (b) the maximum allowable school fees for the child.
- (2) An amount payable to an employee for a child under subclause (1) must be reduced by the amount of the ordinary school fees for the child.
- (3) If an amount for the initial enrolment of a child is included in the compulsory school fees paid by an employee in a year for the child, and the compulsory school fees are greater than the maximum allowable school fees, the employee is entitled to be reimbursed the lesser of:
  - (a) the amount of the extra fees; and
  - (b) the amount for the initial enrolment.

### **3.8.19 Compulsory school fees**

In subclause 3.8.18 (2):

*compulsory school fees* means the sum of:

- (a) compulsory tuition fees; and
- (b) an amount for boarding equal to:
  - (i) for board at a school — the annual charges levied by the school for the provision of accommodation, meals and laundry for a child who boards at the school full-time; and
  - (ii) for board at a commercial boarding establishment — the annual cost of board and lodging at the establishment for a child, including any separate charges for laundry and room retention in school term breaks; and
  - (iii) for private board and lodging — the amount mentioned for private board and lodging in column 2 of Part 1 of Annex 3.8.B; and
  - (iv) for living at home — the amount mentioned for living at home in column 2 of Part 1 of Annex 3.8.B.

### 3.8.20 Maximum allowable school fees

In clause 3.8.18:

*maximum allowable school fees*, for a child, means the appropriate amount mentioned in column 4 of Part 1 of Annex 3.8.B according to the boarding and, where stated, schooling arrangement applicable to the child.

### 3.8.21 Ordinary school fees

*Note 1:* The employee contribution towards the cost of educating a child in Australia is based on the ordinary school fees for tuition and boarding charges, if applicable, for the child.

*Note 2:* The amount of contribution is based on the cost the employee was incurring when officially notified of being posted overseas. In other words, employees are required to pay the same level of costs that they were incurring prior to the becoming eligible for assistance. In some cases (for example if the child normally attended a private school as a boarder), this may mean that little or no assistance will be payable.

(1) In this clause:

*relevant day* means the day immediately before the day on which a child becomes a child in relation to whom this Part applies.

(2) If on the relevant day a child is not enrolled at a school, then the relevant day is taken to be the last day on which the child was most recently enrolled at a school before the relevant day.

(3) In clause 3.8.18:

*ordinary school fees*, for a child's enrolment at a school on the relevant day, means the sum of:

- (a) an amount for tuition equal to:
    - (i) if the child was attending a non-Government school — the compulsory tuition fees payable if the child had continued to attend the school; and
    - (ii) if the child was attending a Government school — the amount mentioned in column 3 of Part 2 of Annex 3.8.B for the child's stage of education; and
  - (b) an amount for boarding equal to:
    - (i) if the child was attending a school as a full-time boarder — the annual amount for boarding that would have been payable if the child had continued to attend the school; and
    - (ii) if the child was living at a commercial boarding establishment — the annual amount for boarding that would have been payable if the child had continued to so live; and
    - (iii) if the child was living in private board and lodging — the amount mentioned for private board and lodging in column 2 of Part 2 of Annex 3.8.B; and
    - (iv) if the child was living at home — the amount mentioned for living at home in column 2 of Part 2 of Annex 3.8.B.
- (4) The ordinary school fees for a child who boards at a boarding school are to be reduced by AUD 447 in the first school year, if the child did not so board before becoming a child for whom reimbursement is made under clause 3.8.18.

- (5) If a child has attended a school at the posting locality and subsequently returns to Australia to attend a primary or secondary school, the ordinary school fees for the child are to be assessed:
- (a) for a child who has attended a school at the posting locality for a whole school term or for at least four months — as if the child had attended a Government school and lived at home; and
  - (b) for any other child — as if the child had not attended a school at the posting locality and had continued to attend the school that the child attended before attending the school at the posting locality.

### 3.8.22 Period of assistance

*Note:* Education assistance is normally only payable for the duration of the employee's long-term posting.

To ensure the minimum possible disruption to the child's schooling, there is provision for the assistance to start before the employee proceeds overseas and to continue until the end of the school year when the employee returns to Australia.

If the child is in the final two years of secondary school, provision exists to pay the assistance until the completion of secondary schooling at the same school.

- (1) In clauses 3.8.18, 3.8.23 and 3.8.24, the *period of assistance*, for an employee's reimbursement for the cost of a child's education in Australia, is the period beginning on:
- (a) if the employee is notified of a posting to take effect in the next school year — the earlier of:
    - (i) the day the period of posting begins; and
    - (ii) the first day of the next school year; and
    - (iii) if the assessment period for that school year begins in the previous year at a school — the first day of the assessment period.
  - (b) in any other case — the earlier of the day on which the period of posting begins and the first day of the next school term beginning after the date of notification, and ending on:
  - (c) if the employee's child is, on the last day of the period of posting, in the final year of secondary school in Australia — the last day of the school year in which the posting ends; and
  - (d) if the employee's child is, on the last day of the period of posting, in the second last year of secondary school in Australia — the last day of the school year next after the school year in which the posting ends; and
  - (e) in any other case — the last day of the school year in which the employee returns to Australia.
- (2) The period of assistance, for a child, does not extend beyond the last day of the school year during which an employee's posting ends unless the child is, when the posting ends, attending a secondary school in Australia and:
- (a) for a child in the first year of secondary school — has so attended from the beginning of the school year; and
  - (b) for any other child — has so attended for at least four school terms before the day on which the posting ends.

- (3) For the purpose of establishing an employee's period of assistance:
  - (a) an employee's period of posting is taken to begin on the day on which the employee begins, at another overseas locality, a period of duty continuous with the period of posting; and
  - (b) if a relevant person permanently departs from an employee's posting locality for Australia before the end of the employee's period of posting, the period of posting is taken to end on the day on which the person departs.

### **3.8.23 Reimbursement after end of posting**

For any part of the period of assistance after the last day of an employee's period of posting, the employee is entitled to be reimbursed in relation to a child only for the school attended by the child immediately before that day.

### **3.8.24 Child taken to live at home in Australia**

- (1) If a relevant person continues to live with a child in Australia after the beginning of the period of assistance, the employee is not entitled to be reimbursed under clause 3.8.18 unless the Secretary is satisfied that it is impracticable for the child to continue to attend the school that the child attended immediately before the beginning of the period of assistance.
- (2) If:
  - (a) an employee or a relevant person returns to Australia; and
  - (b) the employee or person begins on a day to live at the locality at which a child is attending school,the child is taken to be living at home during any school term beginning after that day.
- (3) If the Secretary is satisfied that it is not reasonable for a child to live with an employee or relevant person, subclause (2) does not apply to the employee for the period that the Secretary declares is reasonable in the circumstances.

### **3.8.25 Child taken to attend Government school in Australia**

If a child of an employee is not boarding at the school attended by the child and is not living with the employee, the child is taken to be attending a Government school, unless the child:

- (a) begins to attend the school after the beginning of the school year; and
- (b) is in a commercial boarding establishment or private board and lodging; and
- (c) has been accepted as a boarder at the school from the beginning of the next school year.

## **Division 4 Miscellaneous**

### **3.8.26 Reimbursement by instalment**

- (1) An employee who is entitled to be reimbursed under this Part may be reimbursed in instalments.
- (2) The total amount of instalments paid to an employee at any time is not to be more than the amount that the employee would be entitled to be reimbursed if the employee ceased to be entitled to reimbursement under this Part at that time.

### **3.8.27 Payment for part of a year**

- (1) This clause applies to an employee if:
  - (a) an annual amount is provided for working out the employee's entitlement for a period under this Part; and
  - (b) the period of entitlement is less than a complete school year.
- (2) The annual amount must be reduced on a pro-rata basis using the formula:

$$\text{Annual amount} = \frac{\text{Number of weeks of school in the period}}{\text{Number of weeks in the school year}}$$

- (3) This means that the amount of assistance in the final year is to be equal to the proportion of the school year for which education assistance is payable.

### **3.8.28 Reimbursement to be reduced by refunds**

If the amount of compulsory boarding fees and compulsory tuition fees is subsequently reduced by virtue of a refund to the employee, the entitlement of the employee to reimbursement under this Part must be reduced accordingly.

### **3.8.29 Payments not to be made concurrently with other entitlements**

An employee is not entitled to be reimbursed under this Part for school costs incurred for a child while the employee is entitled to be reimbursed for school costs for the same child under the education assistance provisions applicable to employees performing duty in Australia.

*Note:* See clause 3.13.2 for provisions continuing education assistance following the death of the employee.

## **Division 5 Assistance with education at certain localities**

### **3.8.30 Canada – education assistance**

If:

- (a) an employee on long-term posting in Canada has a child who lives with the employee and who attends a pre-school; and
- (b) tuition for at least 15 hours a week is not available at a Government pre-school, the amount of compulsory tuition fees levied by the benchmark pre-school is taken to be CAD 1,200 a year.

### **3.8.31 United Kingdom – education assistance**

An employee who uses the consultancy services of the Independent Schools Information Services or a similar organisation to assist with student placement is entitled to be reimbursed up to GBP 60 for the first school and GBP 30 for each other school at which a child is placed.

