



POLICY STATEMENT

This policy applies to all staff covered by the One Innovation Enterprise Agreement 2011.

LEAVE

Under the terms of the One Innovation Enterprise Agreement 2011, leave will be made available in certain conditions. The Department's policy is to provide employees with an opportunity to take a reasonable break from work to enhance the quality of their personal life and consequently be in a better position to meet their employment responsibilities.

Principles

- Recreation leave will accrue on a daily basis at the rate of 20 days per year.
- Personal leave will accrue on a daily basis at the rate of 18 days per year.
- Short term paid leave may be available for specified occasions.
- Compassionate Leave will be available for specified occasions.
- Purchased Leave may be available subject to approval.
- Defence Reserve Leave is available.
- Community Service Leave is available
- Leave without pay may be available subject to approval.
- Maternity Leave and Long Service Leave will apply subject to conditions of relevant legislation.
- Public Holidays will be those observed by the Department.

References: One Innovation Enterprise Agreement 2011; *Maternity Leave (Commonwealth Employees) Act 1973*; *Long Service Leave (Commonwealth Employees) Act 1976*; *Fair Work Act 2009*

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RECREATION LEAVE

Introduction

Recreation leave is available to safeguard the well being of all employees and provides the means for you take a reasonable amount of leave for recreational purposes each year.

Accrual

You accrue 20 days recreation leave per year which accrues on a daily basis. Part-time employees will accrue recreation leave on a pro rata basis.

AAO shift workers who are regularly rostered to work on Sundays and Public Holidays will accrue additional leave each year in accordance with the provisions of the One Innovation Enterprise Agreement 2011.

If you have had more than 30 days unpaid leave that does not count as service during the calendar year or if you have not completed a full year of service, your entitlement will be reduced accordingly.

Management of Excess Recreation Leave

You and your manager are responsible for ensuring that you take regular breaks from work using your recreation leave.

Each year, managers will be advised of employees with more than 30 days accumulated recreation leave credits at 31 March. Employees will be required to develop a plan with their manager to have their recreation leave credits at no more than 40 days at the following 30 September. AAO employees will have until 30 June 2014 to meet this condition.

Employees who still have in excess of 40 days recreation leave at 30 September will be directed, in writing, to take leave.

If work priorities change or there are other extenuating circumstances, the manager and employee should revise the plan, so that recreation leave can still be taken at a mutually agreeable time prior to 30 September. Any variations made to the plan will need to be signed off by the relevant Head of Division.

Approval

You are encouraged to take a reasonable amount of recreation leave each year and reasonable requests for leave will not be refused. You should seek prior approval from your manager for recreation leave. When considering requests for leave, your manager will have regard to the work group's operational requirements, your well being and the leave requirements of other employees in your work group.

Recreation Leave at half pay

You may take recreation leave at half pay. Leave debits would then apply at half of the period of leave taken. However, it must be stressed that the overriding priority in considering an application for recreation leave at half pay is the operational requirements of the area. In order to assess the impact on your work area, it is in your interests to provide any relevant information in support of your application.

Cash out of Recreation Leave

You may, with the written agreement of your manager cash out any amount of recreation leave provided you retain a minimum balance of 20 days and subject to you having taken at least an equal amount of leave (Recreation or Long Service) in accordance with the One Innovation Enterprise Agreement 2011

Effect of unauthorised absences

Unauthorised absences do not count as service for any purpose.

Additional remote localities leave entitlements

Employees performing duty at remote localities prior to the commencement of the Innovation Enterprise Agreement 2009-2011, will accrue additional recreation leave entitlements in accordance with Attachment B.

Additional special regional leave entitlements - NMI

Employees performing duty at specified regional localities immediately following the transfer of a State and Territory trade measurement function, will accrue additional recreation leave entitlements in accordance with Schedule 2 of the One Innovation Enterprise Agreement 2011.

AAO employees stationed at Coonabarabran

Employees stationed at Coonabarabran will accrue an additional 2 days recreation leave per year.

Recrediting of Recreation Leave

If you are recalled to duty, you will be recredited with a period equivalent to the ordinary duty worked during the recreation leave.

If you become ill during a period of recreation leave, you may apply for personal leave for sickness purposes and a recredit of recreation leave. The period of illness must be at least one day and you must provide satisfactory evidence.

If you are granted personal and/or compassionate leave for bereavement purposes of at least one day, a recredit of an equivalent period of recreation leave will be made.

Payment during Recreation Leave

During a period of recreation leave you will continue to receive your usual salary including any allowance in the nature of salary that you would have received if you were at work.

