Determination under the *Defence Enterprise Agreement 2017-2020*  
No. 2 of 2017, Overseas conditions of employment

1 Authority

I, LISA ANNETTE ARNOLD, acting in accordance with the delegation of powers to me under section A4 of the *Defence Enterprise Agreement 2017-2020* (DEA) by the Secretary to the Department of Defence, hereby determine the conditions of employment for employees as set out below.

2 Overseas conditions of employment

I determine under section H6 of the DEA that the conditions of service for employees travelling and working overseas on short-term duty, long-term postings or in support of a specified Australian Defence Force operation are those determined in Defence Determination 2016/19, *Conditions of service*, as in force from time to time, Chapters 12 to 17, with exception of the following Parts, sections and Annex.

a. Chapter 12 Part 3 section 12.3.8.


d. Chapter 15 Part 2 Division 1 section 15.2.7.

e. Chapter 15 Part 2 Division 6 section 15.2.35.

f. Chapter 15 Part 4 Division 3 section 15.4.16.

g. Chapter 15 Part 4 Annex 15.4.A.

h. Chapter 16 Part 8 sections 16.8.3 and 16.8.4.

i. Chapter 17 Part 7.
3 **Modification**

1. For the purpose of applying the conditions in the Defence Determination 2016/19, *Conditions of service*, Chapters 12 to 17, the terms used in Defence Determination 2016/19 listed in the following table are modified by substituting the term with the corresponding APS term.

<table>
<thead>
<tr>
<th>Defence Determination 2016/19 term</th>
<th>Corresponding APS term</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. member</td>
<td>employee</td>
</tr>
<tr>
<td>2. Brigadier or higher</td>
<td>Senior Executive Service (SES) employee</td>
</tr>
<tr>
<td>3. Chief of the Defence Force (CDF)</td>
<td>Secretary</td>
</tr>
<tr>
<td>4. additional duty</td>
<td>overtime</td>
</tr>
<tr>
<td>5. recreation leave</td>
<td>annual leave</td>
</tr>
<tr>
<td>6. rank</td>
<td>classification</td>
</tr>
<tr>
<td>7. ADF</td>
<td>APS</td>
</tr>
</tbody>
</table>

2. For the purpose of applying the conditions in Chapter 15 Part 2A of Defence Determination 2016/19, *Conditions of service*, the term “Actual salary” defined at subsection 15.2A.15.1 means the salary payable for the employee’s substantive classification under DECA Annex D – Salary Scales.

4 **Excess health costs**

I determine under section H6 of the DEA that in addition to section 3 of this Determination, the rules on excess health costs in Chapter 15 Part 5 of Defence Determination 2016/19, *Conditions of service*, apply to APS employees and their eligible dependants who live with them on a long-term overseas posting.

5 **APS overseas conditions of employment**

I determine under section H6 of the DEA the sections and Annex that are set out in Schedule A, relating to conditions of employment for employees travelling and working overseas on short-term duty or long-term postings are in addition to the rules in Chapter 12, Chapter 13, Chapter 15 and Chapter 17 of Defence Determination 2016/19, *Conditions of service*.

6 **Employment with the UN**

I determine under section H6 of the DEA the conditions of employment in relation to employment with the UN as set out in Schedule B, are in addition to the rules in Chapter 12 Defence Determination 2016/19, *Conditions of service*.

7 **Camping out**

I determine under section H6 of the DEA the conditions of employment in relation to camping out as set out in Schedule C, are in addition to the rules in Chapter 13 in Defence Determination 2016/19, *Conditions of service*. 

Determination under the *Defence Enterprise Agreement 2017-2020*, No. 2 of 2017, Overseas conditions of employment
8 Operational support duty
I determine under section H6 of the DEA the conditions of employment in relation to operational support duty as set out in Schedule D, are in addition to the rules in Chapter 17 Defence Determination 2016/19, Conditions of service. The operational support duty provisions include the following.

a. Operational support allowance.
b. Relief out-of-country travel fare assistance.
c. Assistance on injury, illness or death arising out of operational support duty.
d. Operational hours allowance.

9 Meal allowance for additional duty overseas
I determine under section H6 of DEA that the rate of meal allowance for additional duty overseas is $29.40.