### **3.8.32 United States of America – education assistance**

- (1) This clause applies to an employee on long-term posting in the United States of America.
- (2) The benchmark school, for an employee's child, is the Government school (if any) at the locality where the employee lives that offers:
  - (a) for a child who will not turn five by 31 December in the current school year — at least 15 hours' part-time tuition a week; and
  - (b) for any other child — full-time tuition.
- (3) If the Secretary is satisfied that a suitable benchmark school is not available for the schooling of an employee's child because the employee is directed to live in a district, the compulsory tuition fees levied by benchmark schools are taken to be:
  - (a) for pre-school:
    - (i) if the employee is directed to live on Manhattan Island — USD 10,705 a year; and
    - (ii) if the employee is not so directed — USD 5,912 a year; and
  - (b) for primary school:
    - (i) if the employee is directed to live on Manhattan Island — USD 18,252 a year; and
    - (ii) if the employee is not so directed and lives in New York State — USD 13,781 a year; and
    - (iii) if the employee is directed to live in the District of Columbia — USD 15,757 a year; and
    - (iv) if the employee lives elsewhere in the United States of America — USD 11,814 a year; and

- (c) for secondary school:
  - (i) if the employee is directed to live on Manhattan Island — USD 21,558 a year; and
  - (ii) if the employee is not so directed and lives in New York State — USD 13,781 a year; and
  - (iii) if the employee is directed to live in the District of Columbia — USD 15,757 a year; and
  - (iv) if the employee lives elsewhere in the United States of America — USD 11,814 a year.
- (4) If an employee's child who will not turn five by 31 December in the current school year attends a pre-school, the employee is entitled to be reimbursed only for the cost of five half-days' tuition a week.
- (5) If:
  - (a) a child has lived or intends to live with an employee at the posting locality for a substantial part of the period of posting; and
  - (b) the child has completed high school education in the United States of America; and
  - (c) the child intends to begin a course of study at the earliest opportunity at a university or other similar tertiary institution in Australia; and
  - (d) in order to obtain admission to the intended course of study, the child must complete the freshman year of a junior college or similar tertiary institution in the United States of America,the child's attendance at the institution mentioned in paragraph (d) is taken, for this Part, to be attendance at a secondary school.

### **3.8.33 United States of America – summer camp for child on Manhattan Island**

If an employee is directed to live on Manhattan Island in the United States of America and the employee is entitled to child allowance for a child, the employee is entitled to be reimbursed for as much of the mandatory camp fees the employee necessarily incurs for summer camps, including day camps, for the child as does not exceed:

- (a) for a child attending preschool — USD 700 a year; and
- (b) for a child attending primary or secondary school — USD 2,200 a year.

**Division 6****Examples of applying the overseas education assistance provisions**

The following are some examples of how the education assistance provisions could apply in different circumstances:

<b>No.</b>	<b>Example</b>	<b>How the rules might apply</b>
1.	The child lived at home and attended a government school. It is decided that the child will now attend a non-government school in Australia as a full-time boarder:	The employee will be reimbursed the difference between the lesser of the compulsory school fees (clause 3.8.19) and the maximum allowable school fees (clause 3.8.20), less the appropriate employee contribution for tuition and boarding costs (ordinary school fees - clause 3.8.21).
2.	The child attended a non-government school as a day student. It is decided the child will continue as a day student at the same school and live at home:	Using the same formula as in example (a), no education assistance is payable for either tuition or boarding in these circumstances. However, the employee may be entitled to a rent rebate for maintenance of a household in Australia (see clause 3.5.13)
3.	The child lived at home and attended a non-government school as a day student. The child will continue as a boarder at the same school:	Using the same formula as in example (a), no assistance is payable for tuition. However, boarding assistance is based on the maximum allowable school fees (clause 3.8.20) for living at home and attending a non-government school (Part 1 of Annex 3.8.B), less the employee contribution for living at home (Part 2 of Annex 3.8.B)
4.	The child will remain at the same school but live in a commercial boarding establishment:	As above, with the exception that boarding charges are based on the maximum allowable school fees for living in a commercial boarding establishment (Part 1 of Annex 3.8.B)
5.	The child attended a non-government school as a boarder and will continue as a boarder at either the same school or another school in Australia:	No education assistance is payable for either tuition or boarding. However, if the child moves to another school in Australia and the tuition/boarding costs at the other school are greater than the previous school but are still less than the maximum allowable school fees - the employee contribution is based on the costs that were being incurred at the previous school, with reimbursement being provided up to the maximum allowable school fees (clause 3.8.20)
6.	The child accompanies the employee to the overseas posting locality and at some point during the period of posting is authorised to attend schooling in either Australia, another locality in the same country or in a third country:	The rate of education assistance is calculated as explained in example (a), with the exception that the employee contribution is based on the period of time the child spent at the overseas posting locality (subclause 3.8.21 (5)). Irrespective of where the child has been authorised to attend school, costs are limited to those that would have been incurred if the child had attended school in Australia (subclause 3.8.12 (4)).

## Annex 3.8.A Benchmark schools

### Part 1 Pre-schools

Column 1	Column 2
Posting locality	Benchmark school
Canada	Any government school
China	International School, Beijing
Cook Islands	Te Uki Ou School
Fiji	International School, Suva
France	Ecole Active Bilingue, Paris International School, Paris
Germany	Any American or British school
India	American Embassy School, New Delhi
Indonesia	Lentara International School, Jakarta
Israel:	
- Jerusalem	Anglican School
- Tel Aviv	Walworth Barbour American International School
Italy	Overseas School, Rome St George's English School, Rome
Japan	American School, Tokyo St Mary's International School, Tokyo
Korea	British School, Seoul Foreign School, Seoul International School, Seoul
Malaysia:	
- Kuala Lumpur	Children's House
- elsewhere	St Christopher's School, Butterworth
New Zealand	Any government school Samuel Marsden Collegiate School
Pakistan	Islamabad International School
Papua New Guinea	Boroko East International School
- Port Moresby	Ela Beach Humpty Dumpty Korobosea Lahara Avenue Murray International School
- Lae	International School
- Madang	Madang Pre-School
- Mendi	Mendi Pre-School
- Wewak	Wewak Pre-School
Philippines	Eleanor Esteban Learning Centre International School, Manila
Samoa	Apia Infants School
Singapore	Winchester Nursery School
Solomon Islands	Kindy's Corner
Sweden:	
- Stockholm	International School
- Malmo	Bladin's International School
Syria	Damascus Community School Pakistan Community School, Damascus
Thailand	Patana School
Tonga	Montessori Pre-school
United Kingdom	Woodside Park International School
Vanuatu	Ms Barrett's Pre-school Kindergarten

## Part 2 Primary schools

Column 1	Column 2
Posting locality	Benchmark school
Cambodia	International School, Phnom Penh
Canada	Any government school
China	International School, Beijing
Cook Islands	Te Uki Ou School
Fiji	International School, Suva
France	American School, Paris British School, Paris Ecole Active Bilingue, Paris International School, Paris
Germany	Any American or British school
India	American Embassy School, New Delhi British School, New Delhi
Indonesia	Lentara International School, Jakarta
Israel:	
- Jerusalem	Anglican School
- Tel Aviv	Walworth Barbour American International School
Italy	Overseas School, Rome St George's English School, Rome
Japan	American School, Tokyo Sacred Heart International School, Tokyo St Mary's School, Tokyo
Kiribati	Ruruboa School
Korea	British School, Seoul Foreign School, Seoul International School, Seoul
Malaysia:	
- Kuala Lumpur	International School
- elsewhere	St Christopher's School, Butterworth
New Zealand	Any government school
Pakistan	Islamabad International School
Papua New Guinea	Any Australian curriculum primary school administered by the Papua New Guinea Government or the International Education Agency
Philippines	Eleanor Esteban Learning Centre International School, Manila
Samoa	Robert Louis Stevenson School
Singapore	Any Tanglin Trust Ltd primary school
Solomon Islands	Woodford School
Sweden:	
- Stockholm	International School
- Malmo	Bladin's International School
Syria	Damascus Community School Pakistan Community School, Damascus
Thailand	International School, Bangkok Patana School
Tonga	Ocean of Light International School
United Kingdom	Woodside Park International School
Vanuatu	Central Primary School

## Part 3 Secondary schools

Column 1	Column 2
Posting locality	Benchmark school
Canada	Any government school
China	International School, Beijing
Fiji	International School, Suva
France	American School, Paris British School, Paris Ecole Active Bilingue, Paris International School, Paris
Germany	Any American or British school
India	American Embassy School, New Delhi British School, New Delhi
Indonesia	Lentara International School, Jakarta
Israel:	
- Jerusalem	Anglican School
- Tel Aviv	Walworth Barbour American International School
Italy	Overseas School, Rome St George's English School, Rome
Japan	American School, Tokyo Nisimachi International School, Tokyo Sacred Heart International School, Tokyo Seisen International School
Korea	Foreign School, Seoul International School, Seoul
Malaysia:	
- Kuala Lumpur	International School
- elsewhere	Uplands School, Butterworth
New Zealand	Any government school
Pakistan	Islamabad International School
Papua New Guinea	Any Australian curriculum secondary school administered by the Papua New Guinea Government or the International Education Agency
Philippines	Eleanor Esteban Learning Centre International School, Manila
Samoa	Leifiifi Intermediate School College
Singapore	American School United World College South East Asia
Solomon Islands	St Barnabas School
Sweden:	
- Stockholm	International School
- Malmo	Bladin's International School
Syria	Pakistan Community School, Damascus
Thailand	International School, Bangkok
Tonga	Ocean of Light International School
United Kingdom	Woodside Park International School



