



## **Defence Determination 2006/3**

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 25 January 2006

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

**1 Citation**

This Determination is Defence Determination 2006/3, Maternity leave – amendment.

**2 Commencement**

This Determination commences on 1 February 2006.

**3 Amendment**

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

**4 Subclause 5.2.26.2 (Grant of recreation leave)**

*substitute*

- 2. When a supervisor has made a decision to grant or refuse leave, they must notify the member of the decision as soon as possible and take the relevant action in the table.

Item	If a member has applied...	then the supervisor must...
1.	electronically on PMKeyS Self Service	approve or deny the application on PMKeyS Self Service.
2.	in writing on an application form	give the member's original application and decision about it to the relevant administrator for record-keeping and audit processes.

**Note:** The relevant administrator could be the Unit Orderly Room, Military Personnel Administration Centre or Ship's Office responsible for administering the member's leave.

**5 Subclause 5.2.33.1 (How to apply for leave)**

*substitute*

- 1. A member must apply for leave using either of the following processes.
  - a. PMKeyS Self Service.
  - b. Form AD097 *ADF leave application*, located on the Defence Publishing Web Forms system.

**Exception:** If interim verbal approval of leave is granted, the member must still apply under subclause 1.

**6 Subclause 5.4.14.2 (Paid maternity leave)**

*omit, wherever occurring*

12 weeks

*insert, wherever occurring*

14 weeks

**7 Paragraph 5.4.14.4.b (Paid maternity leave)**

*omit*

12 weeks'

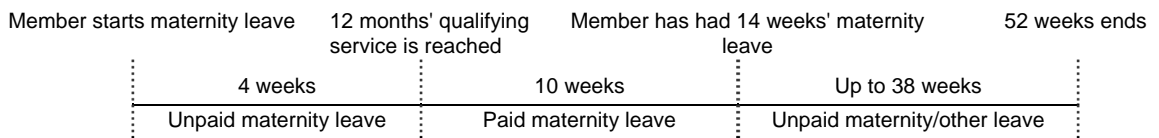
*insert*

14 weeks'

**8 Paragraph 5.4.14.4.b (Paid maternity leave), example**

*substitute*

**Example:**



**9 Clause 5.4.15 (Maternity leave at half pay)**

*substitute*

1. The CDF may grant a member a period of her entitlement at half her salary rate to extend the time she is entitled to paid maternity leave under subclause 5.4.14.2.

**Example:**

Item	If a member applies for half pay for...	then she is entitled to...
1.	all of her entitlement (14 weeks)	28 weeks maternity leave at half pay.
2.	6 weeks of her entitlement	8 weeks maternity leave at full pay and 12 weeks at half pay.

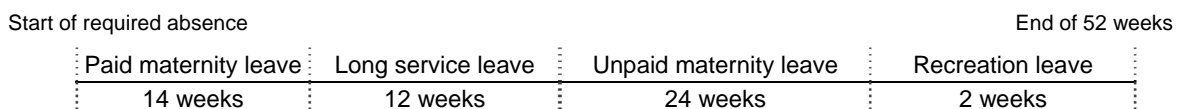
2. The member must apply to the CDF in writing to request a period of maternity leave at half pay under subclause 1.

**Note:** The member must still contribute to superannuation each fortnight that she receives salary. The contribution rate is based on her full rate of salary. It is not reduced even though she is being paid less.

**10 Subclause 5.4.18.1 (Access to other leave), example**

*substitute*

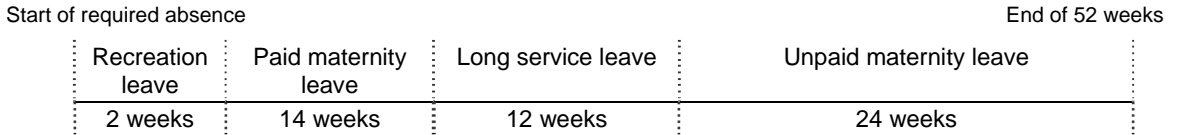
**Example:** A member may make up a 52-week period of absence in this way.



**11 Subclause 5.4.18.1 (Access to other leave), non-example**

*substitute*

**Non-example:** The non-example below is not an acceptable alternative. This is because paid maternity leave must be the first 14 weeks of the maternity leave absence.



