



Defence Determination 2008/2

I, PETER ARTHUR ELLIS BAVINGTON, Acting Director General Personnel Policy and Employment Conditions, Personnel Executive, make this Determination under section 58B of the *Defence Act 1903*.

Dated 22 January 2008

P A E BAVINGTON
Acting Director General
Personnel Policy and Employment Conditions
Personnel Executive

1 Citation

This Determination is Defence Determination 2008/2, Reunion travel and compassionate travel – amendment.

2 Commencement

This Determination commences on the day it is signed.

3 Amendment

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

4 Subclause 9.3.25.4 (Members eligible for reunion travel)

substitute

4. A member posted to a ship is eligible for reunion travel from any port in Australia.

Exception: This does not apply if the port the member would be travelling from is in the location where the member's dependants live.

5 Clause 9.3.44 (Purpose)

substitute

This Division provides for the cost of the journey to visit a person with a serious or very serious illness, or who has died.

See: Chapter 5 Part 7 Division 2, Compassionate leave

6 Subclause 9.3.45.1 (Overview)

substitute

Compassionate travel may be made available for the death, serious illness or very serious illness of a person described in clause 9.3.48.

7 Clause 9.3.47 (Definitions)

substitute

The following table defines terms used in this Division.

The term...	means...
very seriously ill	having an illness or injury so severe that life is imminently endangered.
seriously ill	having an illness or injury that could endanger life.

8 Subclause 9.3.48.1 (Who may be visited)

substitute

1. The CDF may grant a member compassionate travel to visit a person described in the following table, even if they do not normally live with the member.

Item	The member may have compassionate travel to visit a person who is any of the following...	if...
1.	<ol style="list-style-type: none"> a. The member's spouse or interdependent partner b. The member's child 	that person is seriously ill.
2.	<ol style="list-style-type: none"> a. The member's brother or sister b. The member's parent or guardian c. A dependant of the member recognised under clause 1.3.76 or 1.3.79 	both the following conditions are met. <ol style="list-style-type: none"> a. That person is seriously ill. b. The member has to be there because no-one else in the family is available and able to help.
3.	<ol style="list-style-type: none"> a. The member's spouse or interdependent partner b. The member's child c. The member's brother or sister d. The member's parent or guardian e. A dependant of the member recognised under clause 1.3.76 or 1.3.79 	either of the following conditions is met. <ol style="list-style-type: none"> a. That person is very seriously ill. b. That person has recently died.

See: Chapter 1 Part 3 clauses 1.3.76, Dependants, and 1.3.79, CDF-recognised dependants

9 Subclause 9.3.48.2 (Who may be visited)

substitute

2. The CDF may grant a member's spouse or interdependent partner compassionate travel to visit a person described in the following table.

Related Information: Clause 9.3.50, Entitlement of member's spouse or interdependent partner – extra conditions

Item	The member's spouse or interdependent partner may have compassionate travel to visit a person who is any of the following...	if...
1.	<ul style="list-style-type: none"> a. The member b. The member's child c. The child of the member's spouse d. The child of the member's interdependent partner 	that person is seriously ill.
2.	<ul style="list-style-type: none"> a. The parent or guardian of the member's spouse or interdependent partner b. The brother or sister of the member's spouse or interdependent partner c. A dependant of the member's spouse or interdependent partner 	both the following conditions are met. <ul style="list-style-type: none"> 1. That person is seriously ill. 2. The spouse has to be there because no-one else in the family is available and able to help.
3.	<ul style="list-style-type: none"> a. The member b. The child of the member's spouse or interdependent partner c. The parent or guardian of the member's spouse or interdependent partner d. The brother or sister of the member's spouse or interdependent partner e. A dependant of the member's spouse or interdependent partner 	that person is very seriously ill.
4.	<ul style="list-style-type: none"> a. The member b. The child of the member's spouse or interdependent partner c. The parent or guardian of the member's spouse or interdependent partner d. A dependant of the member's spouse or interdependent partner 	that person has recently died.

See: Chapter 1 Part 3 clause 1.3.79, CDF-recognised dependants

10 Subclause 9.3.48.4 (Who may be visited), non-example

omit

close relative

insert

person.

11 Clause 9.3.51 (Travel overseas)

substitute

1. A member or their spouse or interdependent partner may apply for assistance with compassionate travel to an overseas location.
2. The CDF may approve return travel at Commonwealth expense to and from the nearest appropriate international terminal in Australia.
3. The Commonwealth does not provide assistance with the cost of the overseas portion of the trip.

12 Paragraph 9.3.52.3.c (Compassionate travel and leave)

omit

their close relative.

insert

a person in respect of whom leave has been granted under clause 9.3.48 or 9.3.49.

NOTE

1. Defence Determination 2005/15, as amended to date. For previous amendments see Note to Defence Determination 2008/1.

EXPLANATORY STATEMENT

Defence Determination 2008/2

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 9 of the Principal Determination sets out a member's travel, baggage, meal and accommodation entitlements when they travel in Australia at Commonwealth expense.

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 the day on which it is signed, as provided under subsection 58B(4) of the Act.

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

Subclause 4 substitutes clause 9.3.25.4 to extend the application of reunion travel. The new subclause removes the restrictions in place and makes a member posted to a ship eligible to travel back to visit family from any port in Australia.

Clause 5 substitutes clause 9.3.44 of the Principal Determination. The new clause 9.3.44, which is the purpose of the Division, contains the word 'person' instead of the term 'close relative'. The reason for this change is that the latter term may not necessarily include a guardian or other CDF-recognised dependant of the member, whereas 'person' is more inclusive. This change applies throughout this Determination.

Clause 6 substitutes subclause 9.3.45.1 of the Principal Determination. The terms 'relative' and 'close relative' – terms no longer used in this Division – are replaced with 'person'. In addition, the new clause 9.3.47 no longer contains a definition of the redundant term 'close relative'; therefore the cross-reference has been changed to 9.3.48 to refer to the list of persons and circumstances on which eligibility for travel may be founded.

Clause 7 substitutes the table in clause 9.3.47 of the Principal Determination. The new table no longer contains a definition of the term 'close relative', but still sets out the definitions of two grades of illness for the purposes of the Division.

Clauses 8 and 9 respectively substitute the tables in subclauses 9.3.48.1 and 9.3.48.2 of the Principal Determination. The respective subclauses have been amended to remove the terms 'relative' and 'close relative', which are replaced with 'person' in each case. A cross-reference has been inserted at the end of each table to refer the reader to the area of the Principal Determination that provides discretion for a member's dependants to be recognised by the CDF.

Clause 10 amends the non-example in clause 9.3.48.4 of the Principal Determination by replacing the term 'close relative' with 'person'.

Clause 11 substitutes clause 9.3.51 to clarify the situation regarding responsibility for costs of travel in the case of compassionate leave.

Clause 12 amends paragraph 9.3.52.3.c of the Principal Determination by replacing the words 'their close relative' with the words 'a person in respect of whom leave has been granted under clause 9.3.48 or 9.3.49'.

Authority: Section 58B of the
Defence Act 1903