

POLICY DISCLAIMER

In light of the new Defence Enterprise Collective Agreement 2024 (DECA 2024), **APS people policy is superseded and is to be reviewed.**

Employees and their supervisors/managers are to refer to the relevant provisions of the DECA 2024 in applying terms and conditions. In the event that the relevant provisions of the DECA 2024 do not provide adequate instruction for the application of the provisions, the terms of the superseded APS People Policy may be applied provided that it is not inconsistent with the DECA 2024. **Where there is any inconsistency between the DECA 2024 and an APS People Policy, the terms of the DECA 2024 prevail.**

If you are unable to locate an answer in the material detailed above, you can contact [redacted] [@defence.gov.au](mailto:[redacted]@defence.gov.au). Your local **HR Services teams** are also a valuable resource you may wish to access. Once the review of this policy has been completed, employees and their representatives will be consulted on the policy before it takes effect.



APS People Guidance

POLICY GUIDANCE – LONG SERVICE LEAVE

1. The following information provides guidance on Long Service Leave (LSL).
2. LSL is a period of paid leave granted to an employee in recognition of a long period of eligible Government service, as defined in the [Long Service \(Commonwealth Employees\) Act 1976](#).
3. LSL is granted in calendar days or months (or a combination of both). Variations in the number of days in a month are disregarded. For example:
 - (a) one month of LSL starting on 1 February would end on 28 or 29 February, depending on whether it is a leap year or not.
 - (b) one month of LSL starting on 16 February would end on 15 March.
 - (c) two months and two days of LSL starting on 16 February would end on 17 April.
4. LSL accrues in calendar days and is therefore deducted in calendar days. This means that weekends, public holidays, the specified leave day and Christmas stand down occurring during a period of Long Service Leave are counted towards the total period of LSL being taken.
 - (a) For example, if an employee were to take leave from 29 November to 31 January, the Christmas stand down period which includes public holidays, a specified leave day and Christmas stand down week days would be counted as LSL.
5. To ensure that entitlements are used in a manner consistent with the legislation, the minimum period during which LSL can be taken is seven calendar days at full pay or fourteen days at half pay.
6. Annual leave credits may not be accessed during LSL. Annual leave may be taken before and/or after LSL.
 - (a) For example, Angela has three months accrued LSL and four weeks accrued Annual leave. She may take approximately four months leave on full pay by bracketing her LSL with Annual leave. Angela could take ten days Annual leave, then three months Long Service Leave, followed by ten days Annual leave. Alternatively, Angela could take 20 days Annual leave before or after the period of LSL. She cannot take two months LSL, 20 days Annual leave and then one month LSL.
 - (b) Likewise, it would not be appropriate to take LSL up to Christmas Day and then commence another period of LSL the day after New Year's Day.
7. The following types of leave count as service for LSL purposes:
 - (a) leave with pay;
 - (b) Personal leave without pay, up to a maximum continuous period of 78 weeks;
 - (c) Compensation leave;
 - (d) Maternity leave without pay during the required absence period;
 - (e) Adoption or Fostering leave without pay; and



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(f) Defence Reserve Leave.

8. Leave without pay does not count as service for LSL purposes, unless the delegate determines that the leave without pay should count as service for LSL.

9. Unpaid unauthorised absences do not, under any circumstances, count as service for LSL purposes.

Accruing Long Service Leave

10. For full-time, part-time, intermittent or irregular, casual employees, and employees with a mix of service types, three calendar months LSL is credited after ten years of service.

11. Each employee then accrues a further three-tenths of a calendar month (nine calendar days) LSL credit for each year of service following the ten years.

Part-time employees

12. A part-time employee accrues LSL in the same manner as a full-time employee, after ten years of recognised service, but receives part-time rates of pay when taking Long Service Leave.

13. If an employee has periods of full-time and part-time service, separate full-time and part-time LSL credits are apportioned.

(a) For example, at the end of ten years service, a part-time employee with seven years full-time service and three years part-time service will have a LSL credit comprising of 2.1 months full-time LSL and 0.9 months part-time LSL.

Irregular or intermittent employees

14. Irregular or intermittent employees become eligible for LSL in the same way as ongoing employees after ten years of either full-time or part-time service.

(a) Full-time service is defined as a period of employment of one or more weeks at a time (Monday to Friday), equal to the full-time hours as specified from time to time in the enterprise agreement. For example, under the current Enterprise Agreement, full-time hours means 37 ½ or more hours per week.

(b) Part-time service refers to a situation where an employee's regular hours are less than the full-time weekly hours as specified in the Enterprise Agreement from time to time. For example, under the current Enterprise Agreement, part-time service refers to hours that are less than the full-time hours of 37 ½ hours per week or 75 hours in a fortnight.

(c) Service is calculated by combining periods of full-time and part-time service as follows: all periods of full-time service are added together (the employee's full-time service credit), and all periods of part-time service are added together (the employee's part-time service credit).

15. Continuity of employment is maintained provided any break in employment does not exceed 12 months.

16. When separately combining isolated periods of full-time and part-time employment, there are seven days to a week, 30 days to a month, and 12 months to a year (see Table 1).