10 Commencement
1. DEA Determination No. 2 of 2017 is effective from 16 August 2017.

Dated 16 August 2017

[Signature]

Acting Assistant Secretary People Policy and Employment Conditions
Defence People Group
Schedule A

12.3.16A Secretary – APS only
Secretary has the same meaning as in section 7 of Public Service Act 1999.

12.3.17A Senior Executive Service employee – APS only
Senior Executive Service employee has the same meaning as in section 34 of the Public Service Act 1999.

13.2.16 Medical and dental costs – APS only
1. The Commonwealth may pay the cost of any necessary medical or hospital treatment, if an employee falls ill or is injured while overseas.
2. An employee is eligible for the reimbursement of the additional costs of emergency dental treatment above the cost of the same or similar treatment in Australia.
3. The employee is taken to be on duty while they are ill or injured.

14.2.3A APS employees this Division applies to
This Division applies to APS employees and their dependants approved by the Commonwealth to live at the employee's posting location.

15.2.7A Disposable income for APS employees
1. Disposable income for APS employees is worked out as follows.

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Add together the employee's annual rates of salary and allowances, as listed in subsection 2.</td>
</tr>
<tr>
<td>2.</td>
<td>Work out their personal income tax and Medicare levy liability on the total amount of step 1.</td>
</tr>
<tr>
<td></td>
<td><strong>Note:</strong> Personal income tax liability is worked out by applying the standard Pay as You Go (PAYG) income tax scales to the total amount of step 1. Medicare levy liability is worked out as 1.5% of the total amount of step 1.</td>
</tr>
<tr>
<td>3.</td>
<td>Subtract the total amount in step 2 from the amount in step 1. The result is the employee's disposable income.</td>
</tr>
</tbody>
</table>

2. These are the employee's annual rates for step 1.
   b. Additional responsibility pay or allowance (but only if approved for a continuous period of at least three months).
c. First aid certificate allowance.
d. Hardship allowance at the rate payable for the location to which the employee is posted on long-term duty.
e. Language proficiency allowance.
f. Shift penalties.

See: *Defence Enterprise Agreement 2017-2020 (DEA)*

3. To work out the cost of living adjustment of the overseas living allowances for APS employees, this definition must be applied to the formula in section 15.2.12.

### 15.4.16A Definition – rent groups – APS only

1. For an APS employee, rent group means that group having the relevant salary band within which the employee’s salary falls.

2. For this section, 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.

   b. Shift penalties, if all of the following apply.

      i. The employee is ordinarily required to perform duty under a shift roster.

      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.

      iii. The penalty payments to the employee, if received for 12 months, would qualify as salary for superannuation purposes.

3. In this section, the relevant salary band, for a rent group, is as follows.

<table>
<thead>
<tr>
<th>Item</th>
<th>For Rent Group...</th>
<th>the range...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1</td>
<td>below the lower limit of the relevant salary band of rent group 2.</td>
</tr>
<tr>
<td>2.</td>
<td>2 to 11 inclusive</td>
<td>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 15.4.AA opposite the rent group to, but not including, the lower limit of the relevant salary band for the next higher rent group.</td>
</tr>
<tr>
<td>3.</td>
<td>12</td>
<td>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.</td>
</tr>
<tr>
<td>4.</td>
<td>13, 14 and 16</td>
<td>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 15.4.AA opposite the rent group to, but not including, the lower limit of the relevant salary band for the next higher rent group.</td>
</tr>
</tbody>
</table>
Annex 15.4.AA: Rent group overseas – APS only

Section 15.4.16A sets out the relevant salary bands for establishing rent groups for APS employees on long-term posting overseas.

