

**DETERMINATION UNDER TEACHING SERVICES ACT 1980 AND
UNDER TECHNICAL AND FURTHER EDUCATION COMMISSION
ACT 1990**

TRANSFERRED OFFICERS COMPENSATION

I, Kenneth George Boston:

- as Director-General of Education and Training make Determination No. 1 of 2001 pursuant to section 25 of the *Teaching Services Act 1980*; and
- as Managing Director of the Technical and Further Education Commission make Determination No. 4 of 2001 pursuant to section 16(1) of the *Technical and Further Education Commission Act 1990*.

Contents	Page
Clause 1	Definitions3
Clause 2	Leave Related to Changing Residence8
Clause 3	Leave to Return Home at Weekends9
Clause 4	Cost of Temporary Accommodation Allowance9
Clause 5	Removal Costs.....12
Clause 6	Storage of Furniture13
Clause 7	Cost of Personal Transport13
Clause 8	Compensation for Depreciation and Disturbance.....14
Clause 9	Conveyancing and Other Costs14
Clause 10	Incidental Costs on Change of Residence18
Clause 11	Education of Children.....18
Clause 12	Relocation on Retirement.....19
Clause 13	Special Provisions.....20
Clause 14	Adjustment of Rates.....20
Clause 15	Date of Effect20
Schedule A	Living Allowance Districts.....21
Schedule B	Boundaries of the Western Division of the State22
Schedule C	Accommodation and Meal Rates23
Schedule D	Schedule of Reimbursable/Non Reimbursable Conveyancing Expenses25
Schedule E	Transferred Officer Compensation Undertaking.....28

1. Definitions

- (a) "College or campus or institute" means a Technical and Further Education establishment or other centre where instruction is provided by the TAFE Commission and includes any place designated as part of, or as an annexe to, such college, campus or institute.
- (b) "Commercial accommodation" means all commercial accommodation including accommodation in hotels, motels, guest houses, boarding houses, self contained serviced flats, caravans and cabins.
- (c) "Department" means the Department of Education and Training.
- (d) "Dependent child" means a child including an adopted child, step child, a foster child or an ex nuptial child:
 - (i) of whom the transferred officer is a parent, step parent, foster parent or legal guardian; and
 - (ii) who is a member of the transferred officer's household who lived with the transferred officer at the officer's former location and who moved or will move to the transferred officer's new location; and
 - (iii) who is wholly maintained by the transferred officer; and
 - (iv) who is either under the age of 16 years or is a full time student under the age of 18 years or is completing school studies up to and including Year 12.
- (e) "Dependent relative" means a person who is:
 - (i) a member of the transferred officer's household who lived with the transferred officer at the officer's former location and who moved or will move to the transferred officer's new location; and
 - (ii) substantially reliant upon the transferred officer for financial support; and
 - (iii) related to the officer by blood, marriage, affinity or Aboriginal kinship structures.

For the purposes of this subclause "affinity" means a relationship that one partner has to the relatives of the other.
- (f) "Director-General" means the Director-General of Education and Training.
- (g) "Excess rent" means in respect of any transferred officer, rent in excess of the officer's weekly contribution as calculated in subclause 1(l).

- (h) "Household" means the transferred officer, partner and any dependent children and dependent relatives as defined above.
- (i) "Location" means the location of the officer's school, college, campus or institute, not the officer's residence.
- (j) "Managing Director" means the Managing Director of the Technical and Further Education Commission.
- (k) "Officer" means and includes all persons permanently employed under the provisions of the *Teaching Services Act 1980*, and officers of TAFE as defined by the provisions of the *Crown Employees (Teachers in Schools and TAFE and Related Employees) Salaries and Conditions Award*.
- (l) "Officer's weekly contribution" means:
- $$\text{Officer's substantive salary} \times \frac{(\text{Officer's substantive salary} + 4332)}{228\,510} \times \frac{7}{365.25} = \text{Officer's weekly contribution}$$
- (m) "Partner" means:
- (i) the spouse of the transferred officer;
 - (ii) a defacto spouse is a person who lives with the officer as the husband or wife of that person on a bona fide domestic basis although not legally married to that person; or
 - (iii) a same sex partner who lives with the teacher as the de facto partner of that teacher on a bona fide domestic basis.
- (n) "Privately owned accommodation" means a place where the officer is staying in a private residence with the owner and/or occupiers of that residence or as a tenant paying some form of rent.
- (o) "Residence" means a house, flat unit, etc or land on which to build a residence subject to it being the principal place of residence of the officer. A residence does not include a caravan or mobile home.
- (p) "School" means a government school or other centre where instruction is provided and includes any place designated as part of, or as an annexe to, such school. For the purposes of this Determination the definition of a school shall also include all Departmental state office and district office centres.
- (q) "Special leave" means special leave on full pay.
- (r) "Sydney Metropolitan Area" means the Sydney region including the area referred to as the Central Coast on the Northern Railway Line as far as and including Gosford; the area on the Western Railway Line as far as and including Mt Victoria; and the area on the Illawarra Railway Line as far as and including Wollongong.