Public Holidays

Recreation leave debits will not be applied in respect of Public Holidays falling within the period within which the recreation leave is taken.

Use of Recreation Leave with other leave

The relationship between other forms of leave and Recreation Leave is detailed at Attachment A.

Payment in lieu on termination

On termination of employment you will be entitled to payment in lieu for unused recreation leave credits. If you commenced before 26 October 1966, the amount of recreation leave to be paid in lieu may be reduced (if applicable) to take account of the change in accrual provisions that came into effect on 1 January 1967.

Salary for payment in lieu of recreation leave is calculated using your final rate of salary, including allowances that would have been paid if you had taken a period of recreation leave.

PERSONAL LEAVE (including Carers Leave)

Introduction

This leave procedure encourages managers to adopt a flexible and supportive approach to the management of leave. It is based upon the principles of needs and trust and allows managers to treat applications for personal leave on a case by case basis.

There are no limits, within your allocation of personal leave, on the amount of leave that you may use for a particular purpose. The granting of personal leave will be at the discretion of your manager.

Accrual

You will accrue 18 days personal leave per year which will accrue on a daily basis.

If you are a new ongoing employee to the Australian Public Service, you will be credited with 6 days on commencement.

If you are a new non-ongoing employee employed for more than 12 months you will be credited with 6 days personal leave on commencement.

Where a total of more than 30 days leave without pay (not to count as service) is taken in a calendar year, your entitlement will be reduced accordingly.

Permanent part-time employees will accrue Personal Leave on a pro-rata basis.

Application

Personal Leave may be used for a variety of purposes, including the following:

- *sickness and injury*;
- *care and support* - used to provide care and support for members of your family or household;
- *attendance* at a significant religious or cultural ceremony involving a family member;
- *emergencies* - where you need to be absent from work due to compassionate, unexpected or emergency circumstances and where no alternative arrangements can be made;
- *bereavement* - where you need to be absent from work due to the death of a person who is a member of your family or household;
- *moving house*; and/or
- *other short-term leave of a personal nature* - at the discretion of your manager.

Wherever possible you should seek the prior approval of your manager for personal leave and include the reason for the absence in your application. An accurate record of the reasons for your personal leave is particularly relevant in the case of a compensation claim or fitness for duty.

Supporting Partner Leave

Employees will be entitled to two weeks paid Supporting Partner Leave within one month of the birth, adoption or fostering of a child. Employees accessing Maternity Leave, Adoption leave or Fostering Leave are not eligible for paid Supporting Partner Leave.

Unpaid Parental Leave

Employees will be entitled to unpaid Parental leave in accordance with the *Fair Work Act 2009* from the commencement of the One Innovation Enterprise Agreement 2011

Further information is available from your pay and conditions advisor.

Primary Caregiver Leave

Where employees produce evidence that they are the primary care giver, employees will be entitled to two week's paid Primary Caregiver Leave. Such leave must be used within 6 years of the birth of a child and is in addition to the paid Supporting Partner Leave. Primary Caregiver Leave can be taken in conjunction with a period of paid Supporting Partner Leave. Employees accessing Maternity Leave, Adoption Leave or Fostering Leave are not eligible for paid Primary Caregiver Leave.

Satisfactory evidence

Applications for personal leave for reasons involving sickness or personal illness to yourself or your immediate family, for continuous periods of more than 3 consecutive working days or 10

days in total in a calendar year, may require satisfactory evidence. The evidence must demonstrate either that you are unable to work because of sickness or injury, or that a member of your immediate family or household requires care because of illness or injury.

Managers should review employees' leave usage. Having regard for the particular circumstances, managers may require employees to provide satisfactory evidence more frequently than for continuous periods of 3 days where the employee provides unsatisfactory reasons for their absences or there is a pattern of unplanned absence.

Extended Personal Leave

In cases where your absence on personal leave is more than 2 weeks and is likely to continue, your manager may wish to discuss the situation with Employment Services. This will allow consideration of a graduated return to work program or a referral to the Medical Officer from Health for Industry. Additionally it will help minimise circumstances where you may be overpaid due to unavailability of personal leave.

The maximum continuous absence period of personal leave is limited to the total personal leave credits accrued, or a combined total of paid and unpaid personal leave up to the maximum of 78 weeks, whichever is the greater.

If you have taken a continuous period of personal leave of 13 weeks or more, no further personal leave may be granted until you have had a medical examination by a Medical Officer from Health for Industry.

On the basis of any medical report you may be required to absent yourself from duty during the recommended period.

If you retire on the grounds of invalidity, all credits for personal leave on full pay must first be used unless you otherwise agree. This does not apply if the continuous period of personal leave immediately prior to retirement on grounds of invalidity is more than 52 weeks.