<table>
<thead>
<tr>
<th>Column 1 Rent group</th>
<th>Column 2 Limit of relevant salary band</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Intentionally blank</td>
</tr>
<tr>
<td>2</td>
<td>The 30th percentile point in the salary range applicable to APS 1</td>
</tr>
<tr>
<td>3</td>
<td>The 25th percentile point in the salary range applicable to APS 2</td>
</tr>
<tr>
<td>4</td>
<td>Minimum rate of APS 3</td>
</tr>
<tr>
<td>5</td>
<td>Minimum rate of APS 4</td>
</tr>
<tr>
<td>6</td>
<td>Minimum rate of APS 5</td>
</tr>
<tr>
<td>7</td>
<td>Minimum rate of APS 6</td>
</tr>
<tr>
<td>8</td>
<td>The 70th percentile point in the salary range applicable to APS 6</td>
</tr>
<tr>
<td>9</td>
<td>Minimum rate of Executive Level 1</td>
</tr>
<tr>
<td>10</td>
<td>Minimum rate of Executive Level 2</td>
</tr>
<tr>
<td>11</td>
<td>The 30th percentile point in the salary range applicable to Executive Level 2</td>
</tr>
<tr>
<td>12</td>
<td>Intentionally blank</td>
</tr>
<tr>
<td>13</td>
<td>Minimum rate of SES Band 1</td>
</tr>
<tr>
<td>14</td>
<td>Maximum rate of SES Band 1</td>
</tr>
<tr>
<td>15</td>
<td>Intentionally blank</td>
</tr>
<tr>
<td>16</td>
<td>Maximum rate of SES Band 2</td>
</tr>
<tr>
<td>17</td>
<td>Intentionally blank</td>
</tr>
<tr>
<td>18</td>
<td>SES Band 3</td>
</tr>
</tbody>
</table>
17.4.4A  APS employees this Part applies to

The Secretary may approve an APS employee as eligible for assistance under this Part, if the following circumstances apply.

a. The member is very seriously or seriously ill.

b. The employee became very seriously or seriously ill while performing one of the following activities.
   i. Operational support duty.
   ii. Travelling in conjunction with a period of operational support duty.

See: Paragraph 17.4.4.1.b.
Part 5: Employment with the UN – APS only

12.5.1 Purpose

The purpose of this Part is to outline the conditions for employees on a contract of employment with the UN or other multi-national force.

12.5.2 Definition

This table defines terms used in this Part.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-national force</td>
<td>Multi-national force means any force led by a nation other than Australia. It includes elements of the armed forces of several nations, whether or not that force is acting under a resolution of the UN.</td>
</tr>
</tbody>
</table>

12.5.3 Employee this Part applies to

This Part applies to an APS employee who is on leave without pay to perform an employment contract with the UN or other multi-national force.

12.5.4 Allowances and benefits not payable

1. An employee and their dependants are not eligible for benefits under Chapters 12 to 17 of the Defence Determination 2016/19, Conditions of service, for the following periods.
   a. The period of the contract.
   b. Any period immediately before or after the period of the contract, in relation to the following.
      i. Conditions of employment for long-term posting overseas that would be payable in relation to the contract period.
      ii. Travel costs or any other costs incurred by the employee or a dependant in connection with the contract.

   Note: The UN contract is designed to be sufficiently flexible to accommodate the full range of employment types in which the UN is engaged. It is intended to apply to all UN contracted employees without the need for supplementation. Single source payment is consistent with the UN intention that staff observe strict neutrality and seek or receive instructions from no source external to the UN (Article 100, UN charter).

2. Despite subsection 1, the Secretary may approve the following benefits, as if the employee were on a long-term posting at the contract location.
   a. Storage of the possessions of the employee and dependants within Australia at Commonwealth expense, while the employee is on the contract.
   b. Reimbursement for insurance of the personal effects and possessions stored under paragraph a.
c. Outlay advance.

d. Assistance with health services provided overseas for an employee and their dependants.

e. Temporary accommodation allowance while in Australia.

3. For subsection 2, the Secretary must consider all the following factors.

a. Whether there is a similar entitlement under the employee's contract.

b. The costs incurred by the employee and dependants.

c. Any other factor relevant to the employee's circumstances during the approved period of the contract.
Schedule C

Division 5: Camping out – APS only

13.2.17 Camping out – APS only

1. APS employees who are required to camp out while performing duty overseas may receive travelling allowance or use the Defence Travel Card to access the meals and incidentals components of their travel assistance.

See: Part 3, Travel costs for short-term duty overseas
Part 8: Operational support duty – APS only

17.8.1 Overview

This Part deals with the conditions of service for APS employees performing duty in support of overseas ADF operations.

17.8.2 Contents

This Part includes the following Divisions.