- (s) "TAFE" means the New South Wales Technical and Further Education Commission.
- (t) "Temporary accommodation" means, except for the purposes of clause 4, Teacher Housing Authority housing, vested residences and privately owned accommodation e.g. houses or flats.
- (u) (i) "Transferred officer" means an officer who has been appointed to a new location for an indefinite period of time other than from one part of the Sydney Metropolitan Area to another, at which the officer is to perform duty and as a consequence of that appointment finds it necessary to leave the officer's existing residence and to seek or take up a new residence, but will not include an officer on first employment, re-employment or an officer transferred:
 - (1) at the officer's own request, an officer who gains a position at the same level through a merit selection process or an officer who has been deemed eligible for a compassionate transfer; unless the officer meets the service requirements of subclause (u)(ii) below;
 - (2) under an arrangement between officers to exchange positions; or
 - (3) on account of the officer's own misconduct unless the Director-General or Managing Director otherwise approves.
- (ii) Officers who have been promoted, determined to be nominated transfers (school teachers), directed transfers (TAFE teachers) are also regarded as transferred officers. Those officers mentioned in subclauses (u)(i)(1) and (2) above will be regarded as transferred officers provided that the officers have served not less than:
 - (1) two years at a school, college, campus or institute situated in a centre in a declared living allowance district (Schedule A);
 - (2) three years in a school, college, campus or institute situated in an area defined in Schedule B; or
 - (3) five years in any other school, college, campus or institute.
- (iii) Normally it would be considered that an officer would find it necessary to move residence if the transfer is:
 - (i) from one country town to another;
 - (ii) from the Sydney Metropolitan Area to a country town; or

(iii) from a country town to the Sydney Metropolitan Area.

and the school to which the officer is appointed is 50 kilometres or more from the officer's existing residence.

In general the officer's new residence must be within 50 kilometres of the new location.

(iv) An officer transferred within the Sydney Metropolitan Area may be deemed to be a "transferred officer" on the special circumstances of the transfer where particular hardship would otherwise occur. In general, special consideration will only be given:

(1) If public transport is available between the previous school or residence location and the new school location (whichever is the shorter) where travelling time between the two locations would be greater than two hours (one way); or

(2) If public transport is not available (or where public transport required a trip longer than two hours) between the old school location or existing residence and the new school location (whichever is the shorter) where the road distance to be travelled between the two locations is greater than 120 kilometres.

In applying these provisions the following guidelines should be used:

- An officer would be eligible only if these criteria are met and the distance (or time) travelled to the new location from the officer's existing residence is assessed as being not less than the distance (or time) travelled to the officer's previous location.
- Similarly an officer would be ineligible if, on moving to a new residence his/her total travelling distance (or time) was increased, unless the officer has moved geographically closer to his/her new location.
- The time/distance measurement should be of the most direct or shortest route, using (for subclause (u)(iv)(1) above the fastest available mode of commuter transport i.e. bus, train or ferry). It would be expected that express bus or train services would be used where timetabling allows.
- The time measurement in subclause (u)(iv)(1) above should include time used in changing modes of transport or meeting connecting trains or buses etc.

- The distance measurement used in subclause (u)(iv)(2) above relates to the travelling time given for public transport, using a speed of 60 kph. Use of subclause (u)(iv)(2) above would only be valid in "cross country" transfers where there is not direct public transport route.
- (v) Service in two or more schools may be aggregated in any one country centre or in two or more schools in the Sydney Metropolitan Area. This will not apply if the officer received payment related to any of the provisions of the Determination during the service period described in subclause (u)(ii) above.
 - (vi) For the purposes of fulfilling the service requirement, appointments to a school occurring any time up to the first day of the second term of each year shall be deemed to have occurred on the first day of term one. In the case of a permanent part time teacher, the time period would be up to the first week of the second term.
 - (vii) An officer moving from one teaching service to the other (e.g. from TAFE Teaching Service to the Education Teaching Service), may be deemed to be a "transferred officer" provided the officer:
 - (1) is transferring into a higher status position; or
 - (2) has fulfilled the service requirements as detailed in subclause (u)(ii) above.
 - (viii) The officer must be transferring into a recognised promotion position of a higher status. A move to a higher status does not include the situation where an officer is moving from a step on the incremental salary scale for TAFE teachers to a step on the incremental scale for school teachers, and vice versa, even though a higher salary may be involved.
 - (ix) A teacher moving from a permanent full time position in the NSW public service or in a NSW Government instrumentality may be deemed to be a transferred officer provided that person:
 - (1) is promoted into a higher status promotion position; and
 - (2) has otherwise fulfilled the particular requirements on being granted entitlement under the individual clauses of the Determination.
 - (x) An officer accepting a temporary appointment to a non school based Education Teaching Service position may be deemed a transferred officer providing the temporary appointment is for a period of at least two years. In these circumstances the officer is regarded to have satisfied the requirements of subclause (u)(i) and the provisions of subclause (u)(ii) do not apply.

