

PART 5 - REMOTE LOCALITY PROVISIONS

By-law 42 - General

INTERPRETATION

42. (1) For the purposes of the By-laws in this Part -
- "remote locality" means a category 1 remote locality, a category 2 remote locality or a category 3 remote locality.
- "category 1 remote locality", "category 2 remote locality" or "category 3 remote locality" means a locality declared by the Commissioner as such.

ELIGIBILITY

42. (2) The provisions of this Part apply to and in relation to an employee whose normal place of employment is in a remote locality.
42. (3) The conditions prescribed under this Part are in addition to any other conditions under the Act.

By-law 43 - Fares Out

INTERPRETATION

43. (1) For the purposes of this By-law -
- "dependent" means -
- (i) an employee's spouse (including de facto spouse) and children who reside with the employee and who are not eligible for fares assistance from any other source and who are not in receipt of income of which the weekly average over the 6 month period immediately before proceeding on fares out leave, exceeds the average weekly adult minimum wage, as advised by the Commissioner; and
 - (ii) any other person approved by the Commissioner;
- "year" means the anniversary of commencement in the Public Sector or where an air fare accrues under By-law 33 or By-law 47, a period of 12 months from the date of the last air fare accrual.

GRANT OF FARES OUT

43. (2) Subject to this Part, the Chief Executive Officer may grant approval for an employee, and recognised dependents, to utilise a fares out for
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- (a) travel from a remote locality to Darwin where that locality is situated above the 18th parallel of latitude, or to Alice Springs in all other cases;
- (b) notwithstanding the limitation of paragraph (a), the Chief Executive Officer may approve the use of a fares out for travel to an alternate destination provided that the cost does not exceed that which would have applied under paragraph (a);

43. (3) Omitted

ENTITLEMENT

43. (4) A fares out may be provided to an employee entitled to accrue recreation leave air fares under By-law 33 or 47, as follows -

- (a) where stationed in a category 1 or 2 remote locality:
 - (i) one fares out may be used in the year when the By-law 33 or 47 air fare accrues; and
 - (ii) 2 fares out may be used in the alternate year; or
- (b) where stationed in a category 3 remote locality:
 - (i) two fares out may be used in the year when the By-law 33 or 47 air fare accrues; and
 - (ii) 3 fares out may be used in the alternate year.

43. (5) Where an employee stationed in a remote locality is not entitled to recreation leave fares under By-law 33 or 47, fares out may be made available as follows -

- (a) twice in each year where the employee is stationed in a category 1 or 2 remote locality; or
- (b) thrice in each year where the employee is stationed in a category 3 remote locality.

43. (6) A fares out may be made available after 3 months continuous service in a remote locality, or a lesser period where approved by the Chief Executive Officer and, where applicable, a subsequent fares out may be made available after a further 3 months continuous service, or a lesser period as approved by the Chief Executive Officer, after utilisation of a previous fares out or after utilisation of a recreation leave fare (including cashed-up airfare/kilometre allowance accrued in the current year) provided that the total number of fares out used does not exceed those specified in clause (4) or (5).

43. (6A) Omitted.

43. (6B) Omitted.

43. (7) Subject to clause (6) and (7A), an employee who is transferred or promoted from one remote locality to another remote locality shall continue to be entitled to fares out at the new locality as if service was continuous in that locality.

43. (7A) Subject to clause (6), where an employee is transferred or promoted from a category 1 or 2 remote locality to a category 3 remote locality, or vice versa, the provisions applicable to the new remote locality as determined under clause (4) or (5) shall apply from the date of commencement in the new remote locality.

ENTITLEMENT VALUE

43. (8) The value of a fares out entitlement shall be calculated -
- (a) as the lesser of:
 - (i) the return economy class air fare for the persons travelling; or
 - (ii) the actual cost of the air fare for the persons travelling; or
 - (iii) kilometre allowance, including passenger allowance if applicable, where travel by private vehicle has been authorised; or
 - (iv) the actual fare paid if travel undertaken by other means;
 - (b) where the remote locality has no air service, either -
 - (i) the actual amount of kilometre allowance, including passenger allowance if applicable where travel is by private vehicle; or
 - (ii) the actual fare paid if travel is undertaken by other means.

FARES OUT LEAVE

43. (9) Except as provided at clause (11), an employee to whom this By-law applies shall be entitled to a maximum of 2 days fares out leave consecutive with a weekend, public holiday or rostered days off duty.
43. (10) Omitted
43. (11) Employees who, because of their terms and conditions of service, are not required to attend for duty during school vacations are expected to utilise fares out during those periods and are not eligible for the grant of fares out leave in respect of such absences.
43. (12) Where an employee requires additional leave to enable use of a fares out entitlement (to coincide with airline schedules etc) any such leave may be taken as recreation leave or, in respect of short periods of leave, as leave without pay, and any application of this nature is to be treated in accordance with the relevant leave provisions.

LIMITATIONS

43. (13) Under no circumstances shall an employee be granted fares out and a recreation leave fare under By-law 33 or 47 in respect of the same journey.

- 43. (14) An employee shall have no entitlement to fares out during any period of unpaid leave.
- 43. (15) Where more than one employee travels in the same vehicle to utilise fares out, each employee shall be deemed to have utilised a fares out entitlement, notwithstanding that only one of those employees is entitled to payment of kilometre allowance.
- 43. (16) Where an employee utilises fares out leave and is transported at Agency expense, (eg as a passenger on an Agency charter flight, on an Aerial Medical Service flight, in an Agency vehicle etc) that employee shall be deemed to have utilised a fares out entitlement even though there has been no payment for fares.
- 43. (17) Fares out and fares out leave entitlements do not accrue and if not utilised the entitlements lapse.
- 43. (18) Where an employee is transferred or promoted from a remote locality to a locality which is not remote, fares out entitlements lapse.
- 43. (19) An employee who resigns from the Public Sector in a specified remote locality shall not be entitled to any form of fares out or payment in lieu on resignation regardless of length of service in the locality.

By-law 44 - Allowance for Freight on Household Goods

INTERPRETATIONS

- 44. (1) For the purpose of this By-law -
 - “dependent” means -
 - (a) an employee's spouse, including de facto spouse, and children of either partner under the age of 18 years, who are permanently resident with the employee, and not in receipt of income from any source which is in excess of the weekly minimum adult wage as advised by the Commissioner; and
 - (b) any other person approved by the Commissioner;
 - “household goods” means goods required for the employee’s personal needs and those for normal household purposes.

ENTITLEMENT NHULUNBUY & YIRRKALA

- 44. (2) An employee who is permanently stationed in Nhulunbuy or Yirrkala shall be entitled to payment of a weekly allowance for freight of household goods for a period of 45 weeks in any year at a rate determined by the Commissioner, in respect of whether the employee has or does not have dependents.
- 44. (3) Where the spouse of an employee to whom clause (2) applies is also an employee entitlement to an allowance shall be -