

PART 4 – OTHER ENTITLEMENTS

33. AIR FARES

Interpretation

33.1 For the purposes of this by-law:

“dependent”, in relation to an employee, means:

- (a) an employee's spouse, including de facto partner, and children over the age of three (3) years, who:
 - (i) reside permanently with the employee;
 - (ii) are not in receipt of income, the weekly average of which over the six (6) month period immediately preceding the date of accrual of an air fare and over the six (6) month period immediately preceding the date of air fare utilisation, exceeds the weekly minimum adult wage as advised by the Commissioner; and
 - (iii) are not eligible for fares assistance as a term or condition of service from any other source; and
- (b) any other person approved by the CEO for that purpose.

Established dependency

33.2 Where one (1) partner has established responsibility for the family unit, regardless of whether that partner is an employee, the other partner would not be entitled to claim recognition of the family unit as dependents for air fares.

33.3 If the circumstances of the family unit have changed to the extent that there has been a change in responsibility for the family unit, an employee may claim for air fares.

Restriction of entitlement

33.4 This by-law applies only to an employee who was:

- (a) appointed to the Northern Territory Public Service prior to 1 August 1987; or
- (b) appointed to the Northern Territory Teaching Service prior to 12 April 1990; or
- (c) permanently transferred, in accordance with the provisions of the Public Employment Mobility Act 1989, to the Northern Territory

Public Service or the Northern Territory Teaching Service and the date of commencement in public employment precedes 1 August 1987 or 12 April 1990 respectively.

Entitlement

- 33.5 An employee to whom this by-law applies and, subject to by-law 33.7, who is permanently stationed in the Northern Territory, will accrue an economy class return air fare on completion of each two (2) year period of service in the Northern Territory.
- 33.6 Air fares will accrue in respect of the employee and, subject to meeting the dependency criteria, to recognised dependents.

Deferral of entitlement

- 33.7 Leave without pay which is specified as not counting as service for all purposes, or is an unauthorised absence occurring since the last air fare accrual, will:
- (a) defer the next air fare accrual by the equivalent number of days; and
 - (b) subsequent air fare accrual will be after a period of two (2) years' service from that date or a date resulting from a further deferral or accrual.

Maximum entitlement

- 33.8 Except as provided at by-laws 33.933.9 and 33.11, air fares will be made available for travel on leave from the employee's head station to Adelaide by the most direct route, or to another destination, provided that the maximum payment does not exceed the cost that would have been incurred for an economy return air fare to Adelaide.
- 33.9 Except as provided at by-law 33.11, an employee who, prior to commencement of the Public Sector Employment and Management Act 1993, was employed under the Teaching Service Act 1981 and who is entitled to air fares in accordance with by-law 33.5, will, when utilising an air fare under this by-law, be entitled to a return economy air fare to any capital city in lieu of the cost of the return economy airfare to Adelaide.

Cash payment of air fare on a common date

33.10 Subject to by-law 33.13, an employee's accrued air fare entitlement will be paid to an employee on a common date, being the first pay day on or after 1 May of each year. Under these arrangements the employee's accrual date remains the same, subject to deferral resulting from any leave without pay taken by the employee.

- (a) Payment will be made as a taxable lump sum amount calculated in accordance with the following formula:

$$A = \frac{B}{(1-C)}$$

where:

A = lump sum payment;

B = the value of the relevant return economy air fare on the date of accrual; and

C = the employee's marginal tax rate determined by adding the lump sum payment to the employee's gross annual income.

- (b) An employee may request in writing to receive payment of an accrued airfare prior to the common payment date.
- (c) Once payment has been made, there is no provision for an employee to repay monies in order to utilise kilometre allowance or travelling time.

33.11 In respect of by-law 33010:

- (a) the relevant return economy air fare means:

- (i) for an employee who has an entitlement to a return air fare to Adelaide, the value of the return economy air fare from the employee's head station to Adelaide; or
- (ii) in all other cases, the value of the return economy air fare from the employee's head station to Melbourne; and

- (b) the employee's marginal tax rate means:

the rate of tax which the employee must pay (including the relevant percentage of Medicare Levy) in respect of each dollar earned in excess of a specific amount in each financial year.

33.12 Where an air fare is paid in cash the tax to be withheld will be calculated by multiplying A x C.

Approval for non-cash payment of airfare

- 33.13 Notwithstanding by-law 33.10, an employee in receipt of a family payment or benefit from Centrelink, or similar payment made in their stead, who can satisfy the CEO at least two (2) months prior to the date of accrual of an air fare that he/she would suffer financial loss by having the air fare paid in cash, may elect not to have the air fare paid in cash.
- 33.14 Where the CEO is satisfied that the employee would suffer financial loss use of the air fare will be in accordance with the provisions of by-laws 33.15 to 33.19.
- 33.15 An air fare may be provided in conjunction with a period of paid leave as determined by the CEO, by:
- (a) issue of a travel warrant or similar payment to a commercial carrier in accordance with the provisions of the Treasurer's Directions, to the maximum value applicable; or
 - (b) reimbursement of used airline or other commercial carrier tickets after the date of accrual and subject to eligibility criteria, to the maximum value applicable; or
 - (c) payment of kilometre allowance in accordance with by-law 34.
- 33.16 An employee who chooses to travel on leave wholly within the Northern Territory will be entitled to use accrued air fares equivalent to the value of the return economy Adelaide air fare which may be utilised as per by-law 33.10 or 33.15.
- 33.17 No payment or reimbursement of fares is to be provided in respect of any travel by other than private road vehicle or for travel undertaken by other than commercial carriers.
- 33.18 Air fares provided to an employee under this by-law may be extended to dependents of that employee, subject to their meeting dependency criteria, and those dependents may travel independent of the employee except that kilometre allowance is not payable where the employee does not travel with them or travels but does not have an accrued entitlement.
- 33.19 In all cases, an employee is expected to take advantage of student concessions offered by commercial carriers, and extension of air fares in respect of children as permitted under this by-law is limited to the cost which would be incurred after discount of any student concession or similar discount available.

Use of air fare in conjunction with travelling time

- 33.20 An employee may elect, not later than two (2) months prior to the date of accrual of an air fare, to use the provisions of by-law 35 or 48 in which case the air fare will not be paid in cash and the fare will be used in accordance with by-law (c).
- 33.21 An employee who makes an election under by-law 33.20 may, at any time after the election, revoke the election and request payment of the air fare in cash.
- 33.22 An employee who elects not to be paid in cash and who does not use the air fare prior to the next air fare accruing will receive a cash payment for the fare, in accordance with by-law 33.10, on the payday prior to the next air fare accruing.

Cost of air fares in respect of children under three (3) years

- 33.23 Where an employee produces evidence that a cost has been incurred in respect of a dependent child under the age of three (3) years, or over the age of three (3) years but for whom the employee has not accrued an air fare entitlement, provided that the employee has accrued an air fare since the birth of the child, the CEO may approve reimbursement to cover:
- (a) if the travel was undertaken within Australia, the actual cost incurred in respect of the child's air fare component; or
 - (b) if the travel was overseas, the cost to a maximum of 50% of the adult overseas air fare or 50% of the adult Adelaide air fare, whichever is the lesser, regardless of any additional cost incurred.

Cessation of employment

- 33.24 On cessation of employment, an unused accrued air fare in respect of the employee or dependent may be provided as a one way entitlement in accordance with this by-law.