Table 1. *Combining full-time and part-time service for Long Service Leave calculation*

Step	Action	Result
1	Total service in weeks	75 weeks
2	Converted to days	75 x 7 = 525 days
3	Converted to months and days	525/30 = 17 months 15 days

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4	Converted to years, months, days	1 year 5 months and 15 days
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Locally engaged overseas employees

17. Locally engaged overseas employees, including employees engaged under section 74 of the [Public Service Act 1999](#), are excluded from LSL. However, such employees may have their employment recognised as prior service.

18. An exception is that locally engaged overseas employees who were in Commonwealth employment on 19 December 1976, and who continued in Commonwealth employment on and from 20 December 1976, continue to qualify for LSL, provided they do not have a break in employment of more than 12 months.

Recognition of prior service

19. Recognition of prior service means that periods of employment performed previous to Defence may be recognised for LSL purposes.

20. Employees may apply to have certain prior employment recognised for LSL purposes, provided any breaks between periods of eligible service do not exceed 12 months.

- (a) If prior service is recognised, any breaks between periods of eligible service do not count as service for LSL purposes.

21. Calculations of recognised service for LSL purposes differ according to the type of employment. These calculations also consider prior service with the Australian Defence Force (ADF), other Commonwealth and State government bodies, and some government business enterprises.

22. Sections 10 – 13 of the [Long Service Leave \(Commonwealth Employees\) Act 1976](#) cover the recognition of prior service. In general, prior service with the following types of public employers may be recognised for LSL purposes:

- (a) the Commonwealth of Australia;
- (b) a public authority of the Commonwealth;
- (c) a State;
- (d) an authority of a State;
- (e) a public authority established under joint Commonwealth-State legislation;
- (f) the public service or an authority of a Commonwealth Territory (including Papua New Guinea (PNG) before independence);
- (g) other relevant service, defined in the [Long Service Leave \(Commonwealth Employees\) Act 1976](#) as meaning: membership of the Australian Defence Forces including paid service with the Citizen Military Forces, the Defence Force Reserve, and National Service; holding an office or employment under the *Reserve Bank Act 1959*; holding an office or employment under the *Commonwealth Banks Act 1959*; and locally engaged overseas employees (depending on the type and period of service)
- (h) other organisations (including fully Commonwealth-owned companies) prescribed under the [Long Service Leave \(Commonwealth Employees\) Regulations 1957](#), including fully Commonwealth-owned companies, authorities deemed State authorities, and authorities with which employment is treated as Government service.

23. If in their previous service, the employee was:

- (a) employed in a honorary capacity;
- (b) remunerated by way of fee, allowance or commission (for example, a teacher in training receiving an allowance, or an Officer or Instructor of Cadets);

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- (c) employed by an organisation controlled by religious, charitable or benevolent associations;
- (d) employed by companies and bodies not wholly owned by the Commonwealth or a State; or
- (e) employed by other companies not prescribed in the *Long Service Leave (Commonwealth Employees) Act 1976* (such as Australian Defence Industries);

then the service is not recognised as service for LSL purposes.

24. If an employee has had any service recognised previously by another employer under its own legislation, it is not necessarily recognised in the same way by Defence. Such service will need to be assessed in accordance with the following guidelines:

- (a) If an employee took LSL during a period of recognised prior service or received payment in lieu, the employee's entitlement under the Long Service Leave (Commonwealth Employees) Act is adjusted accordingly.
- (b) LSL credits with other recognised employers do not carry across at the accrual rate applied by those employers. Rather, each period of prior service that is recognised is treated as if it was Commonwealth service.

25. The following are two examples to illustrate calculation of LSL credits where prior service is recognised.

- (a) Marina has 32 years of service from Defence and recognised prior service. Therefore, she would have a LSL credit of 9.6 months (32×0.3), assuming she had taken no LSL. If Marina had used 2.2 months Long Service Leave during service with her previous employer, her actual LSL entitlement would now be 7.4 months ($9.6 - 2.2$).
- (b) Michael has 20 years service with a State authority. Michael received four months LSL for every ten years of service with the State authority, and therefore has a credit of eight months with the State authority. However, under the Long Service Leave (Commonwealth Employees) Act, he would only be credited three months for every ten years of service, and therefore would only have six months LSL recognised for his prior service when he joins Defence.

Prior State or State authority service

26. Recognition of prior State or State authority service may work to the detriment of an employee with at least ten years of Commonwealth service if the employee used LSL during the employee's prior State or State authority service. In such instances, prior service should not be recognised.

27. Table 2 outlines an example where an employee would have 2.1 months LSL credit if the prior service was recognised, and three months credit if it was not. Hence, the employee would need to decide whether to exclude or count the service based on individual circumstances. If the period of service was not recognised, the employee would have to wait ten years until they were eligible for, or able to take, any LSL.

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Description	Credit
State Service	7 years
Commonwealth service	10 years
LSL credit for 17 years service	5.1 months (3 months after 10 years then 0.3 months for the years 11-17)
LSL taken during prior service	3 months
LSL credit remaining	5.1 months credit – 3 months taken during prior service = 2.1 months remaining
LSL credit without recognition of prior service	3 months

Health Insurance Commission

28. Some Health Insurance Commission employees have had prior employment with private health benefits organisations recognised as service for LSL purposes. If such an employee ceases employment with the commission and commences service within Defence within 12 months, the employee's prior employment with the applicable private health benefit organisation and the employee's service will be recognised for LSL purposes.