2. Leave Related to Changing Residence

A transferred officer:

- (a) shall be entitled to up to two days special leave when the officer is necessarily absent from duty for the purpose of visiting the officer's new headquarters or location to which the officer has been transferred with a view to obtaining suitable accommodation. Subject to approval, leave may be taken before or after the actual date of transfer.
- (b) will not be entitled to any special leave, except if otherwise approved by the Department, if the officer is to take up duty at the new location from the beginning of the school, college, campus or institute term.
- (c) shall, in addition to leave granted under subclause (a) above, be entitled if required to take up duty other than at the beginning of the school, college, campus or institute term to:
 - (i) special leave up to two days for the purpose of preparation and packing of personal and household effects prior to removal; or up to two days special leave, for the purpose of arranging storage;
 - (ii) special leave as is necessary to travel to the new location to commence duty and/or for the purposes referred to in subclause (a) above;
 - (iii) one day's special leave for the combined purpose of cleaning the premises being vacated and/or occupying and settling into the new premises.
- (d) Provided that:
 - (i) where the purposes referred to in subclauses (a) and (c) of this clause are achieved in a lesser time than specified the officer would only be entitled to special leave for the lesser time;
 - (ii) when an officer in accordance with subclause (a) of this clause travels to the officer's new location to seek accommodation and incurs expenses in relation to overnight accommodation, the officer will, subject to the production of receipts, be reimbursed the reasonably incurred actual cost of accommodation and meals. This includes reimbursement of costs for accommodation and meals for one member of the officer's household, provided that the amount to be reimbursed for each person does not exceed the amounts listed in Schedule C; or
 - (iii) for the purpose of determining an officer's entitlement to leave and the amount of any leave granted under this clause, vacation periods and recreation leave will be taken into account.

3. Leave to Return Home at Weekends

- (a) Where a transferred officer has been unable to secure accommodation for the family at the new location and arrangements can be made for the performance of the transferred officer's duties, the transferred officer shall be granted sufficient special leave every four weeks to return to the former location to visit the family and to spend 48 consecutive hours with the family.
- (b) Where arrangements in terms of subclause 3(a) above cannot be accommodated due to operational requirements, special leave that the transferred officer is entitled to in terms of subclause 3(a) above shall accumulate. Such accumulated leave shall be granted at the earliest opportunity to enable the transferred officer to return to former headquarters and to spend the accumulated time with the family.
- (c) The transferred officer shall be entitled to special leave in terms of subclause 3(a) above until the family moves to the new location or up to twelve months from the date the transferred officer takes up duty in the new location, whichever is the sooner.
- (d) Vacation periods and recreation entitlement are not counted in determining an officer's leave entitlement under this clause.

4. Cost of Temporary Accommodation Allowance

(1) Temporary Commercial Rented Accommodation Allowance

Applicable where transferred officers are unable to secure permanent accommodation at the new location and in the short term find it necessary to obtain temporary commercial accommodation.

- (a) Where a transferred officer maintaining dependent relatives, dependent children and/or partner in the officer's home:
 - (i) is required to vacate the existing residence prior to the officer's departure for the new location; and/or
 - (ii) finds it necessary to secure temporary accommodation for self, dependent relatives, dependent children and/or a partner at the new location pending a residence becoming available, the officer will, if the total costs necessary for board and lodgings incurred exceeds the amount calculated in accordance with the following scale, be paid an allowance to the extent of the excess costs incurred subject to a maximum of \$254.00 per week. Where the period of temporary accommodation is less than a week, reimbursement will be on a pro rata basis.

Officer's Salary Per Annum	Officers and Partner Per Week	Each Dependent Child 6 Years of Age and Over (Maximum Contribution \$54 Per Week)
\$	\$	\$
Up to \$28 233	218	27
\$28 234 to \$35 980	239	27
\$35 981 to \$46 258	262	27
\$46 259 to \$59 477	324	27
\$59 478 and over	412	27

- (b) Provided that:
- (i) transferred officers should not take their family or furniture to the new location until arrangements have been made for a residence in the new location. There will be no reimbursement of additional expenses caused by removing the officer's family or furniture at an earlier time;
 - (ii) where permanent accommodation is not available and officers have been granted permission to move to the new location ahead of their dependents, accommodation expenses necessarily incurred in excess of \$51.00 per week and up to a maximum of \$254.00 per week may be payable; and
 - (iii) any allowance payable to an officer under this subclause will be for a period until suitable accommodation is available or for a period of 26 weeks, whichever is less. Where the officer is transferred to the Sydney Metropolitan Area, the allowance will be paid for a maximum of thirteen weeks unless the Department is satisfied that no alternative accommodation is available.
- (c) Where transferred officers are not maintaining a dependent partner, dependent children or dependent relatives at their home and are unable to secure permanent accommodation at their new location, the officer may be paid an allowance of up to 50 per cent of the total costs of temporary accommodation reasonably and necessarily incurred for a maximum of four weeks, subject to a maximum allowance of \$254.00 per week.
- (d) The payment of allowances under subclauses 4(1)(a), (b) and (c) will in all cases be subject to the following provisions:
- (i) the production of receipts;
 - (ii) the officer is not being paid a Temporary Privately Owned Rented Accommodation Allowance under subclause 4(2);

- (iii) the Department being satisfied that the officer is taking all reasonable steps to secure a residence at the new location. Evidence that a teacher may provide in support of his/her claim may include copies of applications to the Teacher Housing Authority, real estate agents and the NSW Housing Commission.