In certain circumstances, you may be granted approval to convert full pay credits to half pay to cover extended periods of personal illness.

Public Holidays occurring during Personal Leave

When a public holiday occurs during, immediately before, or immediately after a period where you are absent on Personal Leave, your Personal Leave credits will not be reduced for the public holiday.

If you are on Personal Leave without pay both sides of a public holiday, the public holiday will also be without pay.

If you are on different rates of pay either side of a public holiday, the public holiday is paid at the higher rate.

Personal Leave during other leave

The relationship between other forms of leave and Personal Leave is detailed at Attachment A.

Unpaid Personal Leave

Employees are also entitled to a period of up to 2 days unpaid personal leave for each occasion when a member of an employee's immediate family or a member of the employee's household requires care and support during such a period because of:

- a personal illness, or injury, of the member; or
- an unexpected emergency affecting the member.

Recognition of Prior Service

Service in an organisation that is recognised as prior service for Long Service Leave purposes may be recognised for Personal Leave purposes provided any break in service does not exceed 2 months.

War Service Sick Leave

Employees may be eligible for war service sick leave while unfit for duty because of a war-caused condition. The leave will be administered in accordance with Schedule 6 of the One Innovation Enterprise Agreement 2011

Employees may be eligible to be granted war service sick leave while unfit for duty because of a war caused condition.

A war caused condition means: an injury or disease of an employee that has been determined under the *Veterans' Entitlements Act 1986* as amended from time to time to be war caused or defence caused.

Employees may accrue two separate credits, as follows:

Employees are allotted a nine week, once only, special credit of war service sick leave on commencement of ongoing employment in the APS. If the employee was eligible for war service sick leave during a previous period of APS employment, on rejoining the APS the special credit allotted, will be any special credit that remained unused on the final day of the previous APS employment.

In addition to the special credit, ongoing employees are allotted a three week credit (annual credits) of war service sick leave on commencement, and after each subsequent twelve months service. Unused annual credits will accumulate, subject to a maximum annual credit balance of nine weeks. If the employee was eligible for war service sick leave during a previous period of APS employment, on rejoining the APS any unused accrued annual credits can be brought forward, subject to the maximum annual credit of nine weeks.

War service sick leave accruals will be deferred by any periods where an employee has been absent on leave without pay which does not count as service, or for any unauthorised absence. Approval of war service sick leave will be subject to the provision of a medical certificate stating the nature of the medical condition, and a statement from the Department of Veterans' Affairs stating the medical condition is a war-caused condition.

Leave from annual credits may not be granted until the special credit has expired.

War service sick leave is paid, and counts as service for all purposes.

Where an employee's war service sick leave credits have expired, personal leave provisions will apply.

Leave that counts as service for personal leave purposes will be deemed to count as service for war service sick leave purposes.

COMPASSIONATE LEAVE

An employee is entitled to a period of 2 days paid compassionate leave for each occasion when a member of the employee's immediate family or a member of the employee's household:

- contracts or develops a personal illness that poses a serious threat to his or her life or,
- sustains a personal injury that poses a serious threat to his or her life; or
- dies

Compassionate leave may be taken as:

- a single, unbroken period of 2 days; or
- 2 separate periods of 1 day each; or
- any separate periods to which the employee and his or her manager agree.

The required proof for accessing Compassionate Leave will be at the discretion of an employee's manager.

For the purposes of compassionate leave, 'immediate family' means:

- a spouse, child, parent, grandparent, grandchild, or sibling of the employee;
- a child, parent, grandparent, grandchild, or sibling of a spouse of the employee

For the purposes of compassionate leave, 'spouse' means:

- husband or wife;
- partner in a genuine de facto relationship, regardless of the sex of the two partners;
- former spouse or de facto partner

PURCHASED LEAVE

This scheme allows you to access up to 10 weeks additional leave in any 12 month period by paying for the leave progressively over the course of the relevant period. The scheme provides greater flexibility for you to balance your work and other commitments, providing operational requirements can be met.

Non-ongoing employees may only access purchased leave if their period of employment is greater than 12 months.

Approval

Approval of purchased leave rests with your Manager and it is in your interest to provide sufficient information and where appropriate, supporting documentation.

If your application has been approved and you transfer to another area within Innovation, you will need to advise the Manager of that area that you have approval for purchased leave.

Terms and Conditions

You must apply beforehand as for Recreation Leave and it can be used in conjunction with other leave types. Purchased leave counts for service and cannot be used during the mandatory maternity leave period.