29. If the employee was granted LSL or paid in lieu during employment with a relevant private health benefits organisation, the employee's LSL credits will need to be adjusted accordingly.

Royal Australian Mint

30. Some employees of the Royal Australian Mint had prior continuous service with the Royal Mint (Melbourne or Perth branches) recognised for LSL purposes. If these employees commence service with Defence within 12 months of ceasing eligible employment, service with the Royal Mint and the Royal Australian Mint will be recognised as prior service for LSL purposes.

Papua New Guinea

31. Employment with the Public Service or an authority of Papua New Guinea up to 15 September 1975 is recognised for LSL purposes, subject to any break in employment between periods of eligible service being no more than 12 months.

- (a) Employment with the Public Service or an authority of Papua New Guinea after Independence on 16 September 1975 is recognised under certain conditions, as per section 13 of the *Long Service Leave (Commonwealth Employees) Act 1976*.

Buy back prohibition

32. If an employee received payment in lieu of Long Service Leave from a previous employer, the Commonwealth cannot accept payment of monies for the purpose of receiving a LSL credit for the prior service (see section 19 of the *Long Service Leave (Commonwealth Employees) Act*).

Unusual grants or payments

33. Receipt of the following payments are not considered recognition of prior service under the *Long Service Leave (Commonwealth Employees) Act 1976*, rather both are treated as payments in lieu of LSL:

- (a) marriage allowance paid to female employees who resigned on marriage prior to 1966, and
- (b) gratuity payments paid by the Reserve Bank based on length of service.

Overlapping service

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34. Overlapping service refers to a situation in which an employee renders service for LSL purposes in multiple employment capacities concurrently. Table 3 provides examples of overlapping service and how each is treated in relation to LSL.

Table 3. *Examples of overlapping service*

Example	Treatment of service for Long Service Leave purposes
A Defence employee may take a period of unpaid leave that counts as service for Long Service Leave purposes. During that time, the employee also undertakes a period of eligible (non-Defence) employment that also counts as service for Long Service Leave purposes.	The period during which the employee is on leave counts as service for Long Service Leave purposes. The employee's other (concurrent) period of employment does not count as service for Long Service Leave purposes.
A permanent ADF member who successfully applies for an APS position in Defence and starts APS employment before discharge.	The period of ADF service during this time is not counted as service for Long Service Leave purposes. Only the period of APS employment is counted as service for Long Service Leave purposes.
A part-time Defence employee works part-time in other eligible employment during the same period.	The employee's weekly hours with each employer are added together. If the sum exceeds equivalent full-time hours, the excess is disregarded for Long Service Leave purposes. If the employee takes Long Service Leave or payment in lieu, each employer pays the employee at a rate of pay proportionate to the hours of service rendered with each employer.

Applying for recognition of prior service

35. When applying for recognition of prior service, the employee will need to obtain and provide the following information from the prior employers, in respect of each period of continuous full-time and part-time employment:

- (a) date commenced continuous service;
- (b) date of and reason for ceasing service;
- (c) method of remuneration during the period of prior service, such as salary or wages, fees, allowances or commission only;
- (d) total period of leave without pay not counting as service during the period of prior service for the purposes of LSL: before 16 August 1978; from 16 August 1978 to 17 August 1993; and after 18 August 1993; and
- (e) total period of LSL granted or paid in lieu (including marriage allowance and any Reserve Bank gratuity payments): before 16 August 1978; from 16 August 1978 to 17 August 1993; and after 18 August 1993.

36. If records of prior employment are unavailable, an application for recognition of such unrecorded service will ordinarily require three statutory declarations completed by the applicant and two persons who were working for the same employer as the applicant during the periods in question.

37. The statements of each declarant should cover the following points at a minimum:

- (a) periods of employment (to the nearest month at a minimum);
- (b) nature and location of employment;
- (c) persons under whose supervision the applicant worked;

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- (d) nature of the working relationships between the applicant and the supporting declarants for the period or periods in question;
- (e) weekly hours worked, in the case of part-time service; and
- (f) any other relevant information.

38. The employee may provide other supporting evidence (such as income tax group certificates, payment summaries or independent documentary evidence) if some of the required evidence cannot be provided.

39. A decision-maker may reject an application for recognition of unrecorded prior service if an applicant cannot provide sufficient evidence.

Exceptions to the 12 month break in service

40. Where an employee recommences eligible service after 12 months and ceases employment due to ill health or participation in a post-Defence Force vocational training scheme, prior service can be recognised for LSL purposes despite a break of more than 12 months between periods of eligible service.

Ill health

41. Employees who cease employment due to ill health and resume employment with Defence may have their prior service recognised. There must be no more than 12 months between ceasing prior employment and the date of certification of the employee's fitness for Commonwealth employment (as distinct from fitness for any employment). Recognition is given to employment in:

- (a) the Commonwealth of Australia;
- (b) a public authority of the Commonwealth;
- (c) a public authority established under joint Commonwealth-State legislation;
- (d) the public service or an authority of a Commonwealth Territory;
- (e) the Public Service or an authority of Papua New Guinea before independence; and
- (f) other organisations (including fully Commonwealth-owned companies) prescribed under regulations 3 or 8 of the *Long Service Leave (Commonwealth Employees) Regulations 1957*.