## Annex 3.8.B Education assistance

### Part 1 Amount for boarding (clause 3.8.19) Maximum allowable school fees (clause 3.8.20)

Column 1	Column 2	Column 3	Column 4
Boarding and schooling arrangements	Boarding AUD a year	Tuition AUD a year	Total AUD a year
Boarding school	11,860	12,750	24,610
Commercial boarding establishment, attending non-Government school	11,860	12,750	24,610
Commercial boarding establishment, attending Government school	11,860	184	12,044
Private board and lodging, attending non-Government school	6,918	12,750	19,668
Private board and lodging, attending Government school	6,918	184	7,102
Living at home, attending non-Government school	2,137	12,750	14,887
Living at home, attending Government school	2,137	184	2,321

**Part 2 Ordinary school fees (clause 3.8.21)**  
**[employee contributions]**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Schooling and living arrangements of child immediately before eligible for overseas education assistance</b>	<b>Employee contribution for boarding costs</b>	<b>Employee contribution for tuition costs</b>
Child attended boarding school	Amount for boarding* employee would have incurred at the school	Compulsory tuition fees# employee would have incurred at the school
Commercial boarding establishment and attended non-Government school	Amount for boarding* employee would have incurred at the commercial establishment	Compulsory tuition fees# employee would have incurred at the school
Commercial boarding establishment and attending Government school	Amount for boarding* employee would have incurred at the commercial establishment	(a) Pre-school AUD 231 a year (b) Primary AUD 79 a year (c) Secondary AUD 184 a year
Private board and lodging and attending non-Government school	AUD 6,918 a year	Compulsory tuition fees# employee would have incurred at the school
Private board and lodging and attending Government school	AUD 6,918 a year	(a) Pre-school AUD 231 a year (b) Primary AUD 79 a year (c) Secondary AUD 184 a year
Living at home and attending non-Government school	AUD 2,137 a year	Compulsory tuition fees# employee would have incurred at the school
Living at home and attending Government school	AUD 2,137 a year	(a) Pre-school AUD 231 a year (b) Primary AUD 79 a year (c) Secondary AUD 184 a year

\* see paragraph 3.8.19 (b)

# see clause 3.8.4

## Part 9 Assistance with health services

### 3.9.1 Purpose

The purpose of this Part is to authorise the financial assistance an employee may receive for health-related expenses incurred by the employee or a dependant during a long-term posting. The types of health services covered are medical, hospital, pharmaceutical, ambulance, ancillary and dental.

*Note:* The principle behind these provisions is that employees should meet the same health costs in respect of themselves and their dependants as they would in Australia and that the Commonwealth should reimburse any costs in excess of the cost of the same, or a similar, service in Australia.

### 3.9.2 Interpretation

(1) In this Part:

***ancillary service*** means an ancillary health service, including a dental service, that is provided overseas and that, if the service were provided in Australia, would be recognised for the purpose of payment of benefits by:

- (a) if the Secretary has contracted a health benefits fund to make payments of entitlements under this Part to an employee on behalf of the Commonwealth — the health benefits fund; and
- (b) in any other case — Medibank Private.

***eligible person***, for an employee, means the employee or a dependant of the employee who is recognised as eligible under clause 3.9.5.

***health benefits fund*** means a health benefits fund conducted by a registered health benefits organisation within the meaning of the *National Health Act 1953*.

***medical service*** means medical treatment provided overseas for which, if the treatment were provided in Australia, an eligible person would be entitled to a Medicare benefit.

***pharmaceutical product*** means a drug or medicinal preparation supplied on the prescription of a duly qualified practitioner.

- (2) In this Part, subclause 1.2.4 (1) applies to a dependant who is a child as if the reference in subparagraph 1.2.4 (1) (b) (iii) to a child who is less than 18 years old were a reference to a child who is less than 21 years old.
- (3) In spite of paragraph 1.2.4 (3) (b), a person is not to be excluded as a dependant of an employee only because the person lives overseas with the employee for less than 12 months.

### 3.9.3 Provisions to apply only to health service provided overseas

This Part applies only in relation to the cost of a health service that is provided overseas.

### **3.9.4 Circumstances in which person taken to be eligible**

- (1) Except as provided by subclause (3), a person is not taken to be an eligible person unless:
  - (a) a registered medical practitioner; and
  - (b) a registered dental practitioner,certify that the person is fit to undertake a long-term posting at the employee's posting locality.
- (2) The employee is entitled to be reimbursed for any costs that the employee incurs for medical and dental examinations under subclause (1).
- (3) If a person is not certified as fit under subclause (1), the Secretary may declare in writing that the person is taken to be an eligible person for the purpose of this Part in relation to health care costs other than costs arising in connection with the illnesses or conditions that the Secretary specifies in the declaration.
- (4) For subclause (3), the Secretary must have regard to:
  - (a) the state of health of the person; and
  - (b) the nature, availability and cost of health facilities at the posting locality; and
  - (c) the interests of the Commonwealth that would be furthered by the person undertaking a long-term posting at the locality; and
  - (d) any climatic or other environmental factor at the locality that may be specially adverse to the health of the person; and
  - (e) any other factor relevant to the person's fitness to undertake a long-term posting overseas at the locality.
- (5) Completed copies of the certificates of fitness will be held by the Overseas Administration Cell, Canberra, as Medical-in-Confidence information. Dependants must take a copy to the posting locality.
- (6) This requirement for certification also applies to dependants undertaking reunion visits to the posting locality.

### **3.9.5 Period of eligibility**

- (1) The period of eligibility of an employee in relation to an eligible person is the period of the reasonable duration of return travel from Australia to the posting locality and:
  - (a) for the employee — the period during which the employee lives at the posting locality; and
  - (b) for another eligible person — the period during which the person lives with the employee overseas.
- (2) If the Secretary is satisfied that the requirements of travel or official business, the education of an employee's child or other special circumstances require an eligible person to be overseas for a period that would not, but for this subclause, be part of the person's period of eligibility, the period is taken to be part of the period of eligibility.

- (3) For this clause, an eligible person who departs from a posting locality at or after the end of an employee's period of posting is taken to be an eligible person while the employee is entitled to overseas living allowance.
- (4) A period during which an employee on long-term posting is not entitled to overseas living allowance is not part of the period of eligibility of an eligible person.

### **3.9.6 Pre-posting health services**

Employees are entitled to be provided at Commonwealth expense with all necessary inoculations, vaccinations, and anti-malarial drugs where necessary, including for all dependants who accompany the employee to the posting locality at Commonwealth expense. This is to be extended to dependants on reunion visits to the posting locality.

### **3.9.7 Medical costs**

- (1) An employee who necessarily incurs costs for a medical service for an eligible person during the period of eligibility is entitled to be reimbursed for the costs.
- (2) An employee is not entitled to be reimbursed for costs under subclause (1) in a financial year until the employee has expended on medical services for an eligible person the equivalent of:
  - (a) for an eligible person who is, at the beginning of the financial year, not more than 15 years old — AUD 25; and
  - (b) for any other eligible person — AUD 69.
- (3) If an employee is entitled to be reimbursed under this Part for medical services for an eligible person for only a proportion of a financial year, the amount that would, but for this subclause, apply to the employee under subclause (2) must be reduced in the same proportion.
- (4) If in a financial year an employee necessarily incurs a cost for medical treatment for an eligible person that is provided in Australia and for which a Medicare benefit is payable, the amount otherwise applicable to the person for the year under subclause (2) must be reduced by the difference between the cost incurred and the Medicare benefit.
- (5) The employee's contribution is an annual amount calculated by the Department of Health and Ageing representing the difference between the average expenditure incurred by Australians each year on medical services and the Medicare rebate.

### **3.9.8 Hospital costs**

- (1) An employee who necessarily incurs costs for a hospital service for an eligible person during the period of eligibility is entitled to be reimbursed an amount equal to the amount of accommodation, treatment and other hospital charges incurred for the use of hospital facilities as nearly as is practicable equivalent to the standard that would be provided to a public patient at a hospital in Australia in similar circumstances.
- (2) If the Secretary is satisfied that an employee has incurred costs for hospital treatment for an eligible person greater than costs for treatment of the standard mentioned in subclause (1) because hospital facilities of the appropriate standard were not available at the locality, the employee is entitled to be reimbursed for as much of the extra costs as the Secretary considers reasonable in the circumstances.

- (3) For subclause (2), the Secretary must have regard to:
  - (a) the nature of the illness or condition of the eligible person; and
  - (b) the standard of available hospital accommodation, treatment and medical equipment at the posting locality; and
  - (c) any other factor relevant to the treatment of the eligible person.