(2) Temporary Privately Owned Rented Accommodation Allowance

Applicable where transferred officers are unable to secure permanent accommodation at the new location and in the short term find it necessary to obtain temporary privately owned rented accommodation.

- (a) Where a transferred officer secures private rented accommodation at the new location and incurs excess rent, the transferred officer will be eligible for the grant of temporary assistance as set out in subclause (b) below. Where the period of temporary accommodation is less than a week, reimbursement will be on a pro rata basis.
- (b) The allowance per week is to be calculated on the following basis:
 - (i) subject to subclause (2)(b)(ii) below the allowance payable is the difference between the transferred officer's weekly contribution, and the actual rent paid up to a maximum of:
 - (1) \$75 per week for a transferred officer with two or more dependent children;
 - (2) \$65 per week for a transferred officer with one dependent child; and
 - (3) \$56 per week for a transferred officer without dependent children.
 - (ii) Provided that the transferred officer must make up the difference between the actual rent cost and the maximum allowance payable under subclause (2)(b)(i) above.
- (c) A transferred officer in receipt of an allowance:
 - (i) as specified in subclause (d)(ii) of clause 2; and/or
 - (ii) under subclause 4(1) of this Determination,will not be entitled to the allowances payable under this clause.

- (d) Prior to any allowance being paid under subclause 4(2)(b) the transferred officer must produce documentary evidence of the officer's unsuccessful efforts to obtain other accommodation of a reasonable standard at a lower rent. Where the officer is eligible for admission to the Housing Commission eligibility lists, application should be made to the Housing Commission and evidence to this effect submitted.

Application should also be made to the Teacher Housing Authority. If the officer refuses a reasonable offer by that Authority, the allowance will cease immediately.

- (e) The documentary evidence required in subclause (d) above will be:
 - (i) evidence of an application to the Teacher Housing Authority for accommodation;
 - (ii) written acknowledgment by a local estate agent or stock and station agent that the transferred officer has been unable to secure cheaper, private accommodation of a reasonable standard, or a statutory declaration by the transferred officer to the same effect.
- (f) The allowance provided for in this clause may be approved to a maximum period of six months. Payment of an allowance in excess of six months or for increasing the amount of the allowance payable may be considered where exceptional circumstances exist. Exceptional circumstances could include:
 - (i) areas with an acute shortage of housing;
 - (ii) areas experiencing extremely high rent due to conditions which are abnormal, compared to those which apply generally in New South Wales; and
 - (iii) where a definite offer of accommodation has been made to a transferred officer by the Teacher Housing Authority and the accommodation is not immediately available.

5. Removal Costs

- (a) Transferred officers will be entitled to reimbursement of all reasonable costs actually and necessarily incurred in removing their personal and household effects to the new location including expenses actually and reasonably incurred by the officers and their dependents for meals and accommodation during the course of the journey. Payment is subject to the Department being satisfied that the journey was travelled by the shortest practicable route and completed within a reasonable time.

- (b) The removal of household effects for all government employees being relocated at Departmental expense is managed by a contractor. Transferred officers must comply with the administrative procedures relating to the removal of household effects as determined by the Director-General or Managing Director. These procedures are contained in a Transferred Officers Information Kit which is to be provided to teachers by the Department prior to any removal of household effects occurring.
- (c) Where transferred officers use a private vehicle for the purposes of official business and find it necessary to transport to their new location a second private vehicle maintained by the officer, the officer will be allowed the option in regard to the second vehicle of:
 - (i) the cost of transportation by either road or rail transport; or
 - (ii) where the vehicle is driven to the new location a motor vehicle allowance at the specified journey rate.
- (d) Removal expenses payable under subclause (a) above will include the cost of insuring furniture and household effects whilst in transit up to a maximum of \$38 000. Reimbursement for "all risk" insurance will not be granted.
- (e) A teacher who is appointed to a residential agricultural high school and who is required to live on site will be deemed to be a transferred officer for the purposes of determining eligibility for removal expenses.

6. Storage of Furniture

- (a) Where the Department is satisfied that transferred officers are unable to secure suitable accommodation at the new location and are required to store their furniture while waiting to secure a residence, the transferred officers may be refunded reasonable costs actually and necessarily incurred for storage at, and cartage to and from, a storage centre to the officer's residence.
- (b) Storage costs allowed under this clause will include the cost of insurance of the furniture while it is in storage on the same basis as prescribed in subclause 5(d).
- (c) The allowance will be paid until suitable accommodation is available or for a period of 26 weeks, whichever is less. Where the officer is transferred to the Sydney Metropolitan Area the allowance will be paid for a maximum of thirteen weeks unless the Department is satisfied that no alternative accommodation is available.

