



Defence Determination 2001/26

I, SUSAN JANE PARR, Acting Director General Personnel Policy and Employment Conditions, Defence Personnel Executive, make this Determination under section 58B of the *Defence Act 1903*.

Dated 9 October 2001

S.J. PARR
Acting Director General
Personnel Policy and Employment Conditions
Defence Personnel Executive

1 Citation

This Determination is Defence Determination 2001/26, Emergency childcare assistance (Defence Determination 2000/1 – Amendment).

2 Commencement

This Determination is to be taken to have commenced on 8 October 2001.

3 Amendment

Defence Determination 2000/1, Conditions of Service, as amended,¹ is amended as set out in this Determination.

4 Subclause 4.3.1 (1) (Childcare assistance on removal)

omit

Part

insert

clause

5 After clause 4.3.1, add

4.3.2 Emergency childcare assistance

(1) In this clause:

additional childcare cost means the amount by which the cost of childcare during a period exceeds the cost (if any) that the member would normally have incurred for childcare during the period.

licensed childcare provider means a person licensed or authorised under State, Territory or local government arrangements to provide childcare.

(2) This clause applies to a member if:

(a) the member is required with less than 48 hours' notice to travel, either:

- (i) to perform duty at a locality (other than the member's normal place of duty); or
- (ii) for compassionate travel; and

(b) the member has a child under 18 who normally lives with the member; and

(c) either the member's spouse (or if the member is the sole carer, another person who is normally available to provide childcare), is unavailable because of:

- (i) work commitments; or
- (ii) temporary absence from the member's locality of residence; or
- (iii) hospitalisation or other incapacity.

(3) The member is entitled to be reimbursed for the additional childcare cost of emergency childcare provided by a licensed childcare provider for a period of up to 48 hours.

(4) If the CDF is satisfied that the member's circumstances are exceptional, the CDF may extend the period mentioned in subclause (3) by an additional 48 hours.

- (5) For subclause (4), the CDF must have regard to:
- (a) the period of notice given to the member; and
 - (b) the duration of the member's absence; and
 - (c) any difficulties that the member encounters in making longer-term arrangements for childcare during the initial period mentioned in subclause (3); and
 - (d) any other factor relevant to the childcare.

6 Clause 5.1.2 (Definitions), definition of *locality of residence*

omit

7 Clause 14.1 (Dictionary)

after the definition of locality of posting, insert

locality of residence means the area surrounding a residence within the greater of:

- (a) a distance traversable in 150 minutes travelling time return journey, door to door, from the member's normal place of residence by the most appropriate and useable means of public transport; and
- (b) a distance of 30 kilometres each way by public road.

NOTE

1. Defence Determination 2000/1 as amended to date. For previous amendments see Note to Defence Determination 2001/1 and see also Determination 2001/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25.

EXPLANATORY STATEMENT

Defence Determination 2001/26

Defence Determination 2000/1, Conditions of Service (the Principal Determination) sets out conditions of service for members of the Australian Defence Force.

This Determination amends the Principal Determination by inserting a provision authorising reimbursement of additional childcare costs for up to 48 hours for members who are required to organise licensed childcare at short notice owing to absence from the normal place of duty for operational or compassionate reasons. The entitlement applies in the circumstances specified in subclause 4.3.2 (2).

The initial period may be extended up to a further 48 hours if the Chief of the Defence Force is satisfied that the member's circumstances are exceptional. Criteria are provided for the exercise of the discretion, and adverse decisions are subject to redress of grievance procedures and review by the Defence Force Ombudsman.

This Determination also amends the Principal Determination to include the definition of "locality of residence" in the Dictionary at clause 14.1. This definition contains a minor streamlining amendment in order to more closely reflect the approach in the definition of "locality of posting".

This Determination is taken to have commenced on 8 October 2001, as provided by paragraph 58B (4) (b) of the *Defence Act 1903*. The retrospective application of this Determination is intended to give effect to the scheme publicly announced by the Minister Assisting the Minister for Defence on 8 October 2001, from the date of announcement.

The retrospective application of this Determination does not affect the rights of a person (other than the Commonwealth) in a manner prejudicial to that person, nor does it impose any liability on such person.

Authority: Section 58B of the
Defence Act 1903