Defence Determination 2010/47

I, BRIAN GARY PAULE, Director General Personnel Policy and Employment Conditions, make this Determination under section 58B of the Defence Act 1903.

Dated 14 October 2010

B G PAULE
Director General
Personnel Policy and Employment Conditions
People Strategies and Policy Group
Citation
This Determination is Defence Determination 2010/47, Dependant with special needs – amendment.

Commencement
This Determination commences on the day it is gazetted.

Amendment
Defence Determination 2005/15, Conditions of Service, as amended,¹ is amended as set out in this Determination.

Subclause 1.3.82.2 (Dependant with special needs)
substitute
2. A member must do all of the following to have a dependant recognised as a dependant with special needs.
   a. Apply using form AC 832.
      See: Annex 1.3.A, Form AC 832, Application for recognition of member with dependant with special needs
   b. Include copies of relevant supporting documents with the application.
   c. Send the completed application to the Defence Community Organisation.

Subclause 1.3.82.3 (Dependant with special needs)
omit

Paragraph 1.3.82.4.c (Dependant with special needs)
substitute
c. The Defence Community Organisation area team at the member’s posting location.

Annex 1.3.A (Dependant with special needs)
substitute
the Annex in the Attachment

NOTE
1. Defence Determination 2005/15, as amended to date. For previous amendments see Note to Defence Determinations 2010/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45 and 46.
Annex 1.3.A: Application for recognition of member with dependant with special needs

See: Chapter 1 Part 3 Division 2 Clause 1.3.82

Copy of:
Application for recognition of member with dependant with special needs (AC 832)
# Application for Recognition of Member With Dependant With Special Needs

- **PACMAN Chapter 1, Part 3, Clause 1.3.82** refers

## Section A - Member details

<table>
<thead>
<tr>
<th>Family name</th>
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<tbody>
<tr>
<td>Given name(s)</td>
</tr>
<tr>
<td>Service</td>
</tr>
<tr>
<td>Employee ID / PMKeyS</td>
</tr>
<tr>
<td>Unit, ship or establishment <em>(Do not use abbreviations)</em></td>
</tr>
<tr>
<td>Postal address of member's CO/OC</td>
</tr>
<tr>
<td>Member's home or work email address</td>
</tr>
<tr>
<td>Current home address</td>
</tr>
<tr>
<td>Home phone number</td>
</tr>
<tr>
<td>Mobile phone number</td>
</tr>
</tbody>
</table>

## If you have recently been, or are about to be posted, please provide details of the posting.

| Previous or current posting locality |  
| New posting locality | Date |

### Are you aware of the Defence Special Needs Support Group (DSNSG)?

- [ ] Yes
- [x] No

### Are you or your family willing to be contacted by, and to have this information passed on to the DSNSG National Coordinator?

- [ ] Yes
- [ ] No

### If 'Yes', contact name

| Telephone number | Mobile number (If applicable) |

## Members' acknowledgement statement

I acknowledge that the information provided by me in this application for recognition as a Member With Dependant With Special Needs status is true and accurate. I understand that to make a false or misleading statement to gain benefit may make me liable for disciplinary action.

| Signature | Date |

## Documentation required

Please provide the following:

- Member statement
- Specialist medical documentation
- Other supporting information

Please forward completed application form and supporting documentation to:

Defence Community Organisation Headquarters
Attn: Manager Education Policy and Special Needs
BP35-4-042
CANBERRA ACT 2600

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### Name of person(s) with special needs

1. 
2. 
3. 

### Member's relationship with dependant with special needs

<table>
<thead>
<tr>
<th>Age</th>
<th>Date of birth</th>
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<tbody>
<tr>
<td>1</td>
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<tr>
<td>2</td>
<td></td>
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<tr>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Section B - DCO office use only</td>
<td>Section C - DGDCO approval</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Application checked</td>
<td>Date</td>
</tr>
<tr>
<td>Social work assessment required</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>Not approved</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Comments</td>
<td></td>
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</tbody>
</table>

If 'Not approved' please comment

Signature
Printed name
Position
Rank
Date
Overview
The Department of Defence Special Needs Program provides measures of assistance to reduce the impact of mobility and separation on military families supporting civilian dependents with special needs and involves a process whereby families can have their status as a special needs family formally recognised and reviewed by Defence. Once approved, members can apply for specified assistance measures such as a special needs pre-posting visit, assistance with therapy, respite, equipment and appropriate housing, including transit accommodation.

The program is based on the principle that Defence and the member share the responsibility for ensuring the welfare and morale of special needs families who face particular challenges when meeting their service obligations.

The provisions are contained in Determination 2007/36 - Support to Dependant with Special Needs and [PACMAN Volume 2, Chapter 8, Part 6](http://www.defence.gov.au/dco).

Additional information regarding the program can be found at www.defence.gov.au/dco.

Application process
Recognition can be applied for at any time and there is no need to wait for a posting order to initiate this process. All application forms for recognition and assistance measures are available from DCO offices or Web Forms on the DRN system and are submitted through DCOHQ.

The member will be advised of the decision from the approving authority in writing. A copy of the letter of recognition will be forwarded to the:
- ADF member
- CO of the member's unit
- DCO office in your current posting location
- Career manager

Application process (Continued)
Unless otherwise stated, the recognition will be valid until there is any change to the relevant circumstances that generated the recognition request.

Recognition as a Member with Dependant with Special Needs will be recorded on PMKeys.

Member acknowledgement statement
The member must complete Section A - Member details and provide a member statement before forwarding to DCO HQ for approval. Guidance on how to complete a member statement is on page 4 of this form.