7. Cost of Personal Transport

- (a) Transferred officers will be entitled to reimbursement of the cost of first class rail travel or reimbursement for the use of their private motor vehicle for the officer:

- (i) and one member of the officer's household when proceeding on leave to seek accommodation (subclause 2(a));
 - (ii) and all members of the officer's household when proceeding on leave to travel to a new location to commence duty (subclause 2(c)(ii)). Where the members of the officer's household do not travel with the transferred officer at the time of commencement of duty, the entitlement to costs for their personal transport will be deferred until travel to take up residence at the new location occurs;
 - (iii) when proceeding on leave to return home at weekends (clause 3).
- (b) Where officers are approved to use their private motor vehicle, the officers will be paid a motor vehicle allowance at the specified journey rate provided that payment will be subject to officers meeting current Departmental requirements relating to the use of private motor vehicles on official business. In the case of officers who have been granted permission to maintain a motor vehicle primarily for travelling on official business or who are travelling to take up duty at their new location the payment will be at the official business rate.

Motor vehicle allowances paid in respect of travel under subclauses (a)(i) and (iii) above will not exceed the cost of rail travel to which the officer might otherwise have been entitled.

- (c) Where an overall saving to the Department would eventuate, an officer and one member of the officer's household when proceeding on leave as in subclause 2(a), will be entitled to economy class air fares in lieu of first class rail travel or reimbursement for the use of the officer's private motor vehicle subject to the policy as laid down from time to time by the Premier for the use of air travel.

8. Compensation for Depreciation and Disturbance

A transferred officer will be entitled to compensation for the accelerated depreciation of personal and/or household effects removed to the new location occasioned by the officer's relocation. The maximum compensation is \$1 126 subject to the Department being satisfied that the officer has removed a substantial portion of what constitutes normal household furniture, furnishings and fittings of not less value than \$7 037. A pro rata amount is payable where the value is less.

9. Conveyancing and Other Costs

- (a) A transferred officer who as a consequence of the transfer to a new work location:
 - (i) sells a residence that was used as the officer's residence, at the officer's immediate former location; and

- (ii) buys a residence or land upon which to erect a residence at the officer's new location

may be entitled to reimbursement as outlined in Schedule D.

Where compensation has been paid for the purchase of land, there will be no further compensation related to building on that land for incidental costs as defined in clause 10. Subject to the conditions prescribed in subclause (b) below and provided that to ensure that costs are reasonable, the transferred officer must obtain three quotes from solicitors or conveyancing companies prior to engaging a solicitor or conveyancing company.

- (b) (i) Reimbursement of expenses under this clause will only be made where the sale of the officer's former residence and the purchase of either a residence or land upon which to erect a residence at the new location are effected within a period commencing from the date of assignment to the new location but not earlier than six months prior to the officer's actual transfer and ending not more than four years after the transfer. An officer who has purchased land and/or a residence earlier than six months prior to the officer's actual date of transfer is not entitled to any provisions of this clause. Teachers who have been granted a compassionate transfer are not exempt from these requirements. The four year period relates to the date of settlement and not to the date of exchange of contracts.
- (ii) The property sold and purchased must be solely in the name of the transferred officer or the transferred officer and partner. A property sold or purchased solely by the transferred officer's partner does not fall within the Determination.

A property sold or purchased by a company, whether or not the transferred officer has an interest in that company, does not fall within the Determination.

The transferred officer must be the title holder and claims will not be met if it is necessary to go behind the title documents to assert ownership.

- (iii) Subject to approval, a transferred officer owning a residence at a former location (A) but who finds it necessary to take up rented accommodation on a number of subsequent transfers (B1, B2, B3, etc) may be regarded as covered by the provisions of this Determination relating to the reimbursement of conveyancing and incidental costs on the current transfer to C provided that:
 - (1) a period of not more than eight years has elapsed since the officer's transfer from A to the last intermediate B location;

- (2) the sale transaction of the residence at A is effected not earlier than six months prior to the transfer from A to the first intermediate B location and not more than four years after the transfer from the last intermediate B location to C; and
- (3) the purchase transaction is effected not earlier than six months prior to or not more than four years after the transfer from the last intermediate B location to C.
- (iv) It is necessary for the officer to be deemed a transferred officer in terms of subclause 1(u) for all transfers in order to be eligible for the benefits provided by subclause (b)(iii) above.
- (v) Transferred officers are not entitled to full reimbursement of costs involved in transactions where the sale and purchase of a large property or commercial premises is involved. For the purposes of reimbursement of conveyancing costs the maximum size for premises is 1 012 square metres (0.25 acres).