### **3.9.9 Pharmaceutical costs**

- (1) An employee who necessarily incurs costs for a pharmaceutical product for an eligible person during the period of eligibility is entitled to be reimbursed for the amount by which the cost of the product exceeds the equivalent of AUD 23.10.
- (2) If during a calendar year the cost of pharmaceutical products incurred by an employee and not reimbursed under subclause (1) exceeds the equivalent of AUD 708.40, and the employee necessarily incurs costs for a pharmaceutical product for an eligible person during the remainder of the calendar year, the employee is entitled to be reimbursed an amount equal to the amount by which the cost of the product exceeds the equivalent of AUD 3.70.
- (3) If an employee is entitled to be reimbursed under this Part for pharmaceutical products for only a proportion of a calendar year, the annual amount mentioned in subclause (2) must be reduced in the same proportion.
- (4) If in a calendar year an employee necessarily incurs a cost for an eligible person for a pharmaceutical product supplied in Australia, the annual amount mentioned in subclause (2) must be reduced by the cost.
- (5) These contributions do not apply to any item provided at the posting locality at Commonwealth expense, including in the Medical Equipment Set Individual Foreign Service.

*Note:* The amounts shown represent a proportion of the amount that the employee would be required to pay for pharmaceutical products purchased in Australia with the benefit of the Pharmaceutical Benefits Scheme. This proportion recognises that as a result of long-term postings, employees and their dependants often have a greater need for pharmaceutical products.

### **3.9.10 Ancillary health costs**

- (1) An employee who necessarily incurs costs for an eligible person for an ancillary service during the period of eligibility is entitled to be reimbursed for the amount by which the cost exceeds the cost of a service in Australia that is the same as or, if a service of that kind is not available in Australia, similar to the ancillary service.
- (2) The cost of the service in Australia is to be determined by reference to the employee's private health fund or (if the employee does not have private health insurance) Medibank Private.

*Note:* The Welfare Unit of the Department of Foreign Affairs and Trade, Canberra, will assist when cost data is not available at the posting locality, and will also provide a copy of its advice to the Overseas Administration Cell, Department of Defence, Canberra.

### **3.9.11 Ambulance costs**

An employee who necessarily incurs costs for an eligible person for ambulance transport during the period of eligibility is entitled to be reimbursed the cost.

### **3.9.12 Costs of routine medical checks during and after posting**

- (1) If the Secretary is satisfied that it is necessary for eligible persons who live or who have lived at a posting locality to undergo routine medical checks, an employee who incurs costs for an eligible person for a medical check of that kind is entitled to be reimbursed the cost.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the general standard of health at the posting locality; and
  - (b) the incidence at the locality of diseases that are unlikely to be contracted in Australia.
- (3) The amount reimbursed is to be reduced by the amount of:
  - (a) any benefit payable for an item under the Medicare Benefits Schedule; and
  - (b) any amount payable the item by the dependant's health insurance fund.
- (4) The employee is entitled to be reimbursed for the cost of the employee's and eligible person's return travel to the medical facility where treatment is provided.

### **3.9.13 Claims for health costs**

All health claims under this Part must be submitted to the Post Administration Section in the Australian diplomatic mission of the country in which the employee serves. If the employee is serving in a country which does not have an Australian mission, the employee is to forward claims to the Embassy or High Commission where the controlling Defence Attache is located.

### **3.9.14 Assignment of rights to recover costs**

An employee is not entitled to be reimbursed for costs under this Part unless the employee and any other eligible person assigns to the Commonwealth any right to recover the costs from another person.

*Note:* Private health insurance is a matter of personal choice, as it is in Australia, and employees' decisions will be influenced by their own circumstances. There is no Commonwealth requirement for employees on a long-term posting to hold private health insurance. Any costs incurred by the employee for private health insurance are the employee's responsibility. Employees wishing to maintain private health insurance during their posting should discuss this matter with their own health insurance fund.

The Commonwealth's responsibility under this Part is to ensure the employee is no better or worse off, as a result of the long-term posting, than they would have been if they had remained in Australia under Medicare.

### **3.9.15 Payment for health service instead of reimbursement**

- (1) If an employee would be entitled under this Part to be reimbursed in full or in part for the cost of a health service other than an ancillary service or a pharmaceutical product, the Secretary may, at the request of the employee, authorise payment of the cost to the provider of the service instead of reimbursing the employee.
- (2) Subclause (1) does not apply to an employee unless the employee has paid to the Commonwealth any amount in excess of the amount that the employee is entitled to be reimbursed under this Part.

### **3.9.16 Travel to another locality for health care**

- (1) If the Secretary considers that an eligible person requires health care that can be neither satisfactorily provided at the posting locality nor delayed until the person is away from the locality for recreation or other purposes, the Secretary may authorise the travel of the person at Commonwealth expense to a locality where appropriate treatment can be provided.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the apparent state of health of the eligible person and any available professional advice on the person's state of health; and
  - (b) the treatment that appears to be relevant to the person's state of health; and
  - (c) the health care facilities available at the posting locality; and
  - (d) the availability and skill of health care professionals at the locality; and
  - (e) any other factor relevant to the health of the person.
- (3) If an eligible person is absent from the posting locality under this clause, the absence does not interrupt the period of eligibility under this Part.

### **3.9.17 Provision of escort**

- (1) If the travel of an eligible person has been authorised under clause 3.9.16, and the Secretary considers that it is essential for the person to be accompanied by an escort, the Secretary may authorise the travel of the escort at Commonwealth expense.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the reasons for the eligible person's travel; and
  - (b) any requirements applicable to an aircraft or other vehicle in which the person travels; and
  - (c) the degree to which the person is able to travel independently for treatment; and
  - (d) any other factor relevant to the welfare of the person during the travel.

### **3.9.18 Fares of child to accompany a parent**

- (1) If:
  - (a) an eligible person has been authorised to travel to another locality for health care under clause 3.9.16, or the travel of an escort has been authorised under clause 3.9.17; and
  - (b) the eligible person or the escort is the parent of a child; and
  - (c) the Secretary is satisfied that it is impractical to make other appropriate arrangements for the care of the child,the Secretary may authorise the travel of the child to accompany the person at Commonwealth expense.
- (2) For paragraph (1) (c), the Secretary must have regard to:
  - (a) the age of the child; and
  - (b) any arrangements the person could make for the care of the child in the circumstances; and
  - (c) the circumstances in which the person is to travel.

### **3.9.19 Class of air travel for health care**

- (1) If an eligible person, an escort or a child travels under this Part, the person must be provided with:
  - (a) for a person who is pregnant — the class of air travel that would be provided for travel by a pregnant employee under the Agreement; and
  - (b) for any other person — economy class air travel or a higher class that the Secretary considers reasonable in the circumstances.
- (2) For paragraph (1) (b), the Secretary must have regard to:
  - (a) the apparent state of health of the person; and
  - (b) the nature of the aircraft accommodation required by the person for medical reasons during the travel; and
  - (c) the nature of available accommodation on the aircraft in which the person is required to travel; and
  - (d) any other factor relevant to the person's travel.
- (3) An eligible person, an escort and a child are to travel at the same class of travel.
- (4) If an eligible person or an escort chooses in writing to travel at a lower standard than the class of air travel applicable to the person under subclause (1) or (3), the cost of the fares paid by the Commonwealth must not be more than the cost of the fares at the standard of travel actually used by the person to the locality at which treatment would ordinarily be authorised for the person.

### **3.9.20 Living costs at another locality during treatment**

- (1) This clause does not apply to a person who is an in-patient at a hospital.
- (2) If the Secretary has authorised an eligible person, an escort or a child to travel at Commonwealth expense from the posting locality to another overseas locality to obtain a health service, an employee is entitled to be reimbursed costs for the person, incurred during the period approved by the Secretary, for accommodation and meals:
  - (a) for a person:
    - (i) living in commercial accommodation without facilities and utensils sufficient to allow the person to prepare a cooked meal; or
    - (ii) living for not longer than five days in commercial accommodation with such facilities and utensils,  
as if the person were settling in on long-term posting at the other locality; and
  - (b) for a person living for longer than five days in commercial accommodation with facilities and utensils sufficient to allow the person to prepare a cooked meal — the reasonable cost of the person's accommodation; and
  - (c) for any other person — 25 per cent of the amount of meals supplement that would be payable if the person were settling in on long-term posting at the other locality.

- (3) If the Secretary has authorised an eligible person, an escort or a child to travel at Commonwealth expense from the posting locality to a locality in Australia, an employee is entitled to be reimbursed costs for the person, incurred during the period approved by the Secretary, for accommodation and meals:
- (a) for a person:
    - (i) living in commercial accommodation without facilities and utensils sufficient to allow the person to prepare a cooked meal; or
    - (ii) living for not longer than five days in commercial accommodation with such facilities and utensils,  
an amount for accommodation not greater than the amount to which the person would be entitled if the person were an employee temporarily performing duty at the locality for not longer than 21 days, and an amount for meals equal to the amount mentioned under clause 3.4.10 that would be payable if the person were evacuated to the locality; and
  - (b) for a person living for longer than five days in commercial accommodation with facilities and utensils sufficient to allow the person to prepare a cooked meal — an amount for accommodation not greater than the amount to which the person would be entitled if the person were an employee temporarily performing duty at the locality for not longer than 21 days; and
  - (c) for any other person — 25 per cent of the amount for meals mentioned under clause 3.4.10 that would be payable if the person were evacuated to the locality.
- (4) Regardless of an employee's classification, the rates payable under this clause are limited to the rates payable to an employee who is not an SES employee.