Division 1 Operational support allowance
Division 2 Relief out-of-country travel fare assistance
Division 3 Assistance on injury, illness or death arising out of operational support duty
Division 4 Operational hours allowance

17.8.3 Definitions

This table defines terms used in this Part.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Part</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational area</td>
<td>The operational area mentioned for the operation in the table in Division 1 section 17.8.7</td>
</tr>
<tr>
<td></td>
<td>See: Division 1 section 17.8.7, Rate of allowance</td>
</tr>
<tr>
<td>Period of duty</td>
<td>A period of duty overseas means the period starting and ending on the days described in these two paragraphs.</td>
</tr>
<tr>
<td></td>
<td>a. The period of duty begins on the day the employee starts duty in the operational area.</td>
</tr>
<tr>
<td></td>
<td>Exception: An employee may arrive in the operational area on a day observed locally as a weekend or public holiday. If they start duty on the next working day, the period of duty begins the day the employee arrives in the operational area.</td>
</tr>
<tr>
<td></td>
<td>b. The period of duty ends on the day the employee leaves the operational area.</td>
</tr>
<tr>
<td></td>
<td>Exception: An employee may depart from the operational area on a day observed locally as a weekend or public holiday. If the employee finished duty on the preceding working day, the period of duty ends on the day the employee departs from the operational area.</td>
</tr>
</tbody>
</table>
Division 1: Operational support allowance

17.8.4 Purpose
The purpose of operational support allowance is to compensate APS employees for performing duty in an operational area.

17.8.5 Employee this Part applies to
Operational support allowance applies to an APS employee who meets either of the following conditions.

a. The employee has received written notice to perform duties for a period in an operational area in support of an ADF operation.

See: Section 17.8.7, Rate of allowance

b. The employee meets both the following conditions.

i. The employee has been directed to perform duty with a foreign government in support of Commonwealth goals.

Example: An employee is transferring skills to a foreign government. The skills are needed to help rebuild the foreign country.

ii. The employee is performing duties in an operational area.

17.8.6 Payment of allowance
Employees receive operational support allowance for each day or part of a day they are in either of these situations.

a. In the operational area.

b. On leave during their period of duty. This is only received if the leave taken is not greater than the leave credit accrued for the period of duty.

17.8.7 Rate of allowance
1. The amount of operational support allowance payable for the period of duty is worked out using the rates in the following table.

<table>
<thead>
<tr>
<th>Item</th>
<th>Operation</th>
<th>Specified area</th>
<th>Allowance rate (AUD a day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The ADF contribution deployed overseas to the NATO led Resolute Support Mission in Afghanistan</td>
<td>Afghanistan</td>
<td>156.84</td>
</tr>
<tr>
<td>Item</td>
<td>Operation</td>
<td>Specified area</td>
<td>Allowance rate (AUD a day)</td>
</tr>
<tr>
<td>------</td>
<td>-----------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>2.</td>
<td>Multinational Force and Observers in the Sinai</td>
<td>Egypt between the east bank of the Suez Canal and the international boundary between Egypt and Israel established by the peace treaty between Egypt and Israel signed in Washington on 26 March 1979, and an adjoining area extending 5 km into Israel.</td>
<td>133.26</td>
</tr>
<tr>
<td>3.</td>
<td>United Nations Truce Supervision Organisation and United Nations Special Coordinator in the Occupied Territories</td>
<td>Syria&lt;br&gt;Any of the following.&lt;br&gt;a. Egypt&lt;br&gt;b. Jordan&lt;br&gt;c. Israel&lt;br&gt;d. Lebanon</td>
<td>156.84&lt;br&gt;85.44</td>
</tr>
<tr>
<td>4.</td>
<td>United Nations mission in South Sudan</td>
<td>South Sudan</td>
<td>156.84</td>
</tr>
<tr>
<td>5.</td>
<td>Maritime operations including counter piracy in the specified area.</td>
<td>The specified area is all sea and superjacent airspace of the Persian Gulf, the Gulf of Aden, the Red Sea and the Arabian Sea north of latitude 11° 0 minutes south and west of longitude 68° 0 minutes east. This includes the ports adjacent and the area within a 10 kilometre radius of each port.</td>
<td>85.44</td>
</tr>
<tr>
<td>6.</td>
<td>Supporting operations in the Gulf States, OPERATION ACCORDIAN</td>
<td>The area bounded by the land masses and superjacent airspace of Bahrain, Qatar and the United Arab Emirates.</td>
<td>85.44</td>
</tr>
<tr>
<td>7.</td>
<td>ADF operation in support of the whole of government response to the crisis in Iraq</td>
<td>Iraq and Syria&lt;br&gt;Any of the following.&lt;br&gt;Kuwait, Bahrain, the United Arab Emirates, Qatar, Jordan, the Persian Gulf, Cyprus, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Montenegro, Poland, Romania, the United Arab Emirates and the land territory of Turkey east of longitude 35° East.</td>
<td>156.84&lt;br&gt;85.44</td>
</tr>
<tr>
<td>8.</td>
<td>ADF operation in support of the United Nations Assistance Mission in Afghanistan</td>
<td>Afghanistan</td>
<td>156.84</td>
</tr>
<tr>
<td>9.</td>
<td>Supporting the ADF's understanding of Islamist terrorist threats to Australia and the region</td>
<td>Jordan</td>
<td>85.44</td>
</tr>
</tbody>
</table>
2. An employee's operational support allowance for a day is reduced by the amount of any of the following benefits they may receive for that day.
   a. Overtime.
   b. Shift penalty payments.
   c. Restriction allowance.
   d. Special entitlements for duty at sea.