The maximum amounts which an officer may be reimbursed under this clause will be limited to the amounts which would be payable had the sale and purchase prices of the properties involved been \$300 000 in each case.

In cases where officers are engaged in transactions involving premises larger than 1 012 square metres (0.25 acres), or costs are greater than \$300 000, they will be required to meet the difference in expenses and solicitors' costs resulting from the transaction.

- (vi) The Department will determine whether an officer who is transferred is eligible for any or all of the benefits of the Determination. Eligibility will be assessed in accordance with the specific provisions of the Determination.

Where the officer is engaged upon simultaneous sale and purchase of residences so as to be immediately eligible for the benefits under this clause, the amount of the officer's conveyancing costs and other expenses (other than non reimbursable items or certain expenses arising in cases involving premises larger than 1 012 square metres (0.25 acres) or where the consideration is greater than \$300 000 or the transaction does not proceed) will be paid.

Where the officer is not engaged upon simultaneous sale and purchase of residences (so that it is not completely certain at the time that if the officer engages a solicitor or licensed property conveyancer to act on the first transaction that the officer will ever enter into or complete another transaction within the period referred to in this clause), the officer will be required, if the officer wishes to avoid having to pay the costs and expenses

incurred on the first of the two conveyancing transactions, to sign a form of undertaking (Schedule E). By completing the undertaking, the officer will agree to refund the expenses in the following circumstances:

- if the second transaction is not completed within the prescribed period in this clause and the officer is still in the Department, the officer will become immediately liable to make the refund at the end of that period;
- if the officer ceases to be employed within the Department (other than by death), and at that time the second transaction has not been completed, the officer will become liable to make a refund as from the date when the officer ceases to be employed.

The officer should be provided with a copy of the undertaking while the original undertaking is to be retained by the Department until the obligations have been met.

Officers who do not wish to sign an undertaking in the above circumstances will be required to pay the conveyancing costs and expenses to the Department in the first instance. Such costs and expenses are to be reimbursed when contracts in the second transaction are exchanged. The Department will furnish the officer with a statement setting out the costs and expenses involved. From the date of exchange of contracts in the second transaction, arrangements will proceed as though simultaneous sale and purchase were involved.

Where an officer decides (other than upon the advice of the officer's solicitor) not to proceed with a transaction, the officer will be personally responsible for payment of the conveyancing costs and expenses incurred in the aborted transaction.

- (c) An officer who has received compensation under subclauses 9(a) and (b) is not eligible for the provisions of this subclause.

Where a transferred officer is not entitled to the provisions of subclauses 9(a) and (b) and purchases a residence or land upon which to erect a residence at the new location and enters into occupation of that residence within fifteen months of the date of transfer to the new location, the officer may be refunded:

- (i) an allowance to cover the whole of the stamp duty paid both on contract and mortgage, not including penalty fees for late payment; and
- (ii) the costs of registration fees on transfer.

- (d) An officer who is appointed to a Residential Agricultural High School and who is required to reside at the school must meet the requirements of subclause 1(u) together with the other requirements of the Determination to be deemed a transferred officer. However if the officer purchases a residence at another location, is subsequently transferred to another school and resides in the property previously purchased, the purchase will be deemed to fall within the provisions of clause 9.

10. Incidental Costs on Change of Residence

Transferred officers entitled to reimbursement of conveyancing expenses under clause 9 may be entitled to reimbursement of incidental expenses outlined in Schedule D.

These provisions may also apply to a transferred officer in rented accommodation. If a reimbursement is granted in these circumstances, the officer will not be eligible for any further benefits under this clause if the officer subsequently purchases a residence.

11. Education of Children

A transferred officer will:

- (a) be reimbursed the cost of board and lodging in respect of dependent children undergoing secondary education in Year 12 at a school in the officer's previous location when elected subjects are not available at a school at the officer's new location. The officer will be required to pay the first \$27.00 of the board and lodging expenses and the Department will reimburse further costs up to a maximum of \$56.00 per week for each child. Reimbursement is subject to the officer providing receipts and a certificate from the Department that the elected subjects are not available at a school at the officer's new location.
- (b) the cost of those items of essential school clothing listed below that are required to be replaced or purchased as a direct result of the officer's transfer from the former location to the new location requiring the changing of schools. When an item of clothing required at the new school is not included in the basic list, the Department will consider reimbursing the transferred officer the cost of the item, but will require full particulars and the circumstances surrounding the requirement to purchase.

BASIC ITEMS

MALE	
Winter Uniforms	Summer Uniforms
1 suit coat	5 shirts
2 pairs of winter trousers	2 pairs of trousers (short)
1 tie	5 pairs of long socks
5 shirts	1 hat
1 jumper/cardigan	
5 pairs of socks	

MALE	
Winter Uniforms	Summer Uniforms
1 pair of shoes	
1 tracksuit/sports uniform (but not both)	
1 pair of running shoes	

FEMALE	
Winter Uniforms	Summer Uniforms
1 hat	5 blouses
1 blazer	2 tunics
2 pair of winter trousers	5 pairs of stockings/tights/socks
2 tunics	1 hat
3 blouses	
1 tie	
5 pairs of stockings/tights/socks	
1 pair of gloves	
1 pair of shoes	
1 tracksuit/sports uniform (but not both)	
1 pair of running shoes	
1 jumper/cardigan	

Reimbursement will not be granted in respect of children entering a primary or secondary school at the time of the officer's transfer i.e. the child must be continuing in a primary or secondary school not entering school for the first time at the point of the officer's transfer.