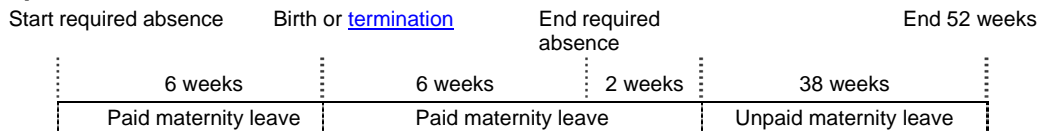
**12 Clause 5.4.22 (Examples)**

*substitute*

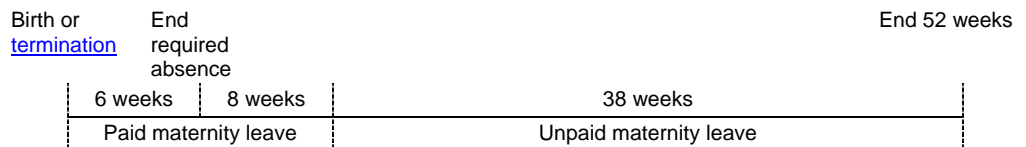
These examples set out some maternity leave scenarios.

**Note:** Example 4 is allowable but is unusual and would rarely occur.

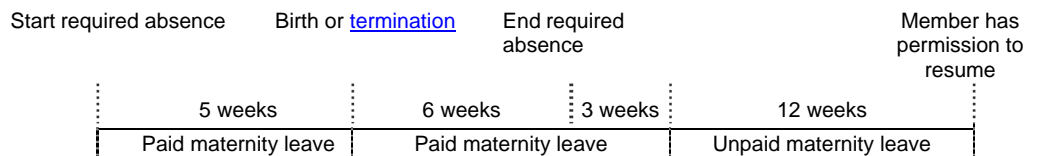
**Example 1:**



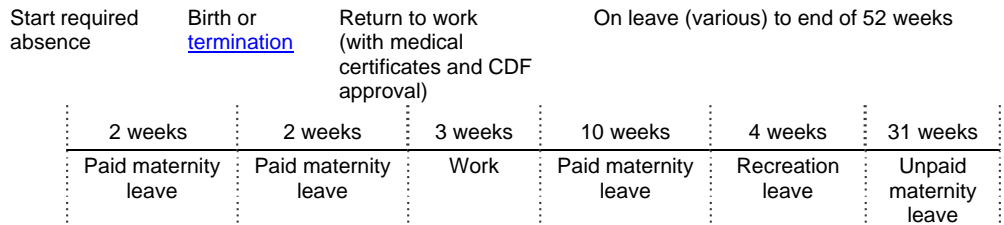
**Example 2:**



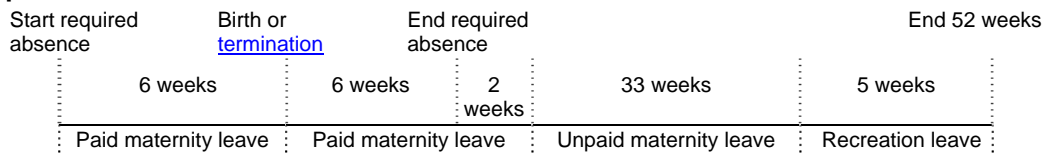
**Example 3:**



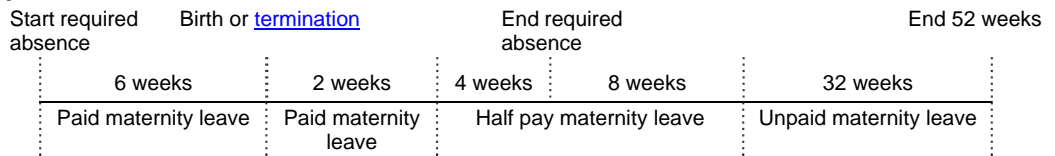
**Example 4:**



**Example 5:**



**Example 6:**



**13 Subclause 5.4.26.4 (Continuing to perform duty during the required absence)**

*insert at the end*

5. If the CDF has approved a member to continue to perform duty under subclause 2, the member may be granted other leave not related to her pregnancy during that period.

**14 Subparagraph 5.4.30.3.a.ii (Required absence)**

*omit*

12 weeks

*insert*

14 weeks

**15 Subclause 5.6.9.1 (How to apply for war service leave)**

*substitute*

1. A member must apply for war service leave using either of the following processes.
  - a. PMKeyS Self Service.
  - b. Form AD097 *ADF leave application*, located on the Defence Publishing Service Web Forms system.