42. An employee not covered by the exception above who ceases eligible service due to ill health, and is unemployed due to ill health, and resumes eligible service within 12 months of ceasing that unemployment, maintains continuity of service for LSL purposes (see Table 4 for an example).

Table 4. *Example of ill health for other eligible employees*

Employer or status	Start	End
State public service	6 March 1982	17 August 1986
Unemployed due to ill health	18 August 1986	11 May 1987
Private sector employment	12 May 1987	3 February 1988
APS employment	6 February 1988	ongoing

As the time between the end of the period of unemployment due to ill health (11 May 1987) and the resumption of employment in the APS (6 February 1988) is less than 12 months, continuity of service for LSL purposes has been maintained.

Ill health or injury due to war service

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43. If an employee ceased service due to a war or Defence service-caused disability, the employee maintains continuity of service for LSL purposes based on the following conditions:

- (a) the employee received a full war or Defence service pension (for example, a special rate class C or TPI rate war pension); or
- (b) the employee was totally unfit for employment and was receiving a repatriation pension in circumstances that now attract a special or intermediate rate disability pension; and
- (c) the employee was unfit for eligible service during the whole period of absence; and
- (d) resumed eligible service with Defence within 12 months of the date of certification of fitness for such employment.

44. In the case of resignation due to ill health, the decision-maker will need to be satisfied that the employee was genuinely forced to cease employment because of ill health or injury.

Post-Defence Force service full-time vocational training

45. Periods of full-time training, at a technical school, university or similar institution, under a post-Defence Force service vocational training scheme established by the Commonwealth do not break continuity of service for LSL purposes. Note though that the periods of training do not count as eligible service.

- (a) Training schemes include the Commonwealth Reconstruction Training Scheme, the Korea/Malaya Training Scheme, the National Service Vocational Training Scheme, and schemes established by the ADF for resettlement training purposes.

46. The period of absence between ceasing and resuming eligible service, excluding full-time training, must not exceed 12 months in total for continuity to be maintained (see Table 5 for an example).

Table 5. *Example of post-Defence Force service full-time vocational training scheme*

Employer or status	Start	End
National service	1 December 1968	30 June 1969
Private sector employment	1 July 1969	31 January 1970
National Service Vocational Training Scheme	1 February 1970	30 November 1972
Private sector employment	1 December 1972	29 April 1973
Commonwealth employment	30 April 1973	ongoing

As the break between the end of national service (30 June 1969) and the resumption of Commonwealth employment (30 April 1973) – excluding the period of full-time training under the National Service Vocational Training Scheme – does not exceed 12 months, continuity of service has been maintained.

47. An employee who has participated in one of these post-Defence Force service training schemes will need to provide confirmation that the period of training claimed was full-time training under the scheme. The Department of Veterans' Affairs or the ADF can provide this confirmation as applicable.

48. Periods of subsidised employment (including situations where the employee was being trained on the job) as part of these post-Defence Force full-time vocational training schemes may be regarded as service for LSL purposes in accordance with Table 6.

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Table 6. *Example of periods of subsidised employment*

If the subsidised employment was with...	then the periods of employment...
a State or Commonwealth department, or with an authority recognised in legislation for Long Service Leave purposes	are regarded as service for Long Service Leave purposes.
a private employer as part- or full-time Commonwealth Reconstruction Training Scheme training	do not count as eligible service, but they do not break continuity of service for Long Service Leave purposes.

Leave without pay for vocational training

49. Employees who were granted leave without pay under the former *Public Service Act 1922* to undertake vocational training under a Commonwealth scheme of vocational training will have such leave without pay count as eligible service (see section 71(1)(b)(ii) of the *Public Service Act 1922*).

Applying for Long Service Leave

50. Annual planning is important for supervisors responsible for managing teams to ensure that high priority tasks are covered when employees are absent. Therefore, it is important that supervisors regularly discuss leave plans with employees in the context of employee and workplace requirements.

51. Employees' individual leave plans should be discussed at each performance exchange and documented on the employee's performance agreement.

52. While a proposal to use LSL should normally be negotiated and agreed in the context of the employee's performance agreement, an employee should give reasonable notice (for example, one month might be considered reasonable) prior to taking LSL. Where special circumstances arise unexpectedly that do not permit such notice, it is the employee's and supervisor's responsibility to negotiate the timing of the period of LSL.

53. Employees intending to outlay money associated with proposed LSL arrangements should be aware that it is their responsibility to establish if they have sufficient leave credits to cover the planned absence from work, and obtain formal approval for such leave.

(a) Employees who intend to make bookings well in advance of travelling are encouraged to protect themselves by taking out private insurance cover in the event that the leave is not approved.

(b) Where leave has not been formally approved, costs should not be reimbursed in the event that the employee lodges a claim. While responsibility rests with employees in this regard, supervisors may consider it appropriate to caution employees about making costly travel arrangements before formal notification of leave approval is received.