17.8.8 Impact on other allowances

While an employee is eligible for operational support allowance, they are not eligible for any of the following allowances.

<table>
<thead>
<tr>
<th>Item</th>
<th>Allowance</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Camping allowance</td>
<td>Chapter 13 Part 2 Division 5</td>
</tr>
<tr>
<td>2.</td>
<td>Travel costs</td>
<td>Chapter 13 Part 3</td>
</tr>
<tr>
<td></td>
<td><strong>Exception</strong>: The employee may be eligible for travel costs under Chapter 13 Part 3 in one situation. This is when they are required to pay for their own meals while performing duty overseas in support of an ADF operation.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Equipment allowance</td>
<td>Chapter 13 Part 3 Division 2</td>
</tr>
<tr>
<td>4.</td>
<td>Any of the overseas living allowances</td>
<td>Chapter 15 Part 2 and Part 2A</td>
</tr>
<tr>
<td>5.</td>
<td>Hardship allowance</td>
<td>Chapter 16 Part 2</td>
</tr>
<tr>
<td>6.</td>
<td>Location allowance</td>
<td>Chapter 16 Part 2A</td>
</tr>
</tbody>
</table>

17.8.9 Additional annual leave

1. Employees receive additional annual leave for duty in an operational area.

2. The employee is eligible for an additional 10 days annual leave a year, on a pro rata basis, for duty in the operational area.

3. The employee also gets 1 day additional annual leave for every 10 days they are eligible for operational support allowance, to a maximum of 10 days additional annual leave per year.

4. This table shows how to calculate the amount of additional annual leave that an employee is eligible for under this Division.

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Work out the amount of the employee’s entitlement in subsection 17.8.9.2.</td>
</tr>
<tr>
<td>2.</td>
<td>Work out the amount of the employees’ entitlement in subsection 17.8.9.3.</td>
</tr>
<tr>
<td>3.</td>
<td>Add the outcome of Step 1 and the outcome of Step 2.</td>
</tr>
<tr>
<td>4.</td>
<td>The outcome of Step 3 equals the amount of additional annual leave.</td>
</tr>
</tbody>
</table>

5. This leave is treated on the same basis as if the employee were serving at a hardship location overseas.
Division 2: Relief out-of-country travel fare assistance

17.8.10  Purpose

1. For operations declared warlike or non-warlike, an employee may be expected to perform duty in the operational area in support of the operation for six months or longer. In these cases, the employee may be eligible for relief out-of-country travel fare assistance.

2. The purpose of relief travel is to help the employee have time away from the difficulties of the operational area.

17.8.11  Destination

1. Relief out-of-country travel fare assistance provides the employee with return travel to an approved destination. The number of times an employee may be granted relief out-of-country travel fare assistance depends on the period that they perform duty in support of the deployment, as described in the table.

