



DETERMINATION

No. 19 of 1980

DETERMINATION UNDER THE DEFENCE ACT 1903

I, DENIS JAMES KILLEN, the Minister of State for Defence, hereby make the following Determination under section 58B of the *Defence Act* 1903.

Dated this twenty-seventh day of June 1980.

D. J. KILLEN

Minister of State for Defence

1. This Determination may be cited as Determination 2601, Citation Recreation Leave.*

2. In this Determination—

Definitions

“approving authority” means an officer appointed in accordance with clause 3;

“Chief of Staff” means—

- (a) in relation to a member of the Navy—the Chief of Naval Staff;
- (b) in relation to a member of the Army—the Chief of the General Staff; and
- (c) in relation to a member of the Air Force—the Chief of the Air Staff;

“clearance diving team” means a team of members who have the qualifications required to be held by clearance divers in the Navy;

“flight duties” means duties other than aircrew or parachute duties performed aboard an airborne Service aircraft, including a commercial aircraft on charter to the Government, for the purposes of the operation on which that aircraft is engaged;

* Previous amendments to Determination 2601, Recreation Leave: NIL

- “flying duties” means duties performed by a member of an aircrew aboard an airborne Service aircraft, including a commercial aircraft on charter to the Government for the purposes of the operation on which that aircraft is engaged;
- “leave year” means a period commencing on the first day of July in a year and ending on the thirtieth day of June of the year next following;
- “medical officer” means an officer rendering continuous full time service who—
- (a) is serving in the Medical Branch of the Navy, the Royal Australian Army Medical Corps or the Medical Branch of the Air Force;
 - (b) is undergoing a period of compulsory residency at a hospital; and
 - (c) will, upon completion of that period, be eligible to be registered as a medical practitioner under the laws of a State or Territory;
- “member” means a member rendering continuous full time service, but does not include a member who is—
- (a) a medical officer; or
 - (b) a trainee;
- “non-effective service” means service during any period in excess of 24 hours during which a member is—
- (a) on leave without pay;
 - (b) absent without leave;
 - (c) undergoing detention or imprisonment after conviction; or
 - (d) undergoing suspension, detention or imprisonment immediately prior to a conviction;
- “Public Holiday” means—
- (a) the first day of January;
 - (b) the twenty-sixth day of January;
 - (c) Good Friday and the following Monday;
 - (d) the twenty-fifth day of April;
 - (e) the Anniversary of the Birthday of the Sovereign;
 - (f) the twenty-fifth day of December;
 - (g) the twenty-sixth day of December;
 - (h) any day or part of a day prescribed under the law of any State or Territory to be observed as a holiday in that State or Territory, in lieu of, or in addition to, any one of the preceding days; or

- (i) any day or part of a day proclaimed by the Governor-General or required by any Act to be observed as a holiday in lieu of, or in addition to, any one of the preceding days,

and approved by the approving authority to be observed as a holiday in a member's place of duty;

“recreation leave” means leave of absence for the purpose of recreation, but does not include leave of absence on a Saturday, Sunday or Public Holiday;

“service” means continuous full time service;

“sortie” is any flight by a Service aircraft, including a commercial aircraft on charter to the Commonwealth; and

“trainee” means a member who, while rendering continuous full time service, is undergoing training in the capacity specified in item 1, 2, 3, 4, 5, 6, 8, 9 or 10 of Schedule 9 of the Defence Force (Salaries) Regulations, other than a member to whom sub-regulation 9 (3) of those regulations applies.

3. A Chief of Staff may, either generally or otherwise as provided in the instrument of appointment, by writing signed by him, appoint—

Appointment
of an
Approving
Authority

- (a) in the case of the Chief of Naval Staff—an officer who holds a rank in the Navy not below the rank of Lieutenant;
- (b) in the case of the Chief of the General Staff—an officer who holds a rank in the Army not below the rank of Second Lieutenant; or
- (c) in the case of the Chief of the Air Staff—an officer who holds a rank in the Air Force not below the rank of Flight Lieutenant,

to be an approving authority for the purposes of this Determination.

4. Subject to this Determination an approving authority may grant recreation leave to a member for the period or part of the period of recreation leave credited to the member under the provisions of this Determination in respect of service during a leave year or part of a leave year.

Approval to
proceed on
Recreation
Leave

5. Subject to clauses 6, 7, 8, 9, 29, 30, 31, 32 and 33 a member shall be credited with 20 days recreation leave for each completed leave year of service on the day following the last day of that leave year.