54. An employee can only apply for as much LSL as the employee has accrued at the time of starting LSL. In other words, an employee cannot take leave that has not accrued at the time the leave is proposed to be taken. However, an employee can extend a period of LSL by drawing upon the LSL that will accrue during, or immediately following, a period of LSL.

55. For example, if an employee (without recognised prior service) was due to complete ten years service on 1 December, the employee could not apply for LSL starting on the preceding 1 November. The earliest date the employee could start LSL would be 1 December.

(a) For example, an employee with a credit of one month LSL is due to accrue a further three-tenths of a month (nine calendar days) LSL credit on 1 December. The employee could apply for one month and nine days LSL starting on the preceding 1 November.

(b) Note that an employee with less than ten years service, who intends ceasing employment and will become eligible for payment in lieu of LSL at that time, can not

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access their pro rata LSL entitlement. Their only option is to receive payment in lieu on separation.

56. Applications for LSL are manually submitted using the PA052 *Application for Leave (APS)* form which is available on the Defence Web Forms System.

(a) Although PMKeyS Self Service is not available for Long Service Leave applications, employees and supervisors can check LSL balances on PMKeyS Self Service.

57. Supervisors will need to strike a proper balance between the interests of Defence and the reasonable expectations and wellbeing of the employee. When assessing an application for LSL, the supervisor should consider managing the absence due to the proposed LSL by either reprioritising the workload, redistributing the workload or seeking additional resources.

58. Supervisors should support and recommend applications for LSL unless there are operational reasons for not doing so. Grounds for not recommending or approving an application for LSL are given in Table 7.

59. Noting the minimum period during which LSL can be taken, LSL for personal illness or injury with a medical certificate should not be refused.

60. If the application is not recommended by the supervisor, the supervisor should communicate this decision through the leave form and discuss it with the employee. Where the supervisor is not the delegated decision-maker, they will still provide the LSL application to the delegate for decision.

61. If the application is not approved by the delegate, the delegate should communicate this decision to the employee, discuss the reasons and suggest alternatives.

62. If the application is approved, the delegate will advise the employee and forward the signed form to the Civilian Personnel Administration Centre.

63. The dates of a LSL application may only be changed if it is due to operational requirements. This should only be done after consultation between the employee and their supervisor, but does not require the employee's consent.

Table 7. *Grounds for not recommending or approving Long Service Leave*

An application for Long Service Leave may be...	because...
not recommended by a supervisor	- the leave proposed is during a peak work time for the area. For example: - during a known seasonal workload surge, - during an ADF exercise or operation that relates to the workplace, - during an unusual workforce crisis such as an influenza epidemic, - during an emergency that has required others to be recalled to duty.
not approved by the delegate	- it is for the purpose of outside work that is seen or potentially seen as a conflict of interest - the leave proposed is during a peak work time for the area. For example: - during a known seasonal workload surge, - during an ADF exercise or operation that relates to the workplace, - during an unusual workforce crisis such as an influenza epidemic, - during an emergency that has required others to be recalled to duty.

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Rates of pay during Long Service Leave

64. LSL is paid at ordinary rates applicable to the employee.
65. Employees can take LSL on full pay or half pay, or a combination of periods of both. If an employee takes a period of LSL at half pay, the employee's LSL credit is reduced by half the period of absence.
- (a) For example, one month of LSL at half pay would reduce an employee's LSL credit by half a month (or 15 calendar days).
66. Shift penalty, out of hours restriction allowance, and overtime payments are not payable during LSL.
67. Some allowances are payable during periods of LSL subject to certain conditions set out in the Enterprise Agreement and separate policy on allowances.
68. Employees may not be restricted during periods of LSL.
69. Where an employee has a number of periods of part-time service with differing hours, payment during LSL is based on the greater of:
- (a) the average hours of service worked over the previous 12 months of part-time service, and
 - (b) the average of all part-time service.

The applicable hours of service (rounded to two decimal places) is multiplied by the current hourly pay rate to give a weekly pay rate.

70. At the time of taking LSL, the employee can choose either to use the full-time or part-time credit, regardless of the hours the employee is working. The rate of pay will accord with the credit being used.
71. Intermittent and irregular employees are treated in the same manner as part-time employees in regard to pay while on LSL.
72. Advance payment of salary for employees on LSL is no longer required due to the advance in electronic salary deposits and electronic bill paying options.
73. If an employee is on additional responsibility pay when LSL commences, payment of the additional responsibility pay continues until the completion of the approved period.

Changes in circumstances during Long Service Leave

Changing the return date

74. An employee is able to renegotiate a different return date from that originally approved. The employee will need to submit a leave form to vary the LSL and must gain the supervisor's recommendation and approval from the delegate prior to the original date of return or the revised proposed date of return.

Changing jobs

75. If an employee is promoted or changes jobs during a period of LSL, the employee must negotiate with their current and future supervisors to:
- (a) set the date of return from LSL and the date on which the promotion or assignment will take effect;
 - (b) determine which area is responsible for the period and payment of LSL; and
 - (c) determine where the employee will return to immediately upon LSL.

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Personal leave

76. Personal leave may be granted to an employee on LSL who falls ill, is injured, or is required to provide care. The conditions for Personal leave while on LSL are:

- (a) the period of Personal leave is at least one day; and
- (b) the employee presents satisfactory medical evidence to their supervisor that the employee is either unfit for duty or needs to provide care.