The deduction period can be spread over a minimum of 3 months to a maximum of 1 year. Deductions commence on the first payday after the Purchased Leave has been approved.

The amount deducted is based on your annual gross salary plus allowances at the time of commencing deductions. This amount is adjusted following permanent increases in salary and periods of higher duties greater than 3 months.

If you leave the APS or transfer to another Department, the Pay & Conditions & Recruitment Team will do reconciliation. The monetary value of the leave taken prior to leaving is compared to the total amount deducted so far. This may result in you receiving a reimbursement or you making a payment to Innovation

DEFENCE RESERVE LEAVE

Innovation provides support for Defence Reservists in accordance with the policy developed by the Defence Reserves Support Council (DRSC) for the public sector. Innovation will:

- provide four weeks (20 working days or 28 calendar days) leave on full pay each year for Reservists undertaking Defence service;
- provide an additional two weeks paid leave to allow for a Reservists' attendance at recruit/initial employment training;
- provide scope for additional leave for Defence service, either on a paid, unpaid or top-up pay basis;
- not require Reservists to pay their tax-free Reserve salary to their Agency in any circumstances;
- allow Defence leave entitlements to accumulate and be taken over a two year period;
- treat leave for Defence service, whether with or without pay or on top-up pay, as service for all purposes – the exception being that a period or periods of leave without pay in excess of six months not count as service for annual leave purposes;
- provide Reservists with continued access to other components of their remuneration package, e.g. Superannuation (subject to the rules of the CSS, PSS and Military Superannuation and Benefits Scheme), studies assistance, salary reviews, cars, during periods of Defence service; and

- keep Reservists informed of developments in the workplace, e.g. Reservists absent from the workplace on Reserve Service should have the opportunity to participate in any ballot on a proposed workplace agreement where their employment is or will be subject to the agreement.

In addition to leave approved under this clause, employees who are members of the Defence Reserve may apply for Recreation, Long Service or flex leave for Defence Reserve purposes.

Employees must provide written evidence of the requirement for them to undertake peacetime training and /or deployment with the ADF.

Community Service Leave

An employee who engages in an eligible community service activity is entitled to leave, in accordance with the One Innovation Enterprise Agreement 2011, for the period of the service including reasonable travelling time associated with the activity and, where appropriate a reasonable rest period following the activity.

Eligible community service activities include:

- State/Territory emergency service activities;
- Jury service;
- Disaster leave.

OTHER LEAVE - PAID

Introduction

Other leave (paid) should be considered in the context of operational efficiency and the need to provide you with an environment that allows you to balance work, family, lifestyle and community responsibilities. The purposes for which leave may be granted are not prescribed and leave is subject to agreement with your manager.

Other Community responsibilities

There are many community based responsibilities in which you may participate and these responsibilities can contribute to the well being of our community. They may include the following activities:

- Blood donor leave;
- Training and personal development activities;
- Participation in international sporting events; and
- any other approved purpose.

Wherever possible you will be granted leave for these purposes. While the purpose for which leave may be granted is not limited to those mentioned above, they should be used as an indication of the type of community responsibility covered.

Cultural/ceremonial leave for Aboriginal and Torres Strait Islander employees

Aboriginal and Torres Strait Islander employees will be granted 5 days paid leave per year to participate in ceremonial and cultural obligations (including NAIDOC activities).

Lifestyle and family responsibilities

You are encouraged to participate in the full range of activities undertaken by members of the general community. Generally these would be undertaken outside working hours. However, leave during normal hours of duty may be appropriate in some circumstances, for example, sporting activities as follows:

- where it has been agreed that a particular sporting event is an official activity and has approved participation of a departmental team. The team members may be granted leave subject to operational requirements.
- where you have been selected to represent Australia as a competitor or accredited official at a significant, high profile international sporting event (for example football, soccer, tennis, athletics, swimming). You would be granted leave for the time needed to attend the event plus necessary travelling time.

Approval

Your manager has the delegation to grant short term paid leave and you should provide them with the maximum amount of notice possible and, where timing is flexible, fit in with the operational requirements of the area. Managers are encouraged to take a flexible approach when considering applications for other paid leave and wherever possible to grant leave.

The leave should be recorded on your flexsheet or in your diary used for recording attendance. You are not required to submit a leave form.

OTHER LEAVE (Unpaid)

Introduction

The granting of unpaid leave is discretionary and does not normally count for service. However, it is recognised by Innovation that there is a need to provide an environment that allows you to balance work, family, lifestyle and community responsibilities. Leave may be granted for a broad range of situations and the types of unpaid leave listed below are an indication of the appropriate purposes.