Credit of
Recreation
Leave

Pro-rata credit of Recreation Leave

6. A member who commences service during a leave year shall be credited on the day following the last day of that leave year with a period of recreation leave equal to the number of days calculated in accordance with the formula—

$$\frac{20 \times A}{12}$$

where—

A is equal to the number of completed months of service rendered by the member during that leave year.

Credit of Recreation Leave when a member ceases to be a member

7. A member, other than a member referred to in clause 10, 11, 13 or 16, who ceases to be a member during a leave year shall be credited, on the day on which he ceases to be a member, with a period of recreation leave equal to the number of days calculated in accordance with the formula—

$$\frac{20 \times A}{12} + \frac{B + C - D}{18}$$

where—

A is equal to the number of completed months of service rendered by the member during that leave year;

B is equal to—

- (a) in the case of a member to whom clause 18 applies— Nil; or
- (b) in any other case—the number of days, if any, of the incomplete months of service during which the member commenced his service;

C is equal to the number of days, if any, of the incomplete month of the member's service during which the member ceases to be a member; and

D is equal to—

- (a) where B + C is less than 30 days, the number of days equal to B + C; or
- (b) where B + C is 30 days or more, the number of those days in excess of 30.

8. Where a member is discharged during a leave year, the period of recreation leave which would, but for this clause be credited to him on the day following the last day of that leave year, shall not be credited to him on the last day of that leave year but on the date of his discharge.

9. Where, but for this clause, a period of recreation leave would be credited under clause 6 or 7 to a member who renders, during a leave year, non-effective service—

- (a) for a period or periods in the aggregate totalling more than 30 days but less than 50 days; or
- (b) for a period or periods amounting in the aggregate to more than 49 days,
that period of recreation leave shall be reduced by—
 - (c) where paragraph (a) applies—3 days; or
 - (d) where paragraph (b) applies a period equal to—
 - (i) the sum of 3 days and 1 day in respect of each aggregate period of 20 days non-effective service in excess of 49 days; or
 - (ii) 20 days,
whichever is the less.

10. Subject to clauses 19, 20, 29, 30, 31, 32 and 33 a member who is—

- (a) entitled to Flying Allowance under Determination 0106, Flying Allowance, made under section 58B of the *Defence Act 1903*; or
- (b) entitled to Flight Duties Allowance under Determination 0107, Flight Duties Allowance, made under section 58B of the *Defence Act 1903*,

and is employed on flying duties or flight duties during a leave year, shall be credited, on the day following the last day of the leave year during which he was so employed, with a period of recreation leave additional to the period credited to him under clause 5, 6, 7 or 9 equal to:

- (c) where the member is employed on flying duties or flight duties during the whole of a leave year and he—
 - (i) completed 100 or more flying hours or 100 or more sorties during that leave year—10 days;
 - (ii) completes less than 100 but more than 50 flying hours or less than 100 but more than 50 sorties during that leave year—10/12 of a day for each month during which he completes 10 or more flying hours or 10 or more sorties, or 5 days, whichever is the greater; or
 - (iii) completes less than 50 flying hours or less than 50 sorties during that leave year—10/12 of a day for each month during which he completes 10 or more flying hours or 10 or more sorties;

- (d) where the member is employed on flying duties or flight duties during a part of a leave year and he—
- (i) completes 100 or more flying hours or 100 or more sorties during that part of the leave year—10/12 of a day for each completed month of flying duties, or flight duties;
 - (ii) completes less than 100 but more than 50 flying hours or less than 100 but more than 50 sorties during that part of a leave year—10/12 of a day for each month during which he completes 10 or more flying hours or 10 or more sorties, or 5/12 of a day for each completed month of flying duties or flight duties, whichever is the greater; or
 - (iii) completes less than 50 flying hours or less than 50 sorties during that part of a leave year—10/12 of a day for each month during which he completes 10 or more flying hours or 10 or more sorties; or
- (e) where the member has rendered non-effective service during a leave year or part of a leave year and he—
- (i) completes 100 or more flying hours or 100 or more sorties during that leave year or part of a leave year—10/12 of a day for each aggregate period of 30 days service during that leave year or part of a leave year;
 - (ii) completes less than 100 but more than 50 flying hours or less than 100 but more than 50 sorties during that leave year or part of a leave year—10/12 of a day for each month during which he completes 10 or more flying hours or 10 or more sorties, or 5/12 of a day for each aggregate period of 30 days service during that leave year or part of a leave year, whichever is the greater; or
 - (iii) completes less than 50 flying hours or less than 50 sorties during that leave year or part of a leave year—10/12 of a day for each month during which he completes 10 or more flying hours or 10 or more sorties.