77. The employee may have the time taken as Personal leave added to the period of LSL originally approved or it may be re-credited to the employee's LSL balance. The employee will need to submit an amended leave form to vary the LSL as well as applying for Personal leave.

Maternity leave

78. Maternity leave displaces LSL to the extent of any overlap during a required period of paid absence under the [Maternity Leave \(Commonwealth Employees\) Act 1973](#). The employee may utilise the applicable LSL at the conclusion of the required period of absence or it may be re-credited to the employee's LSL balance. The employee will need to submit an amended leave form to vary the LSL as well as applying for Maternity leave.

- (a) For example, Emma is taking a combination of Annual leave and LSL totaling ten months at half pay. She has learnt that she is pregnant and is due to have the child six weeks prior to her period of LSL ending. Emma is expected to commence Maternity leave six weeks prior to the birth of the child in accordance with Defence policy on Maternity leave. Therefore Emma displaces her LSL for the period of Maternity leave, with the option to take the unused six weeks after her Maternity leave.

Miscellaneous leave

79. Miscellaneous leave for bereavement purposes may be approved for a period of not less than one day and up to three days. The employee may have the applicable time added to the period of LSL originally approved or it may be re-credited to the employee's LSL balance. The employee will need to submit an amended leave form to vary the LSL as well as applying for Miscellaneous leave for bereavement purposes.

Recall to duty

80. An employee can be recalled to duty from LSL if there is an urgent or strong operational requirement to do so. All other options (such as redistribution of work) must have been considered before a recall can be issued.

81. If an employee is recalled to duty, all reasonable costs will be covered in association with the recall.

- (a) For example, if an employee is recalled to duty while on a holiday, the employee will be reimbursed reasonable costs such as airfares. The foregone LSL is re-credited to the employee's accrued LSL balance. The employee will need to submit an amended leave form to vary the LSL.

Payment in lieu of Long Service Leave

82. An employee may receive payment in lieu for any unused LSL credits after at least:

- (a) ten years service, if ceasing employment for any reason; or
- (b) one years service, upon retirement or resignation after the minimum retirement age of 55 years or retrenchment or cessation of employment due to ill health or death.

83. Payment in lieu of Long Service Leave is based on an employee's completed years and months of service and the salary being received at the time of cessation. Each month of unused LSL accrual equates to one month's salary (one twelfth of annual salary).

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84. If an allowance is payable during LSL, it is also included in salary for payment in lieu or LSL purposes.

85. Before ceasing employment, an employee may elect in writing not to receive payment in lieu of LSL, or to receive part payment only.

(a) For example, Jason resigns from Defence and moves to another State where he plans to apply for work with another government service covered by long service leave legislation once he has settled. He anticipates that he will not have a break in service of more than 12 months and decides to elect to receive part payment in lieu of LSL when he resigns.

Additional responsibility pay

86. Where separation is other than by retrenchment, additional responsibility pay is included in leave payments providing the period of additional responsibility pay would have extended beyond the date of separation. For additional responsibility pay to be included in the payment in lieu of LSL, the employee must have been receiving additional responsibility pay continuously for at least 12 months immediately preceding separation.

(a) Retrenchment refers to the termination of employment of an ongoing APS employee under the [Public Service Act 1999](#) on the grounds that the employee is excess to the requirements of the agency. The Enterprise Agreement defines 'excess employee' and details the organisational change framework relating to voluntary and involuntary retrenchment.

Moving without a break to another government employer

87. When an employee moves without a break in employment from Defence to another employer covered by the *Long Service Leave (Commonwealth Employees) Act 1976*, payment in lieu of LSL is not available. The employee's period of employment with Defence is recognised as prior service by the receiving employer.

Ill health or injury

88. Payment in lieu of LSL is applicable where employment is ceased due to ill health, either by termination of employment due to the inability to perform duties because of physical or mental capability, or resignation due to ill health of injury.

89. The decision-maker needs to be satisfied that the employee has genuinely been forced to cease employment because of ill health or injury, before approving payment in lieu. In most cases, the decision-maker will be able to assess this from the evidence supplied by the employee.

(a) If the decision-maker is satisfied on the available evidence that an employee's resignation was due to the employee's ill health or injury, there should be no requirement for an additional report.

(b) In some cases, the decision-maker may request the employee submit a report from a medical practitioner to assist the assessment. This professional opinion should address the nature of the employee's health or injury, whether the employee was forced to cease employment due to ill health or injury, and the reasons the ill health or injury made it necessary for the employee to cease employment.

90. Termination of a newly engaged employee on the grounds of failure to meet health clearance requirements may satisfy the requirements for payment in lieu of LSL, subject to the 12 month qualifying period.

ADF members moving to APS employment

91. When an ADF member leaves the ADF and, without a break, commences employment with Defence, the ADF member will receive payment in lieu of LSL due under the [Defence Act](#)

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[1903](#) unless the ADF member elects not to receive such payment. In each case, the employee's period of ADF service is recognised as prior service.

Civilianisation of military functions

92. If an ADF member becomes a Defence APS employee as part of a civilianisation initiative (implemented in accordance with section 72 of the Public Service Act), the ADF member will be eligible to receive payment in lieu of LSL unless the Public Service Commissioner determines otherwise. The employee's period of ADF service is recognised as prior service, regardless of payment in lieu of LSL.