<table>
<thead>
<tr>
<th>Item</th>
<th>If it is intended that the employee be on duty in support of the deployment for this period...</th>
<th>they may be granted up to this many trips for that period...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>less than six months</td>
<td>0</td>
</tr>
<tr>
<td>2.</td>
<td>six months but less than nine months</td>
<td>1</td>
</tr>
<tr>
<td>3.</td>
<td>nine months but less than 12 months</td>
<td>2</td>
</tr>
<tr>
<td>4.</td>
<td>12 months but less than 15 months</td>
<td>3</td>
</tr>
<tr>
<td>5.</td>
<td>15 months but less than 18 months</td>
<td>4</td>
</tr>
<tr>
<td>6.</td>
<td>18 months or more</td>
<td>5</td>
</tr>
</tbody>
</table>

2. The Secretary may approve the destination for relief out-of-country travel fare assistance that meets both these requirements.

   a. A safe environment for rest and recreation.

   b. Adequate rest and recreation facilities.

17.8.12  Conditions

Relief travel is subject to operational constraints. The conditions for relief out-of-country travel fare assistance are as follows.

a. The travel must be planned to occur at regular intervals during the duty in support of the deployment, if practicable.

   Note: Employees must plan the travel to obtain value for money, consistent with the obligations imposed on them by the Public Governance, Performance and Accountability Act 2013.

b. The employee must be outside the operational area for seven consecutive days or longer.

   Example: An employee leaves the operational area during four days of recreation leave, two stand-down days and a public holiday.
c. The return travel to the approved destination is taken under these conditions.
   i. It is economy class.
   ii. It is on the cheapest available airline that offers a reasonable standard of safety and security.
   iii. It does not include any avoidable stopovers.

d. The employee is not eligible for travel costs while on relief out-of-country travel fare assistance.

17.8.13 Offsetting fare assistance

1. If the Secretary is satisfied that travel to another country meets the purpose of relief out-of-country travel fare assistance, the employee may travel to a destination in another country that meets the purpose of assistance with relief travel.

2. The Secretary must consider both these criteria.
   a. The purpose of the relief travel.
   b. The facilities and environment at the destination.

3. The Commonwealth will provide relief out-of-country travel fare assistance up to the travel cost that the employee would otherwise be entitled to under this Division. This is to help the employee buy fares from any source.

4. Allowable offset arrangements are advised at the start of each deployment.

5. If it is intended that an employee stay on deployment for 12 months or more, they may apply to combine two trips to Australia that they are eligible for under the table in section 17.8.11, for one of these purposes.
   a. To assist the employee and their dependants to use relief out-of-country travel fare assistance to reunite, in Australia or in an approved destination.
   b. If the employee has no dependants (or does not wish to reunite with them), to travel on relief out-of-country travel fare assistance to Australia or another country that is more expensive to travel to than the standard approved destination.

   Note: The offset can only be used to purchase fares. The alternative location must still be approved under subsection 17.8.11.2.

6. Proof of travel requirements under section 16.4.12 apply under these provisions, as if the relief travel were assisted leave travel under Chapter 16 Part 4.
Division 3: Assistance on injury, illness or death arising out of operational support duty

17.8.14 Purpose
The purpose of this Division is to provide assistance to an APS employee and their family if the employee is very seriously or seriously ill or injured, or dies in the performance of operational support duty.

17.8.15 Definitions
This table defines terms used in this Division.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition in this Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serious illness</td>
<td>Means the same as item 2 of the table in section 1.3.72, Serious illness.</td>
</tr>
<tr>
<td></td>
<td>See: Chapter 1 Part 3 Division 1 section 1.3.72, Serious illness</td>
</tr>
<tr>
<td>Very serious illness</td>
<td>Has the meaning in section 1.3.78, Very serious illness.</td>
</tr>
<tr>
<td></td>
<td>See: Chapter 1 Part 3 Division 1 section 1.3.78, Very serious illness</td>
</tr>
</tbody>
</table>

17.8.16 Employees eligible for assistance under this Part
The assistance under this Division may be provided for an employee who becomes very seriously or seriously ill or injured, or dies, in a period when either of the following circumstances apply.

a. The employee is performing operational support duty.

b. The employee is travelling in conjunction with a period of operational support duty.

17.8.17 APS employee on operational support duty injured or ill
An APS employee who is very seriously or seriously ill may be provided assistance as an eligible person under the Australians seriously ill scheme in Part 4.