Approval

The delegation to approve unpaid leave rests with your General Manager and it is in your interests to provide sufficient information and where appropriate, supporting documentation. Your application should be provided to, and discussed with your manager in the first instance, who will make a recommendation to your General Manager. Applications should then be sent to the Pay & Conditions & Recruitment Team, HR and Facilities Branch, Corporate Division for salary action.

The following matters should be taken into account when applications are assessed:

- operational requirements;
- staff morale;
- previous grants of unpaid leave;
- placement on return to work; and
- conflict of interest.

Using paid leave prior to unpaid leave

Except where an employee is taking Maternity Leave or parental leave without pay, Adoption Leave without pay or leave without pay in the interests of the service all paid leave (Recreation and Long Service Leave) is to be exhausted before unpaid leave will be granted. The General Manager, Human Resources & Facilities Branch, Corporate Division has the discretion to approve leave without pay without the requirement to utilise accrued Recreation or Long Service Leave in exceptional circumstances.

Other leave (unpaid) for up to 12 months

Applications for periods of unpaid leave of up to 12 months will be considered sympathetically and some of the purposes for which leave may be granted are as follows:

- Accompanying your spouse on a posting;
- Representative leave;
- Other personal development and training;
- Ceremonial leave;
- Short-term community based activities such as involvement with local environment or sporting groups;
- Leave for private purposes - for up to 12 months for private purposes such as travel, family reasons or participation in community or sporting activities; and
- any other approved purpose.

Long term leave (unpaid)

Other unpaid leave in excess of 12 months may be granted in exceptional circumstances. 'Exceptional' will not be defined in this document, but rather rely on the examination of the prevailing specific circumstances by the manager and the applicant. Any decision would be subject to 'Review of Actions'.

One example of an exception would be unpaid leave to allow you to accompany your spouse on a posting within Australia or overseas where your spouse is a holder of a Commonwealth Office, employed by the Commonwealth or an authority of the Commonwealth or is a member of the Defence Force.

Your initial application for the period of the posting will be granted. Further leave will be considered sympathetically but approval will be considered against operational requirements.

Refusal to Approve Unpaid Leave

Where your application for unpaid leave is not approved, your General Manager must set out his or her reasons in writing.

Discretion to Approve Unpaid Leave

The Secretary has the discretion to approve unpaid leave to count for service where it is in the interest of Innovation.

No period of unpaid leave will count as service if you do not resume duty.

LONG SERVICE LEAVE

Long service leave is provided for in accordance with the *Long Service Leave (Commonwealth Employees) Act 1976* and the method of calculating long service leave uses calendar months for both accruing and debiting periods of long service leave.

Eligible employees may access long service leave for a minimum period of seven calendar days.

LEAVE FOR THE BIRTH, ADOPTION OR FOSTERING OF A CHILD

Eligible employees are entitled to maternity leave in accordance with the *Maternity Leave (Commonwealth Employees) Act 1973*. In addition to any paid maternity leave entitlement, you will also be entitled to 2 weeks additional paid leave immediately preceding or following your paid maternity leave. You may elect to have your salary paid at either full pay or half pay. Paid Maternity leave will count for service for all purposes.

If you are not eligible for paid maternity leave you are still entitled to the 2 weeks additional paid leave which can be taken immediately before the due date of confinement or immediately following the birth.

Employees may also be eligible for paid parental leave under the “Australia’s Paid Parental Leave Scheme”. Eligibility and other details are available from the [Family Assistance Office](#).

In addition to the entitlement under the *Maternity Leave (Commonwealth Employees) Act 1973* the national employment standards provide for a further 12 months unpaid leave which must be taken continuously with the initial grant of leave. If you wish to utilise this leave you must notify your Manager at least 4 weeks before the end date of the original period of leave.

If you are or are to be the primary carer, you will be entitled to paid Adoption or Fostering Leave of 14 weeks at full pay or 28 weeks at half pay for the purposes of adopting or fostering a child. Adoption or Fostering Leave may be taken in one block or as separate absences over a period of time at the discretion of your manager. The child must not be your child or step-child or your partner's child or step child unless the child had not been in your custody and care or your partners custody and care for a significant period. If you have less than 12 months continuous

service in the APS you are eligible for Adoption or Fostering Leave, but only two weeks will be paid leave. Where you elect to take paid Adoption or Fostering Leave at half pay, a maximum of 14 weeks will count as service for all purposes.

Where an employee has not accessed any leave under the national employment standard they can take up to 12 months parental leave at any time up to a child's 6th birthday. Access is also available to parents of an adopted or fostered child and the guardians of a child under 6 years. This leave may be taken continuously or in aggregate. This leave is in addition to that provided for under the *Maternity Leave (Commonwealth Employees) Act 1973*.