Death

93. Following the death of an employee with at least one years service, payment in lieu of LSL is normally made to any dependants.

- (a) Dependant, in relation to an employee, means the spouse or partner; or child or parent of the employee or child or parent of the spouse or partner of the employee, being a child or parent who ordinarily resides with the employee and who is wholly or substantially dependent upon the employee.
- (b) Spouse, in relation to an employee, including a de facto spouse, means a person, who, (whether of the same sex or different sex) is legally married to the employee or lives with the employee as the husband or wife of that person on a bona fide domestic basis.
- (c) Partner, in relation to an employee, means a person who, regardless of gender, is living in a common household with the member in a bona fide, domestic, interdependent partnership, although not legally married to the employee.

94. If there is a spouse or partner, who was living with the deceased at the time of death and survives the deceased, then payment in lieu may be made to the spouse or partner.

95. If there is no surviving spouse or partner, the payment in lieu may be made to a surviving dependant, upon production of a statutory declaration, which includes the following information:

- (a) the declarant's relationship to the deceased;
- (b) the deceased employee's classification, name and address of the former employer;
- (c) the declarant's degree of dependency on the deceased (partly or wholly);
- (d) the full names (and ages if under 21) of other dependants; and
- (e) the relationship of the other dependants to the deceased or a statement that the declarant is not aware of any other dependants.

96. If there is more than one surviving dependant, each will need to provide a statutory declaration.

97. The decision-maker can then determine that the payment may be made to either all dependants having regard to the degree of dependency of each dependant, or to one dependant with the written consent of the other dependants to payment being made to one of their number. The written consent of children under 16 is not required.

- (a) For example, if the employee is survived by two aged parents who have been dependent on the deceased, the statutory declaration may be made by one, the other parent having given written consent.

98. If there is a need for payment on other than an equal share basis, the decision-maker may need to establish the degree of dependency. The following additional information for each dependant will assist the decision-maker in making that determination:

- (a) age (if a minor);

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- (b) if the deceased and dependant normally lived together (if not, details are to be given);
- (c) the amount and period of regular or weekly payments, lump sum payments, or other contributions by the deceased to the dependant;
- (d) the purpose of any payments, such as rent, food, board, furniture or maintenance;
- (e) details of any court order for maintenance which has not been fulfilled, including the date of the order, the amount and date of last payment;
- (f) if the dependant was dependent on anyone other than the deceased, and any details;
- (g) details of the financial position and living arrangements of the dependant; and
- (h) any additional information which may assist the decision-maker to consider the degree of a dependant's dependency on the deceased.

99. If payment in lieu of LSL is due or apportioned to a dependant who is a minor (under the age of 18) or otherwise incapable of handling their own affairs, the decision-maker should make a payment based on the following:

- (a) if there is a will, then payment is made to the deceased's estate; or
- (b) if there is no will and the estate is substantial, then payment is made to an official (such as an administrator) appointed by a court of competent jurisdiction. In the absence of such an official, payment is made to a trustee.

100. In the latter case, the decision-maker will need to make arrangements with the Public Trustee (or equivalent) for the appointment of a trustee to whom payment will be made, and request preparation of a deed of trust through the Legal Services Coordinator in Defence Legal Division.

101. If there is more than one dependant, or it is intended to include in the deed of trust a provision that periodic contributions be made towards the maintenance of the minor or minors, the decision-maker will need to advise the trustee as to the intended manner of disbursement.

- (a) In the case of a dependant minor, when the dependant minor turns 18, the dependant is to be paid any monies held in trust together with any accumulated interest.
- (b) The trust deed should be held in safekeeping by Defence and a copy provided to the trustee.

102. Table 8 sets out in order of consideration how the payment in lieu of LSL may be made if dependency is contested, problematic or non-existent.

Table 8. *Difficulties in establishing dependency*

If there is a will and...	Then...
there is a dispute about dependency	payment can be made to the deceased estate, that is, the executor of the will.
there are some problems establishing or locating dependants	payment must be made to the estate within 12 months of the date of death.
there are no dependants	payment is made to the deceased's estate.
If there is no will and...	Then...
there is a dispute about dependency	provide the details to the Public Trustee or equivalent, and await further notice.
after due process it is established that there are no legal claimants to the estate	any monies due are paid into Consolidated Revenue.

103. Table 9 provides guidance if a payee dies before payment is made.

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If the payee is...	Then the payment is made to...
an ex-employee and a will exists	the deceased's estate.
an ex-employee and no will exists	such person as the decision-maker thinks appropriate, having regard to the applicable law relating to the disposition of the property of deceased persons. This will usually be the next-of-kin or, if the estate is substantial, an official (such as an administrator) appointed by a court of competent jurisdiction.
a dependant	the executor of the deceased dependant's estate.
the executor of a deceased employee's estate	the executor of the deceased executor's estate who becomes the executor of the original deceased's estate.

Further assistance

104. For more information and advice about LSL, contact the Defence Service Centre, YourCustomer.Service@defence.gov.au, 1800 DEFENCE (1800 333 362).