## Part 10 Vehicle allowance and vehicle contribution

### 3.10.1 Purpose

The purposes of this Part are:

- (a) to defray the costs incurred by an employee on long-term posting who is authorised to use a privately owned vehicle for official purposes; and
- (b) to provide a mechanism for employees on long-term posting to contribute towards the Commonwealth expense for a vehicle hired by the employee for private purposes.

### 3.10.2 Definition

In this Part:

***official vehicle*** means any motor vehicle provided to an employee at Commonwealth expense (irrespective of who supplies or purchases the vehicle).

*Example*

This includes:

- a. vehicles controlled by Australian diplomatic missions, the Navy, Army or Air Force, or any Commonwealth department or agency represented at the locality; and
- b. pool vehicles made available to Commonwealth personnel serving at the posting locality for casual private use during normal working hours and weekends.

### 3.10.3 Employee this Part does not apply to

- (1) This Part does not apply to an employee on short-term duty who is authorised to travel by motor vehicle instead of the entitled mode of transport.

*Note:* These types of costs may be authorised on the *Overseas visit authority* form, which is explained in more detail in Defence Instruction (General) Administrative 23-5, *Overseas visits*.

- (2) This Part does not apply to an SES employee who is provided with a vehicle under the executive vehicle scheme established in Defence Instruction (General) Logistics 01-11, *Defence Executive Vehicle Scheme*.
- (3) If an employee to whom subclause (2) refers is provided with a vehicle under the executive vehicle scheme and also has the use of another official vehicle overseas on a casual or continuous full-time basis, the employee must pay a contribution for the second vehicle under clause 3.10.7 or 3.10.8.

### 3.10.4 Vehicle allowance

- (1) If the Secretary authorises an employee to use for official purposes a motor vehicle owned, hired or borrowed by the employee, the employee is entitled to vehicle allowance for a journey that the employee makes under that authority.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) whether use of the vehicle will result in greater efficiency than use of public transport; and
  - (b) whether Commonwealth transport is available for the journey; and
  - (c) any requirement for a Commonwealth driver to remain on duty outside normal hours; and
  - (d) whether the personal interests of the employee would be detrimentally affected by the use of another means of transport; and

- (e) whether the employee has provided evidence of adequate insurance cover to use the vehicle for official purposes at the posting locality; and
- (f) the purpose of the travel; and
- (g) any cost saving to the Commonwealth.

*Example*

Use of other transport, such as public transport, could be difficult for an employee who has a disability or it may unreasonably extend the employee's absence from home.

- (3) If the Commonwealth is adjudged liable for damages arising out of an accident involving an employee using a privately owned vehicle on duty, the Commonwealth may claim against the employee to recover the damages awarded against it.
- (4) For each kilometre of an authorised journey, an employee is entitled to an amount worked out using the formula:

$$A \times B \times \frac{C}{100}$$

where:

- A** is the relevant rate of motor vehicle allowance effective on 1 January in any year as mentioned in Schedule 5 of the Agreement;
- B** is the exchange rate used to pay salary to employees at the posting locality on the payday immediately prior to 1 January in that year;
- C** is the post index in force on the payday immediately before 1 January in that year.

- (5) Travel between an employee's residence and headquarters is not to be included in any journey authorised under subclause (1).
- (6) The kilometres travelled are taken to be the distance of the journey using the shortest direct route by suitable roads.

### **3.10.5 Amount payable to be reduced in certain circumstances**

- (1) If the sum of:
  - (a) the amount of vehicle allowance payable to an employee for an authorised journey; and
  - (b) the travelling allowance payable to the employee for the journey, exceeds the sum of:
    - (c) the cost of the employee's fares by the means of commercial transport that the Secretary would ordinarily authorise for the journey; and
    - (d) the amount of travelling allowance payable to the employee if the journey were by that means of transport,
 the amount of allowances payable for the journey must be reduced by an amount equal to the excess.
- (2) In subclause (1):
  - fares*, for an employee, includes fares for another employee who is authorised to accompany the employee on duty.
  - vehicle allowance* includes costs reimbursed under clause 3.10.6.

### **3.10.6 Miscellaneous costs of journey**

An employee who is entitled to vehicle allowance is entitled to be reimbursed for the reasonable cost of ferries, tolls and garage accommodation that the employee incurs during an authorised journey.

### **3.10.7 Hire of official vehicle for casual short-term private use**

- (1) If the Secretary authorises an employee to hire an official vehicle for casual short-term private use, the employee must pay to the Commonwealth, for each kilometre travelled by the vehicle during the period of hire, an amount worked out under subclause 3.10.4 (4).
- (2) If an official vehicle hired by an employee is supplied with a driver, the employee must pay to the Commonwealth an amount equal to the cost of any overtime or additional salary payable to the driver arising from the hire of the vehicle.
- (3) Subclause (2) does not apply to an employee if:
  - (a) the employee or a dependant is prevented from driving a motor vehicle at or in the region of the employee's posting locality by religious custom or law or because, in the opinion of the Secretary, such driving would be an unacceptable risk to the personal safety of the employee or dependant; and
  - (b) the Secretary consequently considers it essential for the employee or dependant to be provided with a driver when the employee hires an official vehicle.
- (4) This clause does not apply to an employee on long-term posting in Cambodia who is authorised to hire an official vehicle for private travel between Phnom Penh and the recreational facility at Kompong Som.

*Note:* Private use includes travel to and from the employee's private residence to the normal place of duty.

### **3.10.8 Continuous full-time private use of official vehicle**

- (1) If the Secretary allocates to an employee, other than an SES employee, an official vehicle for continuous full-time private use for a specific period, the employee must pay to the Commonwealth an amount worked out using the formula:

$$A \times 8000 \times \frac{B}{365}$$

where:

**A** is the rate of allowance payable under subclause 3.10.4 (4);

**B** is the number of days in the period for which the vehicle was allocated.

- (2) This contribution is deducted from salary each fortnight.

### **3.10.9 Miscellaneous vehicle costs**

- (1) Registration, maintenance, servicing and fuel costs for the vehicle will be met at Commonwealth expense.
- (2) If the vehicle is used for private purposes away from the posting locality, such as annual leave, the employee is required to pay for fuel and extra servicing costs incurred during that period.

### **3.10.10 Waiver of contribution**

The Secretary may waive the requirement to make a contribution for the use of an official vehicle, having regard to the Chief Executive's Instructions made under the *Financial Management and Accountability Act 1997*.

#### *NOTE: GARAGING OFFICIAL VEHICLES AT PRIVATE RESIDENCES OVERSEAS*

The requirements for garaging and authorised travel between private residences and work using an official vehicle are similar to those applying within Australia.

These conditions are set out in Chapter 1.8 of the Chief Executive's Instructions, *Charges for home garaging of Defence vehicles*.

If an SES employee is provided with a vehicle overseas under the Defence Executive Vehicle Scheme and also has the use of another official vehicle overseas on a casual or continuous full-time basis, they must pay a contribution for the second vehicle under clause 3.10.7 or 3.10.8.

## Part 11 Reunion visits

### 3.11.1 Purpose

The purpose of this Part is to enable employees serving overseas on long-term postings of 12 months or more to be reunited with dependants who are not able to live with the employee at the posting locality. Reunion visits recognise the need to maintain family bonds and enhance the personal welfare of employees and their dependants.

### 3.11.2 Definitions

In this Part:

**relevant locality**, for a dependant of an employee, means:

- (a) if the dependant lives in Australia — the locality at which the dependant lives; and
- (b) if the dependant lives outside Australia — the headquarters of the employee in Australia, unless the Secretary designates another locality as appropriate in the circumstances.

**year** means a year beginning on the first day of the period of posting or on the anniversary of that day, as the case requires.

### 3.11.3 Dependant not required to live at post

An employee is not excluded from an entitlement for a dependant under this Part only because the dependant does not comply with paragraph 1.2.4 (3) (b).

### 3.11.4 Maximum reimbursement

- (1) The maximum amount that an employee is entitled to be reimbursed for a reunion visit is the least of:
  - (a) the cost incurred by the employee for return travel by a dependant; and
  - (b) the **allowable travel cost** for the travel; and
  - (c) the allowable travel cost for return travel by the dependant between the relevant locality and:
    - (i) if the allowable travel cost for return travel from Australia to a leave centre approved for the employee's posting locality is greater than to the posting locality — the leave centre; and
    - (ii) in any other case — the posting locality.
- (2) However, if the Secretary is satisfied that economy class does not provide adequate security for a young child travelling alone, the allowable travel cost is the cost of travel at the higher standard that the Secretary considers reasonable in the circumstances.

*Example*

Travel on reunion visits must normally be at economy class, taking full advantage of concessions and discounts.