Supporting documentation
Sufficient supporting documentation must be collected to assist the processing of the application. The onus is on the member to provide full and adequate evidence to support the special needs status and their application. A recent report (less than two years old) from an appropriate specialist is the mandated minimum requirement for recognition.

Note: A General Practitioner report is not acceptable.

Discretionary provisions
If a member does not qualify for assistance under this program because they do not meet one or more of the criteria for qualification, the approving authority may approve recognition that is reasonable in the circumstances providing they are satisfied that:
- the member does not qualify because of circumstances beyond their reasonable control; and
- payment is consistent with the object of providing that assistance generally and that it should be provided in the particular circumstance.
Family composition
Provide details of all family members within the household for example:
The family consists of:
(Rank).............., the member
>Title).............., the member's spouse or partner
........................................, the member's son, aged x years
........................................, the member's daughter, aged x years

Background
Outline the current diagnosis and when the first diagnosis was made. Include the current treating specialist(s). Provide a concise definition of the disorder, disease, disability, disturbance or specific need and outline any measures provided by external agencies and any assistance measures previously provided by Defence.

Current situation
Provide details of current:
- Signs and symptoms for which the dependant is receiving interventions.
- Treatment methods and interventions with reference to specialist reports and current treatment plan.
- Respite care, personal care, therapy or equipment which is utilised by the dependant or family and the government agency providing the service or equipment. If your dependant is currently on a wait list include expected duration.
- Outline the family or work situation (eg partner absence from home on a regular basis, family support, in receipt of Centrelink benefits etc).

Posting requirements (Continued)
Outline educational needs including the requirement for liaison between the Regional Education Liaison Officer (REDO) and family in both the losing and gaining localities. Outline any specific support which is currently being organised by the REDO.

Detail any requirement for a valet unpack. Dependents may qualify for this assistance if they meet the following eligibility criteria:
- Spouse with severe mobility or pain restriction (ie MS, arthritis, spinal injury etc).
- Child with severe and challenging behaviour and where there is a risk of either the child or removalist being injured (eg throwing glassware, running away, physical violence etc).
- Member absent due to service reasons and unavailable to help with removal.

Detail any requirement for a pre-posting visit. A special needs pre-posting visit to the new location is available as the last option when establishing appropriate support and assistance in the new posting location. It must be identified that there is a specific and definite requirement for the visit. Verification from the receiving location must be provided before a special needs pre-posting visit can be considered.

Posting requirements (Required if family is relocating)
Outline measures of assistance that will be required at the gaining locality. Include assistance which may be required whilst your family is preparing to leave the losing locality and travelling to the new posting such as extra travelling time, special transit accommodation.

Housing requirements (Required if family is relocating)
Detail the housing requirements of your dependant that are identified in specialist medical documentation. Particular housing requirements could include additional living space, carpet laying or removal, climate control, ramps etc.

Note: The decision on availability of housing and/or housing modifications is made by DHA and specific housing requirements should be discussed with your DHA representative.

Additional information
Provide any additional information that may assist in processing your application.
EXPLANATORY STATEMENT

Defence Determination 2010/47

This Determination amends Defence Determination 2005/15, Conditions of Service (the Principal Determination), made under section 58B of the Defence Act 1903 (the Act). Chapter 1 of the Principal Determination sets out provisions dealing with definitions and interpretation of concepts relevant to pay and conditions for members of the Australian Defence Force (ADF).

The purpose of this Determination is to amend the provisions for the recognition of a dependant with special needs.

Clause 1 of this Determination sets out the manner in which this Determination may be cited.

Clause 2 of this Determination provides this Determination commences on the day it is notified in the Government Notices Gazette.

Clause 3 specifies that the amendment is made to the Principal Determination, as amended.

Clause 4 amends subclause 1.3.82.2 of the Principal Determination by providing that to have a dependant recognised as a dependant with special needs the member must apply using the form AC 832 in Annex 1.3.A to the Defence Community Organisation.

Clause 5 omits subclause 1.3.82.3 from the Principal Determination. The Defence Community Organisation has changed their procedures so that there is no longer a requirement for applications to be processed by a social worker. This clause removes the directions which a social worker needed to follow on the receipt of an application.

Clause 6 amends paragraph 1.3.82.4.c of the Principal Determination. This change provides that a letter of notification of a decision for an application of recognition of a dependant with special needs only needs to be sent to a Defence Community Organisation social worker if one made a recommendation to the Director General Defence Community Organisation.

Clause 7 omits Annex 1.3.A of the Principal Determination. This Annex contains form AC 832 which a member is required to complete to apply for the recognition of a dependant with special needs. The form has been changed to reflect the new administrative procedures made by clause 4 of this Determination.

Criteria are provided for the exercise of discretions under the Principal Determination, as amended by this Determination. Adverse decisions are subject to merits review under the ADF redress of grievance system, including an appeal to the Defence Force Ombudsman.

Authority: Section 58B of the Defence Act 1903
Defence

DETERMINATIONS

Defence Act 1903

NOTICE OF THE MAKING OF DETERMINATIONS UNDER SECTION 58B

NOTICE is hereby given that the following determinations have been made under section 58B of the Defence Act 1903. Copies of the Determinations are available on www.defence.gov.au/dpe/pac. For further information contact the Directorate of Conditions Information and Policy Services on pacman@defence.gov.au.

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<td>Executive vehicle allowance – amendment</td>
<td>13/10/2010</td>
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<tr>
<td>2010/47</td>
<td>Dependants with special needs – amendment</td>
<td>14/10/2010</td>
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<tr>
<td>2010/48</td>
<td>Higher duties allowance – Rigger Parachute Technical Manager – Army</td>
<td>14/10/2010</td>
</tr>
<tr>
<td>2010/49</td>
<td>Post indexes – amendment</td>
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