Additional
Recreation
Leave for
Sea Service

11. Subject to clauses 12, 19, 20, 21, 29, 30, 31, 32 and 33 a member who is posted—

- (a) for service in a ship which has been commissioned for service in any part of the Defence Force; or
- (b) for service in a clearance diving team,

shall be credited on the day following the last day of the leave year during which he was so posted with a period of recreation leave additional to the period credited to him under clause 5, 6, 7 or 9 equal to:

- (c) where the member is posted in accordance with the provisions of paragraph (a) or (b) during the whole of a leave year—10 days;
- (d) where the member is posted during a leave year in accordance with the provisions of paragraph (a) or (b) for a continuous period of more than 1 month but less than a year—10/12 of a day for each completed month of that service during that period; or
- (e) where the member is posted in accordance with the provisions of paragraph (a) or (b) for a period or periods which extend over 1 night but are less than a complete month or months during a leave year—10/12 of a day for each aggregate period of 30 days of that service during that leave year.

12. Where a member has rendered non-effective service during a posting referred to in paragraph 11 (a) or 11 (b) the total period of such postings for the purposes of clause 11 during that leave year shall be deemed to be reduced by one month for each aggregate period of 30 days non-effective service during that leave year.

13. Subject to clauses 14, 15, 21, 29, 30, 31, 32 and 33 a member who serves in a locality specified in column 1 of the following table shall be credited on the day following the last day of the leave year during which he serves in the locality, with a period of recreation leave additional to the period credited to him under clause 5, 6, 7 or 9 equal to:

Additional
Recreation
Leave for
Service in
a Remote
Locality

- (a) where he serves in that locality during the whole of a leave year—the number of days specified in column 2 of that table opposite that locality;
- (b) where he serves in that locality for a continuous period of more than 1 month but less than a leave year—the number of days calculated in accordance with the formula—

$$A \times B$$

$$\frac{\quad}{12}$$

where—

A is equal to the number of days specified in column 2 of that table opposite that locality; and

B is equal to the number of completed months of service rendered by the member in that locality in a leave year; and

- (c) where the period of his service in that locality during a leave year includes a portion of a whole month—the number of days calculated in accordance with the formula—

$$\frac{A}{12} \times \frac{B}{30}$$

where—

A is equal to the number of days specified in column 2 of that table opposite that locality; and

B is equal to the number of days of service in that portion;

Column 1 Locality	Column 2 Additional days of leave per leave year
<i>Locality in Australia:</i>	
Alice Springs	4
Antarctica	10
Atherton	2
Ayr	2
Bowen	2
Broome	10
Cairns	4
Charters Towers	2
Darwin	10
Exmouth	7
Ingham	4
Innisfail	4
Learmonth	7
Macquarie Island	10
Maralinga	2
Mareeba	2
Mount Isa	5
Townsville	2
Woomera	2
<i>Locality Overseas:</i>	
Algeria	10
Argentina	10
Bahrain	10
Bangladesh	10
Brazil	10
Burma	10
Chile	10
China, Peoples Republic of	10
Egypt	10
Fiji	5
Finland	10
German Democratic Republic	10
Ghana	10
Hong Kong	10
India	10
Indonesia	10
Iran, Islamic Republic of	10
Iraq	10
Israel	10
Jamaica	10
Japan	10
Jordan	10

Column 1	Column 2
Locality	Additional days of leave per leave year
Kenya	10
Korea, Republic of	10
Kuwait	10
Laos	10
Lebanon	10
Libya	10
Malaysia	10
Mexico	10
Nauru	10
New Caledonia	10
Nigeria	10
Pakistan	10
Papua New Guinea	10
Peru	10
Philippines	10
Saudi Arabia	10
Singapore	10
Solomon Islands	10
Sri Lanka	10
Syria	10
Tanzania	10
Thailand	10
Tonga	10
Turkey	10
Vanuaatu (New Hebrides)	10
Venezuela	10
Vietnam	10
United Arab Emirates	10
Western Samoa	10
Zimbabwe	10

14. Where during a month a member serves in more than one of the localities specified in column 1 of the table in clause 13 in respect of which different periods of recreation leave specified in column 2 of that table are appropriate, he shall, subject to paragraphs 13 (b) and 13 (c), be credited with whichever period is the greater.