See: Part 4, Australians dangerously ill scheme – overseas

Exception: Part 4 subsection 17.4.4.2, Person this Part applies to, does not apply to an eligible APS employee.

17.8.18 APS employee on operational support duty dies
1. This section applies to an eligible APS employee on operational support duty who dies.

2. The Director General Defence Community Organisation may approve funeral costs in relation to an APS employee's funeral as if the employee were a member of the ADF for the purposes of Chapter 11 Part 4. The approved costs are payable to one of the following people.

a. The relevant service provider.

b. The employee's legal personal representative.
c. The employee's dependant.

**Exception:** A gun carriage is not available for an APS employee under paragraph 11.4.5.i.

**See:** Chapter 11 Part 4, Funeral costs, floral and non-floral tributes

3. The Director General Defence Community Organisation may approve floral and non-floral tributes at Commonwealth expense under section 11.4.8.

**See:** Chapter 11 Part 4 section 11.4.8, Floral and non-floral tributes

**17.8.19 No double benefit if workers' compensation received**

1. For the purpose of this section, advance payments under this Division can be made to any of the following people, as the case requires.
   a. The relevant service provider.
   b. The employee's legal personal representative.
   c. The employee's dependant.

2. An amount may be paid under this Division in advance of a decision on whether the employee is eligible for workers' compensation or not.

**Example:** An employee has been injured. It is not clear whether the injury was work related or not so the member's eligibility for workers' compensation has not been determined. The employee may receive an amount under this Division.

3. If the employee becomes eligible for workers' compensation under the *Safety, Rehabilitation and Compensation Act 1988* (the Act) for a benefit already paid under this Division, the relevant of the following amounts paid under this Division must be repaid to the Commonwealth.
   a. If the amount paid for a benefit through the Act is less than the amount paid for that benefit in advance under this Division, the amount to be repaid is the same as the amount paid under the Act.
   b. If the amount paid for a benefit through this Division is less than the amount paid for that benefit through the Act, the amount to be repaid is the amount paid for the benefit under this Division.

**Example:** The Act may provide for payment of funeral costs for an employee who has died. Those costs have already been paid in advance under this Division. The amount paid for funeral costs through the Act was less than the amount paid in advance under this Division. The amount of advance that must be repaid to the Commonwealth is the same as the amount paid under the Act.

4. An amount paid for a funeral under the Act must be repaid in accordance with subsection 3 when both of the following apply.
   a. The advance payment was made to a relevant service provider for funeral costs.
   b. The funeral payment has been made under the Act to the employee's legal personal representative or dependant.
Division 4: Operational hours allowance

17.8.20 Purpose
This Division provides an allowance to APS employees who work to support overseas ADF operations that compensates for the following.

a. Work in an environment that does not allow for work practices that are usual in other Defence workplaces.
   Examples: Flextime, Christmas stand-down, time off in lieu for Executive Level employees, access to leave.

b. The need to perform additional hours of duty, or work at times that would usually attract shift penalties.

17.8.21 Eligibility for operational hours allowance
1. An employee who has received written direction to perform duties for a period in an operational area in support of an ADF operation is eligible for operational hours allowance.
2. An employee who spends less than a day in an operational area may be paid the daily pro-rated amount of operational hours allowance for the day.

17.8.22 Rates of operational hours allowance
1. Operational hours allowance is paid at the rate of $20,955 for a year of service in the operational area.
2. Employees who are in an operational area for less than a year will be paid a pro-rata amount of the allowance. The daily rate is the annual rate divided by 365.
3. An employee's operational hours allowance for a day is reduced by the amount of any of the following benefits they receive for that day, if that amount has not also been offset against operational support allowance.
   a. Overtime.
   b. Shift penalty payments.
   c. Restriction allowance.
   d. Special entitlements for duty at sea.

Example: An employee performs overtime on a day. The employee's operational support allowance is reduced by the amount of the overtime payment, reducing their operational support allowance payment for the day to zero. Not all of the overtime was able to be offset against operational support allowance.

The employee's overtime payment was $50 more than the daily rate of operational support allowance. The employee is paid the daily rate of operational hours allowance, less $50.

Related Information: Subsection 17.8.7.2, Rate of allowance, sets out how operational support allowance payments are reduced.
17.8.23 Employee absent on leave

An employee is not eligible for operational hours allowance for a period when they are on leave.