



Defence Determination 2004/38

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

Dated 29 September 2004

C S CHAMLEY
Acting Director General
Personnel Policy and Employment Conditions
Defence Personnel Executive

1 Name of Determination

This Determination is Defence Determination 2004/38, Travel for representational purposes.

Note: This Determination commences on the day on which it is made: see *Defence Act 1903*, subsection 58B (4).

2 Amendment

Defence Determination 2003/21, Conditions of Service, as amended,¹ is amended as set out in this Determination.

3 Part 3 of Chapter 3 (Travel and dependants)

add at the end

Division 5 Travel for representational purposes

3.3.7 Spouse accompanying member on business travel within Australia

- (1) A member is not entitled to have their spouse accompany them at Commonwealth expense on Defence business travel within Australia.

Exception: The CDF may approve spouse travel for representational purposes to accompany the member at Commonwealth expense. Approval may only be given if the CDF is satisfied that it is demonstrably in the interests of the Commonwealth, given the purpose of the travel, for the member to be accompanied by their spouse.

- (2) If the CDF approves spouse-accompanied travel on Defence business within Australia, the member is entitled to all the following, as applicable.
- (a) The reasonable additional cost of accommodation.
 - (b) The spouse's transportation cost by the same mode and class of travel as the member. This is the only transportation cost payable for their spouse.
 - (c) Costs incurred for meals, up to the same daily limit as the member's entitlement for meals under Annex 3.5.A for travel on Defence business within Australia.

4 Clause 14.4.1 (Spouse-accompanied travel)

substitute

14.4.1 Spouse accompanying member on short-term duty overseas

- (1) A member is not entitled to have their spouse accompany them at Commonwealth expense on short-term duty overseas.

Exception: The CDF may approve spouse travel for representational purposes to accompany the member at Commonwealth expense. Approval may only be given if the CDF is satisfied that it is demonstrably in the interests of the Commonwealth, given the purpose of the travel, for the member to be accompanied by their spouse.

- (2) If the CDF approves spouse-accompanied travel on short-term duty overseas, the member is entitled to all the following, as applicable.
- (a) The reasonable additional cost of accommodation (including for rest periods).
 - (b) The spouse's transportation cost by the same mode and class of travel as the member. This is the only transportation cost payable for their spouse.

- (c) Costs incurred for meals, up to the same daily limit as the member's meal costs entitlement under Annex 14.3.A for short-term duty overseas.
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NOTE

1. Defence Determination 2003/21 as amended to date. For previous amendments see Note to Defence Determination 2004/1 and see also Defence Determinations 2004/1, 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 and 37. Certain provisions of the Determination have been modified by Determination Nos. 2 and 6 of 2004, made under s58H of the *Defence Act 1903*.

EXPLANATORY STATEMENT

Defence Determination 2004/38

This Determination amends Defence Determination 2003/21, Conditions of Service (the Principal Determination), made under section 58B of the *Defence Act 1903* (the Act). Chapters 3 and 14 of the Principal Determination set out provisions dealing with payment of travel costs within Australia and overseas (respectively) for members of the Australian Defence Force (ADF).

The purpose of this Determination is to include revised provisions in both Chapters, dealing with payment of costs for travel for representational purposes by a spouse accompanying the member during business travel within Australia or overseas.

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

This Determination commences on the day on which it is made, as provided by subsection 58B (4) of the Act.

Clause 2 specifies that the amendments are made to the Principal Determination, as amended.

Clause 4 amends Chapter 14 of the Principal Determination by substituting a revised form of an existing clause authorising payment of additional costs for spouse-accompanied overseas travel. The amendments make it clear that approval will only be granted by exception, and only if the Chief of the Defence Force (CDF) is satisfied that it is demonstrably in the interests of the Commonwealth, given the purpose of the travel, for the member to be accompanied by their spouse. This discretion has been, and will continue to be, exercised personally by the CDF. The additional spouse entitlements in relation to transportation and accommodation are the same as previously. An entitlement to meal costs has been included on the same basis as for the member.

Clause 3 inserts a similar provision into Chapter 3 Part 3, which deals with travel entitlements relating to members' dependants within Australia.

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