15. Where a member has rendered non-effective service during a leave year in a locality specified in the table in clause 13, the total period of service for the purposes of clause 13 during that leave year shall be reduced by one month for each aggregate period of 30 days non-effective service during that leave year.

16. Where in a leave year a member has been required to perform duties during a period outside his usual working hours of duty and compensation in the form of authorised absence from duty or additional remuneration has not been awarded to the member for the performance of those duties, a period of recreation leave not exceeding five days or a period approved by the approving authority, whichever is the lesser, shall be credited to the member on the day following the last day of that leave year.

Additional
Recreation
Leave for
Prolonged
Duty

17. In giving an approval under clause 16 the approving authority shall have regard to the extent to which the duties performed by the member outside his usual working hours:

- (a) were more arduous than duties performed by the member during those hours; and
- (b) could have been performed by the member during those hours.

Credit of
Recreation
Leave for
Trainees

18. A trainee shall be credited with a period of recreation leave—

- (a) at the conclusion of his course of basic recruit training;
- (b) on his graduation from the institution at which he is undergoing his training; or
- (c) in the case of early removal from a course of training—on the day of such removal,

whichever is the earlier, equal to the number of days calculated in accordance with the formula—

$$\frac{20 (A + B) - C}{12}$$

where—

- A is equal to the completed leave years of service as a trainee;
- B is equal to the sum of—the completed months of service as a trainee and, where the month in which the member ceases to be a trainee is not a complete month, that month—in any leave year during which a trainee does not complete a full leave year of service as a trainee; and
- C is equal to the number of days, not including Saturdays, Sundays or Public Holidays, in any period or periods during which a trainee was granted leave of absence under clause 5 of Determination 2602, Leave for Members Under Training, made under section 58B of the *Defence Act 1903*.

19. Where, but for this clause, a member would be credited with recreation leave in respect of a period of service under both clause 10 and clause 11, he shall not be entitled to be credited with a period of recreation leave in respect of that period equal to:

- (a) the period credited to him under clause 10; or
- (b) the period credited to him under clause 11,

whichever is the lesser or where those periods in paragraphs (a) and (b) are equal, the period credited to him under clause 10.

Concurrent
Credit of
Recreation
Leave

20. Where, but for this clause, a member would, by virtue of clause 10 and clause 11 be credited with a period of recreation leave in excess of 10 days in respect of service during a leave year, he shall, in lieu of that period, and in respect of that leave year be credited with a period of recreation leave equal to 10 days.

21. Where, but for this clause, a member would be credited with a period of recreation leave in respect of a period of service under both clause 11 and clause 13, he shall not be entitled to be credited under clause 13 with recreation leave in respect of that period.

22. Where a member is granted a period of recreation leave under the provisions of this Determination, his credit of recreation leave shall at the end of that period be reduced by that period. Debit of
Recreation
Leave

23. Subject to clauses 24 and 25, where a period of recreation leave is not granted under clause 4 to a member in the leave year in which it is credited to him, that member's credit of recreation leave shall be reduced, at the end of that leave year, by that period unless an approving authority approves that the period be re-credited to the member on the day following the last day of that leave year. Recreation
Leave not
granted

24. Where a period of recreation leave is re-credited under clause 23 to a member, other than a member serving in a remote locality, and that period, or part of that period, of recreation leave is not granted under clause 4 to the member in the leave year in which it is so re-credited to him, that member's credit of recreation leave shall be reduced, at the end of that leave year, by that period or part of that period as the case may be, unless approval is given by the person from time to time holding or performing the duties of the office or appointment in the Department of Defence specified below—

- (a) First Assistant Secretary, Industrial Division;
- (b) Director General, Industrial Division, Service Conditions Branch; or
- (c) Director, Industrial Division, Service Conditions Branch, Service Conditions B Section,

to re-credit that period or part of that period as the case may be, to the member on the day following the last day of that leave year.

25. Where a period of recreation leave is re-credited under clause 23 to a member serving in a remote locality, and that period, or part of that period, of recreation leave is not granted under clause 4 to the member in that leave year in which it is re-credited to him, that member's credit of recreation leave shall be reduced, at the end of that leave year, by that period or part of that period as the case may be, unless approval is given by an approving authority to re-credit that period or part of that period as the case may be, to the member on the day following the last day of that leave year.