ATTACHMENT A – RELATIONSHIP BETWEEN TYPES OF LEAVE

TYPE OF LEAVE	DURING RECREATION LEAVE	DURING PERSONAL LEAVE - Sick Leave	DURING PERSONAL LEAVE for Bereavement purposes and COMPASSIONATE LEAVE	DURING PERSONAL LEAVE - Other	DURING LONG SERVICE LEAVE	DURING UNPAID LEAVE	DURING MATERNITY LEAVE
RECREATION LEAVE		Not allowed	Not allowed	Not allowed	Can be taken immediately before and/or after	Allowed	Can be taken after 14 weeks paid absence
PERSONAL LEAVE - Sick Leave	On production of medical certificate and at least 1 days absence		On production of medical certificate and at least 1 days absence	On production of medical certificate and at least 1 days absence	On production of medical certificate and at least 1 days absence	Not allowed	May be taken after 14 weeks paid absence on production of medical certificate
PERSONAL LEAVE for Bereavement purposes and COMPASSIONATE and BEREAVEMENT LEAVE	Allowed	Not allowed		Allowed	Allowed	Not allowed	Not allowed
PERSONAL LEAVE - Other	Not allowed	Not allowed	Not allowed		Not allowed	Not allowed	Not allowed
LONG SERVICE LEAVE	Can be taken immediately before or after	In exceptional circumstances	Not allowed	Not allowed		Allowed	Can be taken after 14 weeks absence
UNPAID LEAVE	Allowed	Usual option is for Sick Leave Without Pay	Allowed	Allowed	Allowed		Allowable following 14 weeks absence
MATERNITY LEAVE	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Allowed but with conditions	

ATTACHMENT B - ADDITIONAL REMOTE LOCALITIES LEAVE CONDITIONS - INNOVATION

Accrual of leave for employees at remote localities

Employees performing duty at remote localities prior to the commencement of the Innovation Enterprise Agreement 2009-2011, will accrue additional recreation leave in accordance with Schedule 1.

Accrual of Credit

An employee who performs duty at a locality specified in the table at Schedule 1 accrues an additional credit for each complete month of service at the locality. An employee will accrue one-twelfth of the number of days as specified in column 2 of Schedule 1 opposite the locality in column 1 at which the employee performs duty for each complete month as service.

For this clause, a month counts as a complete month of service for a person if:

- (a) the person is employed in the Service for part only of a month by reason of:
 - (i) becoming an employee on a day in the month other than the first day of the month; or
 - (ii) ceasing to be an employee on a day in the month other than the last day of the month; and
- (b) the whole of the part of that month during which the person is so employed forms part of a period of service; and
- (c) the person would not have been required to attend for duty on any day in the remainder of that month if the person had been employed in the Service during the remainder of the month.

Certain periods in different localities or parts of a month to be counted in remote localities.

In this clause:

day means a day when an employee is, or would be, ordinarily required to attend for ordinary duty.

locality means a locality in Australia specified in column 1 of Schedule 1. If, in the course of a year, an employee is transferred from a locality to another locality with a different rate of annual leave accrual specified in column 2 of Schedule 1, the date of the employee's transfer is taken to be:

- (a) if the other locality has a higher rate of accrual—the first day of the month in which the transfer occurs; and
- (b) in any other case—the last day of the month.

If, in the course of a year, the whole or part of an employee's service at a locality includes a number of days which is less than a complete month, that number of days is

to be aggregated with any period that is less than a complete month's service at another locality with the same rate of accrual where the employee has performed duty during the year, and for each multiple of 20 days in the aggregate, the employee is taken to have completed a month of service at the locality,

If:

- (a) in the course of a year an employee has performed duty at a number of localities having different rates of accrual of annual leave; and
- (b) some periods of service of the employee at the localities have not been counted for accrual of annual leave, the periods are to be aggregated, and for each multiple of 20 days in the aggregate, the employee is taken to have completed a month of service at the locality where the employee has performed duty for the longest period in the year.

If:

- (a) an employee is performing duty at a locality at the end of 31 December in a year; and
- (b) the employee's period of duty at the locality during the year includes a number of days, not being part of a complete month of service, for which the employee has not received any annual leave credit under this clause;

that number of days is to be aggregated with any incomplete month of service at the end of the employee's period of duty at the locality (whether in the next year or a later year), and each multiple of 20 such days is taken to be a complete month of service of the employee at that locality.