105. For assistance with payment in lieu of LSL to a trustee on behalf of a dependant, contact the Legal Service Coordinator, Defence Legal Division.

Related material

106. See also the following:

- (a) [Public Service Act 1999](#)
- (b) [Defence Act 1903](#)
- (c) [Long Service Leave \(Commonwealth Employees\) Act 1976](#)
- (d) [Long Service Leave \(Commonwealth Employees\) Regulations 1957](#)
- (e) [Health Insurance Act 1973](#), section 32
- (f) [Health Insurance Commission Regulations 1975](#), regulation 6
- (g) [Maternity Leave \(Commonwealth Employees\) Act 1973](#)
- (h) [Mint Employees Act 1964](#), section 10
- (i) [Administrative Functions Disposal Authority](#), National Archives of Australia
- (j) [Defence Enterprise Agreement 2017-2020](#)
- (k) [Public Service framework and HR delegations](#)
- (l) [APS People Policy – Additional Responsibility Pay](#)
- (m) [APS People Policy – Allowances](#)
- (n) [APS People Policy – Outside work](#)
- (o) [Webform AF103 – Request for Prior Service Details](#)
- (p) [PA052 Application for Leave \(APS\) form](#)

Long Service Leave

DPG Categorisation	Employment - Pay and Conditions - Leave		
Policy Owner:	APS Workplace Relations People Policy and Employment Conditions		
Date Approved:	18 October 2021	Version:	3
Release Date:	18 October 2021	Date of Next Review:	
Objective ID:	AF28777647		

POLICY DISCLAIMER

In light of the new Defence Enterprise Collective Agreement 2024 (DECA 2024), **APS people policy is superseded and is to be reviewed.**

Employees and their supervisors/managers are to refer to the relevant provisions of the DECA 2024 in applying terms and conditions. In the event that the relevant provisions of the DECA 2024 do not provide adequate instruction for the application of the provisions, the terms of the superseded APS People Policy may be applied provided that it is not inconsistent with the DECA 2024. **Where there is any inconsistency between the DECA 2024 and an APS People Policy, the terms of the DECA 2024 prevail.**

If you are unable to locate an answer in the material detailed above, you can contact yourcustomer.service@defence.gov.au. Your local **HR Services teams** are also a valuable resource you may wish to access. Once the review of this policy has been completed, employees and their representatives will be consulted on the policy before it takes effect.



APS People Policy

POLICY - LONG SERVICE LEAVE

Policy Statement

1. All Defence APS employees are eligible for Long Service Leave (LSL) in accordance with the [Long Service Leave \(Commonwealth Employees\) Act 1976](#).

Scope

2. This policy applies to all APS employees and their APS and military supervisors and managers.

Policy – Core Elements

3. All Defence APS employees are eligible to accrue LSL, with the rate of accrual varying between different employment categories.

4. Employees may apply to have certain prior employment recognised for LSL purposes, provided any breaks between periods of eligible service do not exceed 12 months.

5. The minimum period during which LSL can be taken is seven calendar days at full pay or fourteen calendar days at half pay.

6. Long Service Leave is to be taken as a continuous period of leave and cannot be broken with other periods of leave, except as provided by legislation.

Roles and Responsibilities

Recognition of prior service

7. The onus is on the employee to obtain all information required from prior employers to support their claim for recognition of prior service.

8. To do this an employee should submit a [Webform AF103 – Request for Prior Service Details](#) form to each of their previous employers. The form should then be forwarded to the Civilian Personnel Administration Centre for approval.

Applying for Long Service Leave

9. Employees should discuss their intention to take LSL with their supervisor and record it in their performance agreement.

10. Employees are to give their supervisor reasonable notice of the intent to take LSL to allow necessary workforce planning especially if the leave is of a long duration.

11. Employees are required to submit an application for LSL online using PMKeyS Self Service. An employee is only to apply using a paper application form if they cannot apply via Employee Self Service. There is a new double approval process in the LSL Self Service function. Managers below EL2 level approving the initial request will need to nominate an EL2 delegate for final approval.

In the event that application is made via the web form, the employee is to submit the [AF088 Application for Leave form](#) to their supervisor for recommendation. After making a



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recommendation, the supervisor should then forward the application to the decision-maker within their line of supervision. Where approved, the form is to be forwarded to the Civilian Personnel Administration Centre for processing. Supervisors should support and recommend applications for LSL unless there are operational reasons for not doing so.

12. The Civilian Personnel Administration Centre must retain approved LSL forms for seven years, after which they can be destroyed in accordance with National Archives of Australia policy.

DPG Policy No.:	APSPP 1.3.4.3		
DPG Categorisation	Employment - Pay and Conditions - Leave		
Authority	This policy draws its authority from the <i>Long Service Leave (Commonwealth Employees) Act 1976</i> and the Enterprise Agreement. APS employees, their supervisors and managers are required to comply with this policy and consider the supporting guidance available to them in making their personnel related decisions. This compliance is a lawful and reasonable direction given in accordance with section 13(5) of the <i>Public Service Act 1999</i> and for ADF supervisors and managers constitutes a 'general order' for the purposes of the <i>Defence Force Discipline Act 1992</i>.		
Policy Owner:	APS Workplace Relations People Policy and Employment Conditions		
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