- (3) For subclause (2), the Secretary must have regard to:
  - (a) the standards of safety, security, amenity and hygiene (both at ground facilities and on board the aircraft) afforded by the class of air travel with which the child would otherwise be provided; and
  - (b) the time of year at which the travel is undertaken; and
  - (c) the duration of the travel; and
  - (d) the extent to which the child may in the course of travel be subjected to discrimination within the meaning of the *Sex Discrimination Act 1984*; and
  - (e) any other factor relevant to the child's travel.

### **3.11.5 Reimbursement only if ticket not provided**

An employee is not entitled to be reimbursed for a reunion visit unless the Secretary has failed to approve a request by the employee to provide a ticket under clause 3.11.6.

### **3.11.6 Ticket may be provided instead of reimbursement**

- (1) If an employee would, but for clause 3.11.5, be entitled to be reimbursed in full or in part for a reunion visit, the Secretary may authorise the provision of an appropriate ticket for transport instead of reimbursing the employee.
- (2) If the value of a ticket provided under this clause is greater than the amount that the employee is entitled to be reimbursed for the reunion visit, the employee must pay the extra amount to the Commonwealth.

### **3.11.7 Reunion visit to employee by dependant who lives elsewhere**

- (1) An employee is entitled to be reimbursed for one reunion visit in each year by a dependant who does not live at the employee's posting locality.
- (2) If the Secretary is satisfied that it is reasonable for an employee to be reimbursed for more than one reunion visit by a dependant in a year, the Secretary may authorise reimbursement for one or two additional reunion visits in the year, according to the circumstances.
- (3) For subclause (2), the Secretary must have regard to:
  - (a) the relationship of the dependant to the employee or the employee's spouse; and
  - (b) the age and welfare of the dependant; and
  - (c) the cost and duration of travel to the employee's posting locality; and
  - (d) any other opportunities that the employee or the employee's spouse may have to reunite with the dependant; and
  - (e) any other factor relevant to reimbursement for a reunion visit by the dependant.
- (4) If the Secretary is satisfied that it would be severely detrimental to an employee or a dependant if the number of reunion visits in a year were limited to those authorised under subclauses (1) and (2), the Secretary may authorise reimbursement for an additional reunion visit.

- (5) For subclause (4), the Secretary must have regard to:
- (a) the age of the dependant; and
  - (b) if the dependant is a child:
    - (i) the stage of schooling of the child; and
    - (ii) reports, if available, from the school attended by the child on the progress of the child at school; and
    - (iii) the availability of board and lodging at the school that the child attends or, if unavailable, the nature, availability and cost of suitable alternative child care arrangements for the child; and
  - (c) the likely period of separation that would occur in the absence of an additional reunion visit; and
  - (d) the duration of the reunion visit; and
  - (e) the cost and duration of travel in the course of the reunion visit; and
  - (f) any other factor relevant to reimbursement for a reunion visit by the dependant.

*Example*

An employee with a dependant who is under 18 years old, is attending primary or secondary education full-time with education assistance under Part 8 of this Chapter, and has all people with parental responsibility at the overseas posting locality, may be granted more than one reunion visit to allow the child to spend school holidays with their parents.

If a child attends a school with a four-term school year, an additional reunion visit may be granted.

*Non-example*

An employee might have a reduced annual entitlement for a dependant when there is no reason for additional reunion visits. This might occur with adult dependants who have completed their education, or when a parent remains in Australia and is available to provide emotional support, guidance and counselling.

### **3.11.8 Reunion visit to other locality**

- (1) If an employee is temporarily absent from the posting locality, either on leave or official duty, at the time a dependant would be using a reunion visit entitlement, the dependant may travel to that temporary locality.
- (2) The employee is entitled to be reimbursed for travel costs up to a maximum of the return travel cost to the posting locality, unless the travel is to a designated leave centre and the cost is greater than to the posting locality.

### **3.11.9 Reunion visits within the first or last three months of a posting**

- (1) An employee is not entitled to a reunion visit within three months of the beginning or end of the period of posting.
- (2) The Secretary may permit a reunion visit within three months of the beginning or end of the period of posting, if the Secretary is satisfied that there are exceptional circumstances.
- (3) For subclause (2), the Secretary must have regard to:
  - (a) whether other relatives in Australia can provide temporary accommodation or support for the dependant; and
  - (b) whether care can be arranged for a child; and
  - (c) whether a reunion visit would facilitate the employee remaining on the long-term posting; and
  - (d) whether other dependants could defer joining the employee at the posting locality, and remain in Australia until the dependant's special need is met; and

- (e) the period for which the dependant is expected to remain at the posting locality; and
  - (f) whether it would be more appropriate for the dependant to travel to or from the posting locality separately from the employee.
- (4) If a reunion visit is granted under this clause, the dependant's class of air travel will not be upgraded at Commonwealth expense.
  - (5) A reunion visit under this clause counts towards the entitlement to a reunion visit under clause 3.11.7.

*Example*

A dependant who is granted a reunion visit under this clause and then seeks another reunion visit would need to apply to the Secretary for an additional reunion visit under subclause 3.11.7 (2). This is because the employee's automatic entitlement to one visit would have been met by the visit under this clause.

### **3.11.10 Dependant with separate income – reimbursement to be reduced**

- (1) If a dependant's estimated taxable income exceeds **AUD 16,830** in the year ending on the day on which the dependant would begin a reunion visit, the amount that the employee would otherwise be entitled to be reimbursed for the reunion visit must be reduced by an amount equal to 20 per cent of the excess.
- (2) If the Secretary is satisfied that the whole or part of a reduction otherwise applicable to an employee under subclause (1) should be waived, the Secretary may waive as much of the reduction as is reasonable in the circumstances.
- (3) For subclause (2), the Secretary must have regard to:
  - (a) the interests of the Commonwealth that would be furthered by the employee undertaking a long-term posting at a posting locality; and
  - (b) the financial circumstances of the employee and a dependant; and
  - (c) any other factor relevant to the employee's entitlement to reimbursement for a reunion visit.

### **3.11.11 Reduction of entitlement in certain circumstances**

If:

- (a) in the course of official duty, or on assisted leave travel on extension of posting under clause 3.2.16, an employee travels in a year to the country in which a dependant lives or, if the employee's spouse accompanied the employee on posting, the employee and the employee's spouse travel to that country; and
- (b) while in that country the employee takes one week or more of leave (other than personal leave),

the Secretary must reconsider, and may revoke, a decision to authorise additional reunion visits which have not yet been taken in that year.

### **3.11.12 Reverse reunion visit**

- (1) If an employee would be entitled to be reimbursed for a reunion visit by a dependant, the employee may choose in writing to be reimbursed for reunion travel by the employee or the employee's spouse to visit the dependant.
- (2) If an employee makes a choice in writing under subclause (1), the number of occasions on which the employee would otherwise have been entitled to be reimbursed for reunion visits in the year in which the employee or spouse travels as a consequence of that choice must be reduced by one for each dependant who lives at the locality to which the employee or spouse travels.

- (3) The amount that may be reimbursed to the employee under this clause must not be more than the amount that would have been payable to the employee if each dependant who lives at the locality to which the employee or spouse travels had travelled to the employee's posting locality.
- (4) If an employee makes a choice in writing under subclause (1) and the employee or the employee's spouse visits a dependant at a locality other than the locality at which the dependant lives, the employee or spouse is taken, for this clause, to travel to the locality at which the dependant lives.

### **3.11.13 Travel by person living at post to visit another person**

- (1) An employee is entitled to be reimbursed, in relation to a person who is removed by the Commonwealth to the employee's posting locality (the *relevant person*), for travel by the relevant person for the purpose of reunion with another person who the Secretary considers that it is reasonable should be reunited with the relevant person at Commonwealth expense.
- (2) This other person does not necessarily have to be a dependant of the employee.
- (3) For subclause (1), the Secretary must have regard to:
  - (a) the relationship of the persons; and
  - (b) the degree to which the relationship has been maintained before the employee's long-term posting; and
  - (c) the extent of financial or other dependency of the persons; and
  - (d) the circumstances relating to the relevant person's removal to the posting locality; and
  - (e) any other opportunities that the persons may have to be reunited; and
  - (f) the age and welfare of the persons; and
  - (g) the circumstances relating to the travel; and
  - (h) the cost, timing and duration of the travel; and
  - (i) any other factor relevant to reimbursement for the travel by the relevant person.
- (4) Clauses 3.11.4, 3.11.5, 3.11.6 and 3.11.10 apply to travel under this clause as if:
  - (a) the relevant person were a dependant; and
  - (b) paragraph 3.11.4 (c) read as follows:
    - “(c) the *allowable travel cost* for return travel by the relevant person between the employee's posting locality and Australia.”; and
  - (c) the travel were a reunion visit.
- (5) The allowable travel cost is to be calculated as if the travel were for a normal reunion visit entitlement between the employee's posting locality and the capital city of the State or Territory in which the employee ordinarily lived before the long-term posting (see also clause 1.2.8).

### **3.11.14 Travel and accommodation for reunion visit during period of evacuation**

- (1) For this clause, a *serviced apartment* is accommodation that the Secretary is satisfied is a serviced apartment, having regard to:
  - (a) the cooking and dining facilities; and
  - (b) whether the facilities are similar to those generally available in an apartment or flat; and
  - (c) the services provided to the occupant.