Remote Localities Leave Fares

Definitions: The following definitions apply unless the contrary intention is specified:

- (a) **certified office** means an office the filling of which the Secretary has certified in writing is critical to the operating efficiency of the agency;
- (b) **eligible dependant/eligible partner** is a dependant or partner of the employee who resides with the employee, and whose income (if any) is less than the rates specified in Table 5 of Schedule 1 of the Department of Industry Tourism and Resources Collective Agreement 2006-2009.
- (c) **fare** means air fare;
- (d) **leave fare** means:
 - (i) costs of return fares to the nearest capital city; or
 - (ii) where travel is between the former capital city of the employee and the new locality, costs of return fares reasonably incurred; or
 - (iii) where travel is to a destination other than the former capital city, the amount payable had the travel been from the new location to the former capital city;
- (e) **the nearest capital city** means:
 - (i) where the employee is stationed in the Northern Territory - Adelaide, South Australia; or
 - (ii) in any other case - the capital city of the State which is the closest in distance to the employee's usual place of work; and
- (f) **period of service at locality means:** service at the locality or at another locality listed in Schedule 2, which is continuous with the present period of service at the

locality (other than a period of service exceeding one week for which the employee is not entitled to be paid salary) and will be taken to include service which was counted as service for accruing an entitlement to leave fares.

Eligibility: An employee at a remote locality listed in Schedule 2, is entitled to fares assistance to travel from and return to the locality for leave of absence. The employee is also entitled to fares assistance for eligible dependants or an eligible partner to travel from and return to the locality.

An employee permanently stationed at a locality listed in Part A of Schedule 2, is entitled to be reimbursed for a leave fare once each year for the employee, and each eligible dependant or eligible partner. The leave fare accrues on arrival at the locality.

An employee permanently stationed at a locality listed in Part B of Schedule 2, is entitled to be reimbursed for a leave fare once every two years for the employee, and each eligible dependant or eligible partner. The leave fare accrues on arrival at the locality.

An employee stationed on term transfer for a period not exceeding two years and three months at a locality listed in Part A of Schedule 2, is entitled to be reimbursed for a leave fare in respect of the first year of service at the locality for the employee, and each eligible dependant or eligible partner.

An employee stationed on term transfer for a period which exceeds two years and three months at a locality listed in Part A of Schedule 2, is entitled to a leave fare in respect of each year of service, other than the final year of service, at the locality for the employee and each eligible dependant or eligible partner.

An employee stationed on term transfer for a period which exceeds two years and three months at a locality listed in Part B of Schedule 2 is entitled to a leave fare in respect of each two years of service, other than the final two years of service, at the locality for the employee and each eligible dependant or eligible partner.

On completion of the term transfer an employee is entitled to be reimbursed costs of fares from the usual place of work to the former capital city for the employee, and each eligible dependant or eligible partner.

An employee who is transferred on completion of the term transfer to a locality other than his former capital city, will be reimbursed the cost of reasonable fares:

- (a) from the usual place of work to the former capital city; and
- (b) from the former capital city to the new locality.

An employee temporarily stationed at a locality listed in Part A of Schedule 2, who will continue to be stationed at the locality at the end of the leave of absence is entitled to a leave fare in respect of the second year, and each subsequent year of the present period of service at the locality for the employee, and each eligible dependant or eligible partner.

An employee temporarily stationed at a locality listed in Part B of Schedule 2, who will continue to be stationed at the locality at the end of the leave of absence, is entitled to a leave fare in respect of each two years of the employee's present period of service, other than the first two years of service at the locality for the employee and each eligible dependant or eligible partner.

Reunion visits: Where an employee occupies a certified office on term transfer, has dependants and/or a partner residing at the former locality and is not accompanied by the dependants and/or the partner, the employee will be entitled to reimbursement for the cost of travel for the purpose of reunion with the dependants and/or the partner, the employee may elect to be reimbursed an amount equal to 6 reunion visits by economy class travel by air in any one year, commencing on the day that the employee commenced the term transfer. The Secretary may authorise travel for the purpose of reunion, to a locality other than the former locality, provided that the employee pays the amount (if any) by which the cost of fares to the other locality exceeds the cost of the economy class air travel to the former locality.

Lapsing of entitlement: Where an employee who has not utilised all or part of two previously accrued entitlements, becomes eligible for a third entitlement to reimbursement of airfares, the first entitlement, or any remaining part of the first entitlement, will lapse.

Travel other than by air: Where the Secretary authorises travel under this clause other than by air, the employee will be entitled to:

- (a) the payment of an allowance (Motor vehicle allowance), where travel is by private motor vehicle; and
- (b) where travel is by other than use of a private motor vehicle, the employee is entitled to the lesser of:
 - (i) reimbursement of costs reasonably incurred; or
 - (ii) the amount the employee would have been entitled to be reimbursed had travel been by air.