12. Relocation on Retirement

- (a) Upon the retirement of an officer from the Department, the officer or the officer's partner (if the officer died following retirement), may be reimbursed the reasonable costs actually and necessarily incurred in removing the officer's personal and household effects to another location together with the cost of transit insurance in accordance with subclause 5(d) provided that:
- (i) the maximum amount of the reimbursement will be limited to that payable had the officer moved to the place of the officer's original recruitment to the Department;
 - (ii) the officer's or the officer's partner's relocation is undertaken within a period of twelve months following the officer's retirement; and
 - (iii) the officer has completed ten years of service and has been transferred at Departmental expense once during the officer's service.

- (b) The Department will consider any claims by children or dependent relatives of the deceased officer in similar circumstances but will require full particulars as to the reasons for special consideration.
- (c) An officer does not need to have utilised the services of the contractor, as specified in subclause 5(b), to be entitled to reimbursement under this subclause.

13. Special Provisions

Special provisions, as determined from time to time by the Director-General, may apply to teachers appointed to Departmental schools on Norfolk Island and Lord Howe Island.

14. Adjustment of Rates

- (a) The formula contained in subclause 1(l) and the rates contained in subclause 4(2)(b)(i) shall be adjusted in accordance with the provisions of subclause 2(iii) and rates contained in subclause 3(ii) of the *Crown Employees (Transferred Officers Excess Rent Assistance) Agreement* No. 2354 or its successor as amended from time to time or in accordance with the rates and provisions as approved from time to time by the Director-General of the Premier's Department.
- (b) The rates contained in subclause 4(1), subclause 5(d), clause 8, subclause 9(b) and subclause 11(a) shall be adjusted in accordance with the rates contained in the *Crown Employees (Transferred Officers Compensation) Award* or its successor as amended from time to time or in accordance with the rates as approved from time to time by the Director-General of the Premier's Department.

15. Date of Effect

This Determination shall take effect from 30 May 2001 and shall remain in force until rescinded or varied.

SCHEDULE A

LIVING ALLOWANCE DISTRICTS

The Living Allowance Districts of: Angledool, Barringun, Burtundy, Camborah, Clare, Connorgie, Cuthero, Enngonia, Eurie Eurie, Goodooga, Kallara, Lightning Ridge, Louth, Milparinka, Mossgiel, Mungindi, Pooncarie, Redbank, Rufus River, Surbiton, Tibooburra, Tilpa, Wanaaring, Weilmoringle, White Cliffs, Wilcannia, Weinteriga, Yalpunga, and such other districts as may from time to time be included by the Department.

SCHEDULE B

BOUNDARIES OF THE WESTERN DIVISION OF THE STATE

Upon or to the west of a line starting from a point on the right bank of the Murray River opposite Swan Hill (Victoria), and thence by straight lines passing through the following towns or localities in the order stated, viz Conargo, Coleambally, Hay, Rankins Springs, Marsden, Condobolin, Peak Hill, Nevertire, Gulargambone, Coonabarabran, Wee Waa, Moree, Warialda, Ashford and Bonshaw.

SCHEDULE C

ACCOMMODATION AND MEAL RATES

1. Travelling Expenses and Allowances

Capital Cities	
Canberra	\$170.20
Sydney	\$226.20
High Cost Country Centres	
Broken Hill	\$159.70
Newcastle	\$164.70
Norfolk Island	\$200.20
Wollongong	\$174.20
Tier 2 Country Centres	
Gosford	\$147.05
Griffith	\$147.05
Leeton	\$147.05
Maitland	\$147.05
Orange	\$147.05
Wagga Wagga	\$147.05
Other NSW Country Centres	\$135.05

Daily incidental allowance payable when claiming actuals	
For all locations	\$13.05 per day

2. Journeys Occupying One Day Only

Capital cities and high cost country centres (see list above).

Breakfast	\$16.65
Lunch	\$18.55
Evening Meal	\$31.95

Tier 2 (see list above) and other NSW country centres

Breakfast	\$14.80
Lunch	\$16.95
Evening Meal	\$29.25

3. Provisions for payment in points 1 and 2 above are as determined in:

- Determinations 23 and 28 for persons permanently employed under the provisions of the *Teaching Services Act 1980*; and
- The *Crown Employees (Public Service Conditions of Employment 1997) Award* for officers of the Technical and Further Education Commission as defined by the provisions of the *Crown Employees (Teachers in Schools and TAFE and Related Employees) Salaries and Conditions Award*.

