



## Defence Determination 2005/39

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

Dated 6 October 2005

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

## 1 Citation

This Determination is Defence Determination 2005/39, Air traffic controllers and Defence travel card.

## 2 Commencement

1. Clause 4 of this Determination is taken to have commenced on 21 August 2005.
2. The remainder of this Determination commences on the date of signature.

## 3 Amendment

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

## 4. Paragraph 3.5.43A.2.a (Retention allowance non-reduction – air-traffic controllers qualified after 1 April 2003)

*substitute*

The member graduated from any of these courses before 1 April 2003.

- i. No. 135 Basic Air Traffic Control Course
- ii. No. 136 Basic Air Traffic Control Course
- iii. No. 19 Air Traffic Control Short Course

## 5. Clause 5.7.2 (Contents)

*omit*

[Division 2](#) Special leave

*insert*

[Division 2](#) Compassionate leave

[Division 2A](#) Carer's leave

## 6. Clause 9.5.6 (Members who must use the Defence travel card to pay travel costs)

*substitute*

A member who travels on Defence business must use the Defence travel card to pay for travel costs.

**Exception:** Members who qualify under paragraph 9.5.7.a.

**See:** Chapter 9 Part 5 [Division 2](#), Travel on Defence business using the travel card.

**7. Paragraph 9.5.7.a (Members who must use travelling allowance to pay travel costs)**

*substitute*

A member who travels on Defence business and who has not been given a Defence travel card.

**See:** Clause 9.5.29, Member entitled to allowance instead of using travel card

**8. Clause 9.5.14 (Member this Division applies to)**

*substitute*

**9.5.14 Member this Division applies to**

1. This Division applies to a member (including a member on Reserve service) who uses a travel card when they are required to travel on Defence business.
2. ...
3. A member who uses a travel card under this Division has no entitlement under Division 3 for travel on Defence business, except as provided by this Division.

**9. Subclause 9.5.30.a (Purpose)**

*substitute*

Travel on Defence business for members who have not been given a Defence travel card.

**10. Subclause 9.5.32.1 (Members this Division does not apply to)**

*substitute*

This Division does not apply to a member who is travelling on Defence business for which they use a travel card under Division 2.

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**NOTE**

1. Defence Determination 2005/15, as amended to date. For previous amendments see Defence Determinations 2005/16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38. Certain provisions of the Determination have been modified by Determination No. 5 of 2005, made under section 58H of the Defence Act 1903.

# EXPLANATORY STATEMENT

## Defence Determination 2005/39

This Determination amends Defence Determination 2005/15, Conditions of Service (the Principal Determination), made under section 58B of the *Defence Act 1903* (the Act). Part 5 of Chapter 3 of the Principal Determination deals with the payment of bonuses to members of the Australian Defence Force (ADF). Chapter 9 of the Principal Determination sets out provisions dealing with travel for members of the ADF.

The purposes of this Determination are to:

- correct a temporal reference in relation to air traffic controllers; and
- clarify who must use a Defence travel card for business travel, and who may be paid travelling allowance.

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

Clause 2 of this Determination provides that clause 4 of the Determination is taken to have commenced on 21 August 2005. The remainder of the Determination commences on the date of signature.

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

Clause 4 amends clause 5.7.2 of the Principal Determination, to replace the index reference to special leave with references to compassionate and carer's leave.

Clause 5 substitutes paragraph 3.5.43A.2.a of the Principal Determination, to make the air traffic controller retention bonus available to members who did their training course before 1 April 2003. As the paragraph previously applied, members had to graduate from prescribed courses after 31 March 2003. Those courses were only held before 1 April 2003. Thus, the clause as introduced could not have any legal effect. The retrospective application of this clause allows members to qualify for the air traffic controller retention bonus. It does not disadvantage any member, as no members qualified under the previous arrangements.

Clause 6 amends Clause 9.5.6 of the Principal Determination, to provide that members of any rank must use the Defence travel card, unless they are excluded by the operation of Clause 9.5.7.

Clause 7 amends paragraph 9.5.7.a of the Principal Determination, to provide that members of any rank may be paid travelling allowance for business travel if they do not have a Defence travel card.

Clause 8 substitutes 9.5.14 of the Principal Determination. The new clause removes rank-based criteria for accessing the Defence travel card.

Clause 9 substitutes subclause 9.5.30.a of the Principal Determination, to make access to travelling allowance based on access to alternative systems, rather than rank.

Clause 10 substitutes subclause 9.5.32.1 to provide that members of any rank may be paid travelling allowance for business travel if they do not have a Defence travel card.

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*