- (2) This clause applies to an employee who travels from the posting locality to another locality for a reunion visit with dependants during a period of evacuation.
- (3) The employee is entitled to be reimbursed for the cost of:
  - (a) return travel by the employee and dependants to the locality during the period of evacuation, as if the travel were reunion travel under this Part; and
  - (b) a serviced apartment at the locality for the period of the reunion visit.
- (4) Travel under this clause is to be in addition to and without prejudice to any other entitlement of the employee or dependant for travel under this Part or under Part 3 of Chapter 4, but the number of reunion visits under this clause is not to exceed the number that would apply to reunion travel under the other provisions of this Part.
- (5) If Part 3 of Chapter 4 applies to the employee, travel for the purposes of this clause must be to a regional leave centre or relief centre within the meaning of that Part.
- (6) For paragraph (3) (b), the total period of reunion visits in a year under this clause is not to exceed the period of annual leave that accrues for a year's service at the employee's posting locality.
- (7) During the period of the reunion visit, the employee continues to be:
  - (a) liable to pay to the Commonwealth a contribution for rent and utilities under Part 5 of this Chapter; and
  - (b) entitled to overseas living allowance under Part 6 of this Chapter.

## **Part 12 Travel for compassionate reasons**

### **3.12.1 Close relative**

In this Part, a *close relative* is:

- (a) for an employee:
  - (i) the employee's spouse, if the spouse does not accompany the employee on a long-term posting; and
  - (ii) a child or parent of the employee; and
  - (iii) another person who stands in a similarly close relationship to the employee as that of a child or parent and is, because of the special circumstances of a particular case, approved by the Secretary as a close relative of the employee; and
- (b) for a spouse who accompanies an employee on a long-term posting:
  - (i) the employee; and
  - (ii) a child or parent of the spouse; and
  - (iii) another person who stands in a similarly close relationship to the spouse as that of a child or parent and is, because of the special circumstances of a particular case, approved by the Secretary as a close relative of the spouse.

### **3.12.2 Child attending boarding school in Australia**

If an employee's child is attending boarding school in Australia and the employee is entitled to education assistance for the child under Part 8 of this Chapter, the child is taken to live at the locality at which the employee ordinarily lives in Australia.

### **3.12.3 Medical certificate required in cases of illness**

An employee is not entitled to be reimbursed under this Part for travel in the event of illness of the employee, the employee's spouse or a close relative unless a qualified medical practitioner who has been treating the person's illness has certified to the Secretary that the person is, at the time the certificate is given, critically or dangerously ill or that the person was, during a period mentioned in the certificate, critically or dangerously ill.

### **3.12.4 Conditions for reimbursement to close relatives**

- (1) If more than one close relative of an employee is available to travel at Commonwealth expense under this Part to visit an employee or spouse, only the close relative whom the Secretary considers most appropriate may be reimbursed.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) any wishes expressed by the employee or spouse about the close relative who should visit; and
  - (b) the employee's general domestic circumstances; and
  - (c) any other factor relevant to the visit.

### 3.12.5 Fares of relative who visits sick employee

- (1) If:
  - (a) an employee who is on duty at a locality overseas, or a spouse at that locality, becomes critically or dangerously ill; and
  - (b) a close relative of the employee or spouse, as the case may be, travels to the locality where that person is ill for the purpose of visiting the person while the person is critically or dangerously ill,  
the employee is entitled to be reimbursed an amount equal to the least of:
    - (c) the amount of fares incurred by the close relative for travel to and from that locality; and
    - (d) the *allowable travel cost* for the travel; and
    - (e) the allowable travel cost for travel from the locality where the employee ordinarily lives in Australia to the locality overseas where the employee ordinarily performs duty.
- (2) If a close relative mentioned in this clause ordinarily lives at a locality other than the locality at which the employee ordinarily lives in Australia, the amount of fares incurred by the close relative must be reduced by the allowable travel cost for travel from the locality at which the close relative ordinarily lives to the locality at which the employee ordinarily lives in Australia.

### 3.12.6 Fares of relative who attends funeral of employee who dies overseas

- (1) If:
  - (a) an employee who is on duty overseas, or the employee's spouse, dies; and
  - (b) a close relative of the employee or spouse, as the case may be, travels to a locality overseas to attend the funeral or make necessary arrangements arising from the death of that person; and
  - (c) the remains of the person are not to be removed at Commonwealth expense, the employee or, in the event of the employee's death, the spouse is entitled to be reimbursed an amount equal to the least of:
    - (d) the amount of fares incurred by the close relative to travel to and from that locality; and
    - (e) the *allowable travel cost* for the travel; and
    - (f) the allowable travel cost for travel from the locality where the employee ordinarily lives in Australia to the locality overseas to which the close relative travels.
- (2) If a close relative mentioned in this clause ordinarily lives at a locality other than the locality at which the employee ordinarily lives in Australia, the amount of fares incurred by the close relative must be reduced by the allowable travel cost for travel from the locality at which the close relative ordinarily lives to the locality at which the employee ordinarily lives in Australia.

### 3.12.7 Fares to visit close relative in special circumstances

- (1) If:
  - (a) a close relative of an employee on long-term posting, or of the employee's spouse, dies or becomes critically or dangerously ill; and
  - (b) the employee or spouse, as the case requires, travels to the locality where the close relative lived prior to death, the locality at which the funeral of the close relative is held, or to another locality for the purpose of visiting the close relative while the close relative is critically or dangerously ill,  
the employee is entitled to be reimbursed an amount equal to the lesser of:
    - (c) the amount of fares incurred by the employee or spouse, as the case may be, for the travel; and
    - (d) the **allowable travel cost** for travel from the posting locality to the locality to which the employee or spouse travelled.
- (2) If the travel mentioned in this clause is to a locality other than the locality at which an employee ordinarily lives in Australia, the amount of fares incurred by the employee, or the spouse, as the case requires, must be reduced by the allowable travel cost for travel from the locality at which the employee ordinarily lives in Australia to the locality to which the employee or spouse travels.
- (3) An employee or spouse may also be entitled to assistance if the travel is to a destination outside Australia, on condition that the employee makes a contribution equal to the allowable travel cost for return travel to the overseas destination from the international terminal in Australia from which a flight departs to the overseas compassionate destination, nearest to the locality to which the employee was posted before the long-term posting.
- (4) If the allowable travel cost between the overseas localities exceeds the employee's contribution, the employee is eligible to be reimbursed for the difference.

#### *Example 1*

An employee posted from a locality in New South Wales to a locality in the United Kingdom wishes to visit a close relative who is critically ill in New York. The employee would be entitled to assistance with return travel from the UK to New York (say AUD 2,500) and would be required to pay a contribution equivalent to the allowable return travel cost from Sydney to New York (say AUD 5,900). In this case, as the contribution the employee would have to pay exceeds the level of assistance, no reimbursement is given.

#### *Example 2*

An employee posted from Western Australia to Malaysia wishes to visit a dangerously ill close relative in Wellington, New Zealand. The employee is entitled to assistance from Malaysia to Wellington return (say AUD 3,400) less a contribution equal to the allowable travel cost from Perth to Wellington return (say AUD 2,200). In this case, as the assistance is AUD 3,400 and the contribution is AUD 2,200 the employee would be entitled to be reimbursed AUD 1,200. (If no suitable flights, regarded by the relevant airline as an international flight, depart Perth for Wellington, but a connecting domestic flight departs for Sydney, the employee would be required to pay a contribution equal to the allowable travel cost from Sydney to Wellington).

- (5) It is reasonable to treat the locality at which the employee ordinarily lives in Australia as the locality within Australia where any close relative dies or is critically or dangerously ill.

### **3.12.8 Limitation on travel except in certain circumstances**

- (1) An employee, spouse or close relative is not entitled to be reimbursed under this Part for travel more than once during a posting for the illness or death of the same person unless the Secretary is satisfied that there are special circumstances making it essential that the person undertake additional travel.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the circumstances relating to the first and subsequent visit; and
  - (b) the nature of the relationship between the persons involved; and
  - (c) the interval between the visits; and
  - (d) the period before the employee's posting will be completed; and
  - (e) the cost of travel; and
  - (f) any other factor relevant to the travel.

### **3.12.9 Fares of child to accompany person travelling**

- (1) For clauses 3.12.5 to 3.12.7 inclusive, the amount of fares and the *allowable travel cost* are taken to include the fares for a child if:
  - (a) a person is entitled to be reimbursed for fares under those clauses; and
  - (b) the person is the parent of the child; and
  - (c) the Secretary is satisfied that it is impractical to make other appropriate arrangements for the care of the child.
- (2) For paragraph (1) (c), the Secretary must have regard to:
  - (a) the age of the child; and
  - (b) any arrangements the person could make for the care of the child in the circumstances; and
  - (c) the circumstances in which the person travels.