**16 Clause 6.2.18 (Conditions of entitlement – sale)**

*insert at the end*

**See:** Division 3 clause 6.2.30, Amounts and kinds of costs that may be reimbursed

**17 Clause 6.2.19 (Conditions of entitlement – purchase)**

*insert at the end*

**See:** Division 3 clause 6.2.30, Amounts and kinds of costs that may be reimbursed

**18 Clause 6.2.19 (Conditions of entitlement – purchase)**

*omit*

repaid

*insert*

reimbursed

**19 Transitional arrangements (maternity leave)**

1. This clause applies to a member who commenced maternity leave on or after 3 February 2005.

2. The member is entitled to:

a. if they have two weeks or more remaining of the maternity leave period -- an additional two weeks paid maternity leave.

b. if they have less than two weeks remaining of the maternity leave period -- paid maternity leave for the balance of the maternity leave period.

**Example:** A member whose last day of maternity leave period is 7 February 2006 would only be entitled to seven calendar days additional paid maternity leave.

3. The additional paid maternity leave must be taken within the 52 week maternity leave period and can only be broken by periods of duty.

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**NOTE**

1. Defence Determination 2005/15, as amended to date. For previous amendments see Defence Determinations 2006/1 and 2. 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 2006/3

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 5 of the Principal Determination sets out provisions dealing with leave for members of the Australian Defence Force (ADF).

The purposes of this Determination are:

- to increase the entitlement for paid maternity leave for members from 12 weeks to 14 weeks in order to aid retention of ADF women. It also allows members to take a period of the entitlement to paid maternity leave at half pay.
- To implement a range of administrative changes relating to leave.
- To make some changes to assist navigation of HPSEA entitlements.

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

Clause 2 of this Determination provides that the Determination commences on 1 February 2006.

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

Clause 4 amends subclause 5.2.26.2 of the Principal Determination to implement changes to the process that administrators use when processing recreation leave applications to include electronic leave applications through PMKeyS Self Service.

Clause 5 amends subclause 5.2.33.1 of the Principal Determination to implement changes to the process that is prescribed for a member to use to apply for recreation leave. The new process allows a member to submit an electronic leave application through PMKeyS Self Service.

Clauses 6 to 8 amends clause 5.4.14 of the Principal Determination to implement an increase the entitlement to paid maternity leave from 12 weeks to 14 weeks.

Clause 9 amends clause 5.4.15 of the Principal Determination to allow members to take a portion of their paid maternity leave entitlement at half pay and the remainder at full pay. This change allows more flexibility for the member.

Clauses 10 to 12 amend the examples in clauses 15.4.18 and 15.4.22 of the Principal Determination to reflect the increase in paid maternity leave from 12 weeks to 14 weeks. Clause 12 also includes a new example showing how the provision allowing a member to take a portion of their paid maternity leave entitlement at half pay could work.

Clause 13 inserts a provision into clause 5.4.26 of the Principal Determination to allow a member who has been approved to continue to perform duty during the required absence to take other leave which is not related to the pregnancy during that time.

Clause 14 amends clause 5.4.30 of the Principal Determination. It is a consequential change to reflect the increase in the entitlement to paid maternity leave from 12 weeks to 14 weeks.

Clause 15 amends the process prescribed in clause 5.6.9 of the Principal Determination, to implement changes to the process that is prescribed for a member to use to apply for war service leave. The new process allows a member to submit an electronic leave application through PMKeyS Self Service.

Clauses 16 and 17 add cross references into clauses 6.2.18 and 6.2.19 of the Principal Determination. The cross references direct attention to the limits on reimbursements and the kinds of costs that are available to be reimbursed relating to the sale or purchase of a home.

Clause 18 changes 'repaid' to 'reimbursed' in clause 6.2.19 of the Principal Determination to be consistent with the wording used in the rest of the Principal Determination.

Clause 19 provides a transitional arrangement for members who commenced maternity leave on or after 3 February 2005. Members who commenced maternity leave on or after 3 February 2005 are entitled to:

- two weeks additional paid maternity leave if they have over two weeks unpaid maternity leave remaining; or
- paid maternity leave for the remaining period of their unpaid maternity leave.

**Authority:** Section 58B of the  
*Defence Act 1903*