4. Adjustment of Rates

Provided that these rates shall be adjusted in accordance with the rates contained at clauses 28, 29 and 30 and Table 1 of Part B of the *Crown Employees (Public Service Conditions of Employment 1997) Award* or its successor as amended from time to time or in accordance with the rates as approved from time to time by the Director General of the Premier's Department.

SCHEDULE D

SCHEDULE OF REIMBURSABLE/NON REIMBURSABLE CONVEYANCING EXPENSES

Conveyancing expenses **reimbursable** under clause 9 Conveyancing and Other Costs.

ON PURCHASE

Solicitor's or Conveyancing Company Expenses

- Agency fee
- Enquiry fees
- Government stamp duty
- Registration fee
- Search fees
- Solicitor's professional or conveyancing company costs on mortgage
- Solicitor's professional or conveyancing company costs on purchase

Mortgage Expenses

- Building society registration fee
- Document handling fee
- Establishment fee
- Financial institution charges (excluding FID or other charges that can be claimed as a tax deductions)
- Loan security duty
- Registration and agency fee
- Search fee
- Settlement fee
- Solicitor's costs
- Valuation fee

Incidental Expenses

- Building inspection
- Certificate of Compliance
- Electricity reconnection
- Gas reconnection

- Local government rates levied in respect of the former residence for any period during which the former residence remained untenanted if the purchase transaction is completed prior to the sale of the former residence. Reimbursement is subject to the officer providing acceptable evidence that reasonable efforts have been and are being made to sell the former residence at a fair and reasonable market price.
- Mail redirection (up to one month)
- Pest report
- Survey report (survey of boundaries only)
- Telephone reconnection

Note: The above incidental expenses are not claimable in respect of erection of a residence on a block of land.

ON SALE

- Agency fee
- Bank charges
- Enquiry fees
- Mortgagee's cost on discharge
- Other, such as courier fees and petty disbursements
- Real estate agent's commission
- Registration and agency on discharge
- Search fees
- Solicitor's professional or conveyancing company costs on mortgage
- Solicitor's professional or conveyancing company costs on sale

Note: The above "On Sale" items are not claimable in respect of a vacant block of land, unless the relocated officer is able to show that the erection of a residence on the block of land was imminent and would have commenced had the officer not been transferred.

Non reimbursable costs under clause 9 Conveyancing and Other Costs.

The following costs are **not reimbursable** on a conveyance claim under clause 9 of the award:

- Advertising costs associated with the sale of a residence
- Advertising fees
- Any costs associated with caravans or mobile homes
- Any costs which are not standard conveyancing costs on either sale or purchase transaction

- Auction fees
- Cost of conveyancing kits
- Deposit bonds
- Electricity inspection
- Guarantee bonds
- Initial connection costs on telephone/electricity/gas
- Licence agreement
- Maintenance costs associated with swimming pool, stables, tennis courts, bird aviaries, kennels, fences, plant; any type of repair work to building(s) on land sold or purchased; solicitor's costs associated with these items
- Mortgage insurance
- Penalty fees for late payment of stamp duty
- Penalty fees on early discharge of mortgage
- Placing of caveat on title after exchange of contracts
- Plumbing inspection
- Power bonds
- Progress repayment fees on mortgage
- Progress valuations on mortgage
- Right of carriageway or other easement costs
- Solicitor/electrical inspector/transferred officer's labour and vehicle costs
- Solicitor's costs on wills/Family Court/divorce proceedings
- Subdivision costs
- Swimming pool certificate
- Transfer of water licence

SCHEDULE E

TRANSFERRED OFFICER COMPENSATION

UNDERTAKING

By of
.....
(Name and present address of Transferred Officer)

Following my transfer from to
and in consideration of the Department reimbursing me the conveyancing and other expenses ("the Amount") incurred by me in respect of the *sale/purchase (*delete inapplicable word) by me of the residence situated at *
.....
(*Insert address of residence being sold or purchased) which would normally be due to me following the completion of both transactions in terms of clause 9 of the Determination I undertake that:

- A. In the event that I do not complete both the sale and purchase transactions as required in the Determination within the period of four years as specified in subclause (b) of clause 9 of the Determination, I will, in the time period determined by the Department, taking into account the particular circumstances, refund the Amount to the Department at the end of the period; and
- B. If my employment ceases, otherwise than by my death, prior to the completion of the sale and purchase transactions in respect of the last transfer, I will refund to the Department by the last day of service the conveyancing and other expenses paid by the Department on my behalf or reimbursed to me by the Department in respect of the sale or purchase of property mentioned above.

I acknowledge that this undertaking is irrevocable and is to continue until a written notification has been received either that this undertaking is no longer required by the Department by reason of compliance with clauses A and B hereof or until payment is made to the Department of the Amount.

I reserve the right to terminate my liability hereunder at any time upon payment of the Amount to the Department.

DATED at this day of 20.

Signature of Transferred Officer

Witness