## Part 13

# Conditions of service relating to death overseas of employee or dependant

### 3.13.1 Funeral costs overseas

- (1) If an employee or a dependant accompanying the employee dies overseas, the Commonwealth must:
  - (a) pay the cost of returning the employee's or dependant's body to Australia if so desired by the next of kin; or
  - (b) reimburse to the legal personal representative an amount, not more than the cost otherwise payable under paragraph (a), equal to the amount by which the cost incurred for the employee's or dependant's funeral at the locality is greater than the reasonable cost that would have been incurred in Australia.
- (2) For paragraph (1) (b), the cost of an employee's or dependant's funeral at an overseas locality is taken:
  - (a) to be reduced by the amount (if any) provided by the Commonwealth for the funeral otherwise than under this clause; and
  - (b) if the employee's or dependant's body is cremated at the locality — to include the cost of returning the employee's or dependant's remains to Australia.

### 3.13.2 Continuation of entitlements on death of employee

- (1) In this clause:

*relevant period* means the period beginning on the day on which an employee dies and ending:

  - (a) for transport and removal of dependants and their possessions — a year after that day; and
  - (b) for any other entitlement or obligation — six weeks after that day.
- (2) If an employee dies during a long-term posting, any entitlements and obligations that would, but for the employee's death, have been applicable under this Determination in relation to dependants are to continue to apply to the dependants during the relevant period, except that:
  - (a) a contribution for rent and utilities is not payable; and
  - (b) overseas living allowance is payable at a rate equal to two-thirds of the rate that would have been payable, but for the employee's death; and
  - (c) for the purposes of assistance with the education of a child, the deceased employee is taken to have returned to Australia on the day on which the employee died; and
  - (d) transport for the dependants and their possessions may be provided to a locality other than Australia, but the amount paid by the Commonwealth must not be more than the amount that the Commonwealth would have paid for their transport to Australia.
- (3) If, but for this subclause, the relevant period would end, and the Secretary is satisfied that dependants should be granted more time to conclude their arrangements at the posting locality, the Secretary may extend the relevant period to a day that the Secretary considers reasonable in the circumstances.

- (4) For subclause (3), the Secretary must have regard to:
  - (a) the circumstances in which the employee died; and
  - (b) the situation of the dependants who continue to live at the posting locality after the employee's death; and
  - (c) any other factor relevant to the dependants.

## **Part 14 Loss or damage to possessions overseas**

### **3.14.1 Definition**

In this Part:

*possessions* means:

- (a) household goods to which subclause 3.3.4 (1) applies; and
- (b) any other household goods to which subclause 3.3.4 (4) or (5) would apply; and
- (c) food, beverages and other household consumable goods; and
- (d) private motor vehicles.

### **3.14.2 Loss or damage to possessions of dependant**

If loss or damage occurs to possessions owned by a dependant of an employee, this Part applies as if the possessions were owned by the employee.

### **3.14.3 Possessions presumed to be lost in certain circumstances**

- (1) If the Secretary directs that, for this Part, the loss of an employee's possessions is presumed to have occurred on a specified date, this Part applies in relation to the loss as if the possessions had been lost on that date.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the circumstances in which the employee ends or interrupts a long-term posting and departs from the employee's posting locality; and
  - (b) the nature of possessions abandoned by the employee at the locality, and their condition and value when abandoned; and
  - (c) the likelihood that the employee will be able to recover the possessions in a reasonable condition for use; and
  - (d) the likelihood that the employee will resume the posting or otherwise return to the locality; and
  - (e) any other factor relevant to the employee's deprivation of the possessions.
- (3) The Secretary is not to give a direction under subclause (1) in relation to an employee's possessions unless the employee assigns title in the possessions to the Commonwealth.

### **3.14.4 Loss or damage to possessions through war etc**

An employee is entitled to be indemnified by the Commonwealth for loss or damage occurring overseas to the employee's possessions if:

- (a) the possessions:
  - (i) are lost or damaged as a direct consequence of war, civil disorder, natural disaster or other similar event; or
  - (ii) are presumed to have been lost by virtue of a direction given by the Secretary under clause 3.14.3; and

- (b) the employee:
  - (i) has arranged for the possessions to be adequately covered by appropriate insurance, but has been unsuccessful in recovering the loss or damage from the insurer despite reasonable endeavours; or
  - (ii) has been unable to obtain appropriate insurance at reasonable cost to cover the possessions in the circumstances in which the loss or damage occurred; and
- (c) the employee took reasonable precautions to avoid the loss or damage; and
- (d) the employee assigns to the Commonwealth, to the extent of any payment by the Commonwealth under this Part, any right to recover the loss or damage from an insurer or another person and takes all necessary steps to facilitate claims by the Commonwealth.

### **3.14.5 Amount payable – possessions other than motor vehicles**

- (1) An employee is entitled to be paid for loss or damage to possessions under this Part the amount that the Secretary considers reasonable in the circumstances.
- (2) For subclause (1), the Secretary must have regard to:
  - (a) the nature and extent of the possessions lost or damaged; and
  - (b) any amount that an insurer would pay to the employee for the loss or damage; and
  - (c) any competent valuation of the loss or damage; and
  - (d) the estimated residual value of the possessions, taking account of the cost incurred by the employee for their purchase and the estimated amount of subsequent depreciation; and
  - (e) any other factor relevant to the loss or damage.

### **3.14.6 Amount payable – motor vehicles**

- (1) An employee is entitled, for loss or damage to a motor vehicle, to an amount equal to:
  - (a) for loss of the vehicle — the estimated residual value of the vehicle immediately before the loss occurred; and
  - (b) for damage to the vehicle — the amount by which the estimated residual value of the vehicle immediately before the damage occurred is greater than the estimated residual value of the damaged vehicle.
- (2) The estimated residual value of an employee's vehicle must be worked out as the cost incurred by the employee for the purchase of the vehicle, less the amount of depreciation that the Secretary assesses as reasonable in the circumstances.
- (3) For subclause (2), the Secretary must have regard to:
  - (a) the factors mentioned in subclause 3.14.5 (2); and
  - (b) the type and cost of the vehicle bought by the employee; and
  - (c) the age of the vehicle when bought, and the period for which the employee owned the vehicle; and
  - (d) the rate of depreciation that would ordinarily be incurred on a similar vehicle at the employee's posting locality; and
  - (e) the estimated cost of repairing any defects in or damage to the vehicle; and
  - (f) if the vehicle is comprehensively insured — the insured value of the vehicle; and
  - (g) any other factor relevant to the employee's ownership of the vehicle.

- (4) An estimated residual value worked out for an employee's vehicle under subclause (2) must be reduced by the amount (if any) by which the sum of the allowances payable to the employee for depreciation on motor vehicles during the employee's period of ownership of the vehicle is greater than the amount of depreciation assessed by the Secretary.

### **3.14.7 Reduced payment if employee underinsured**

If:

- (a) this Part would not, but for this clause, apply to an employee by virtue of subparagraph 3.14.4 (b) (i); and
- (b) the Secretary considers it reasonable to expect that an employee would have insured possessions against the event that caused loss or damage to the possessions,

the Secretary may declare that this Part applies to the loss or damage but in that case the amount paid to the employee by the Commonwealth must be reduced by the amount that the employee could reasonably expect to have been paid under a contract of insurance if the employee had arranged for the possessions to be adequately covered by appropriate insurance and had been successful in recovering the loss or damage from the insurer.

### **3.14.8 Payment not to be made concurrently with other entitlements**

An employee is not entitled to be paid under this Part for any loss or damage to clothing or personal effects which is accepted as relating to the employee's service, and for which the employee would otherwise be entitled to be reimbursed by the Commonwealth.

### **3.14.9 Losses on decision by the Commonwealth to withdraw from posting**

- (1) This clause applies to an employee who incurs financial losses as a result of a decision by the Commonwealth to withdraw employees suddenly and unexpectedly from long-term posting at a locality.
- (2) This clause sets out the conditions of service applicable where the employee and dependants are directed to leave the locality as a consequence of a decision by the Commonwealth Government to withdraw the Defence presence from an overseas post. The departure will generally be of a permanent nature and the employee and dependants will normally return to Australia.
- (3) These situations are characterised as losses on decision by the Commonwealth to withdraw from posting, which occur as a result of a decision by the Commonwealth to withdraw employees suddenly and unexpectedly from long-term posting at a locality. On receipt of advice of a Government decision to withdraw an employee and dependants from an overseas post, the normal provisions relating to a long-term posting overseas as set out in this Chapter will apply.
- (4) This clause does not apply to:
  - (a) management-initiated early withdrawal of an employee from a posting (in which case it would be normal practice to allow enough time for personal arrangements to be completed before departure); or
  - (b) evacuations.

- (5) The employee is entitled to compensation of an amount that the Secretary considers reasonable for the losses in the circumstances of the withdrawal.
- (6) For subclause (5), the Secretary must have regard to:
  - (a) the circumstances in which the employee ceases the long-term posting and departs from the locality; and
  - (b) the length of time given to the employee to depart from the locality; and
  - (c) the expected duration of the posting and the period of the posting remaining at the time of departure; and
  - (d) the extent to which the employee entered into unavoidable financial commitments in the reasonable expectation that the posting would run its full term; and
  - (e) any expenses reasonably incurred by the employee which, but for the employee's departure, would have reduced over the ordinary period of posting; and
  - (f) the likelihood that the employee will resume the posting and return to the locality; and
  - (g) any other factor relevant to the posting.