26. In giving an approval under clause 23, 24 or 25, the approving authority or the person from time to time holding or performing the duties of an office or appointment specified in clause 24, as the case may be, shall have regard to the degree to which—

- (a) the period, if any, which a member has served or is to serve in a locality specified in the table in clause 13;
- (b) the exigencies of the Service;
- (c) the nature or location of the member's duties; or
- (d) the domestic, family, financial or personal affairs of the member,

prevent a member from being reasonably granted recreation leave in the leave year in which it was credited or re-credited to him or require a member to have a credit of recreation leave in a future leave year which exceeds his expected credit for that future leave year.

27. Subject to clause 28, where, during a period of recreation leave granted under clause 4, a member—

- (a) becomes ill;
- (b) is injured;
- (c) suffers a disability;
- (d) is recalled to duty; or
- (e) dies,

so much of that period extending beyond the date of the occurrence referred to in paragraph (a), (b), (c), (d) or (e), shall be deemed not to have been granted to the member under clause 4.

28. In relation to an occurrence referred to in paragraph (a), (b) or (c) of clause 27 a member shall not be deemed not to have been granted recreation leave under clause 27 where—

- (a) he does not supply satisfactory medical evidence supporting an occurrence referred to in paragraph 27 (a), 27 (b) or 27 (c); or
- (b) the occurrence referred to in paragraph 27 (a), 27 (b) or 27 (c) did not endure for a period of not less than 1 day.

29. A member seconded or attached for duty with—

- (a) the armed forces of a country other than Australia;
- (b) the United Nations Organization;
- (c) a treaty organization;
- (d) a Government Department of the Commonwealth of Australia other than the Department of Defence; or

Recreation
Leave
deemed not
to be
granted

Member
Seconded or
Attached for
Duty

- (e) any other body or authority established or constituted by or under a law of the Commonwealth, a State or a Territory other than an External Territory,

shall be credited with, and granted, any recreation leave entitlements authorized by the body to which he has been seconded or attached, but shall not, subject to the next succeeding clause, be credited with any recreation leave, to which he would, but for this clause, have been credited under clause 5, 6, 7, 10, 11, 13 or 16 for that period of secondment or attachment.

30. Where a member to whom clause 29 applies would, but for that clause, have been credited with recreation leave under clause 5, 6, 7, 10, 11, 13 or 16 for a period of secondment or attachment and such period would have been in excess of the period of leave granted under clause 29, he shall be credited with that excess.

31. Where the period of recreation leave credited to a member or a trainee under this Determination is in the aggregate a period consisting of a whole day or days and a fraction of a day, that fraction of a day shall be deemed to be a whole day.

Fraction of
Day for
Leave
Purposes

32. Subject to clauses 33 and 34, where an approving authority desires to grant a member a period of recreation leave during a leave year and where that period exceeds the period of recreation leave credited to that member, that member shall be credited on the day before he proceeds on that leave, with the difference between that period of recreation leave credited on the first day of that leave year and the period for which the approving authority desires to grant leave to that member.

Recreation
Leave in
Advance of
Credit

33. A period of recreation leave credited to a member under clause 32 shall not exceed the number of days calculated in accordance with the following formula—

$$\frac{A \times B}{12}$$

where—

A is equal to 20 plus—

- (a) where the member is a member to whom clause 10, 11, 19 or 21 applies—10; or
- (b) where the member is a member to whom clause 13 applies—the number specified in column 2 of the table in that clause opposite the locality specified in column 1 of that table in which the member is serving; and

B is equal to the number of completed months of service rendered by the member during that leave year.

34. Where in a leave year a member is credited with a period of recreation leave under clause 32, any period of recreation leave that would be credited to him under this Determination on the day following the last day of that leave year shall be reduced by that first-mentioned period.

Application

35. The provisions of this Determination apply to and in relation to service by a member on or after 1 July 1980.

EXPLANATORY STATEMENT
DETERMINATION NO. 19 OF 1980

ISSUED BY THE AUTHORITY OF THE MINISTER FOR DEFENCE

UNDER SECTION 58B OF THE DEFENCE ACT 1903

Section 58B of the Defence Act 1903 provides that the Minister may make determinations on conditions of service beneficial to members of the Defence Force.

This Determination provides for Recreation Leave for members of the Defence Force including additional leave where members are engaged on flying duties, on sea service, on service in specified "remote" localities or on prolonged duty.

The provisions of this Determination form part of an overall restructuring of leave provisions for members of the Defence Force to provide for tri-service leave entitlements.

The date of effect is 1 July 1980.