Schedule 1

Column 1 Locality	Column 2 Number of days additional leave
New South Wales	
Bourke	3
Broken Hill	2
Cobar	2
Coonabarabran	2
Coonamble	2
Lord Howe Island	5
Moree	2
Narrabri	2
Walgett	2
Northern Territory	
Adelaide River	5
Alice Springs	5
Batchelor	5
Darwin	5
Groote Eylandt	7
Jabiru (including Cannon Hill, East	7
Alligator, Jim Jim and Nourlangie)	
Ngukurr	7
Katherine	7
Nelson Springs	7
Nhulinbuy	7
Tennant Creek	7
Yulara	5
Wave Hill	7
Queensland	
Atherton	2
Aurukun	7
Ayr	2
Bamaga	7
Biloela	2
Birdsville	3
Bowen	2
Brampton	3
Burketown	7
Cairns	2
Charleville	2
Charters Towers	2
Clermont	3
Cloncurry	3
Collinsville	2
Cunnamulla	3

Emerald	2
Hughenden	3
Ingham	2
Injune	2
Innisfail	2
Julia Creek	5
Karumba	7
Longreach	3
Mareeba	2
Mitchell	2
Mt Coolon	2
Mt Isa	3
Normanton	7
Pentland	3
Pine Mountain, Shoalwater Bay Training Area	3
Proserpine	2
Quilpie	3
Richmond	3
Roma	2
St George	2
Taroom	2
Thangool	2
Thargomindah	3
The Glen, Shoalwater Bay Training Area	3
Thursday Island and the other Australian Islands in the Torres Strait area	7
Townsville	2
Tully	2
Weipa	7
Willis Island	7
Windorah	5
South Australia	
Ceduna (including Thevenard)	2
Cooper pedy	3
Ernabella	3
Fowlers Bay	3
Kinscote	2
Maralinga	3
Marla	3
Nullarbor	3
White Well	3
Woomera	2

Western Australia	
Beagle Bay	7
Broome	5
Cape Leveque	7
Carnarvon	2
Cervantes	2
Derby	7
Eucla	5
Exmouth (including Learmonth)	5
Fitzroy Crossing	7
Giles	7
Halls Creek	7
Jiggalong	5
Kalumburu	7
Karratha (including Dampier)	5
Kununurra	7
Lake Gregory	5
Laverton	3
Leonora	3
Lombadina	7
Marble bar	7
Meekathara	3
Mt Magnet	3
Mt Margaret	3
Mt Newman	5
Paraburdoo	5
Port Hedland (including South hedland)	5
Tom Price	5
Turkey Creek	7
Wickham	5
Wiluna	5
Yalgoo	3
Other localities within Australia	
Christmas island	7
Cocos (Keeling Islands)	7
Norfolk Island	3

SCHEDULE 2 - REMOTE LOCALITIES FOR LEAVE FARES

Part A Localities	
NEW SOUTH WALES	
Lord Howe Island	
QUEENSLAND	
Brampton Vale, Shoalwater Bay Training Area	St George
Longreach	The Glen, Shoalwater Bay Training Area
Mt Isa	Thursday Island and the other Australian Islands in the Torres Strait area
Normanton	Weipa
Pentland	Pine Mountain, Shoalwater Bay Training Area
SOUTH AUSTRALIA	
Coober Pedy	Marla
TASMANIA	
King Island	
WESTERN AUSTRALIA	
Broome	Meekatharra
Derby	Port Hedland (including South Hedland)
Eucla	Wickham (including Cape Lambert, Roebourne)
Exmouth (including Learmonth)	Halls Creek
Karratha (including Dampier)	Kununurra
NORTHERN TERRITORY	
Adelaide River	Katherine
Alice Springs	Nelson Springs
Batchelor	Nhulunbuy
Darwin	Tennant Creek
Groote Eylandt	Yulara
Jabiru (including Nourlangie, Jim Jim, Cannon Hill and East Alligator)	

OTHER TERRITORIES	
Christmas Island	Norfolk Island
Cocos (Keeling) Islands	

Part B Localities	
NEW SOUTH WALES	
Bourke	Cobar
QUEENSLAND	
Atherton	Innisfail
Ayr	Mareeba
Bowen	Proserpine (including Cannonvale)
Cairns	Roma
Charters Towers (including Macrossan)	Townsville
Charleville	Tully
Ingham	
SOUTH AUSTRALIA	
Ceduna (including Thevenard)	Woomera
WESTERN AUSTRALIA	
Carnarvon	