



Defence Determination 2008/69

I, INGRID CECILIE SINGH, Acting Director General Personnel Policy and Employment Conditions, make this Determination under section 58B of the *Defence Act 1903*.

Dated 22 December 2008

I C SINGH
Acting Director General
Personnel Policy and Employment Conditions
People Strategies and Policy Group

1 Citation

This Determination is Defence Determination 2008/69, Overseas reunion travel – amendment.

2 Commencement

This Determination commences on the date of signature.

3 Amendment

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

4 Paragraph 15.3.15A.1.a.ii (Cost of escort for child)

omit

USA

insert

USA or Canada

5 Subclause 15.3.15A.2 (Cost of escort for child)

omit

USA

insert

USA or Canada

6 Transitional

1. This clause applies to a member who met both the following conditions between 30 August 2008 and the date of effect of this Determination.
 - a. The member had a dependant who met all the following requirements.
 - i. They were under 15 years old.
 - ii. They had an overseas reunion visit that included a domestic flight in Canada.
 - iii. They travelled with an escort who had no other reason to travel. The escort was 18 years old or older.
 - b. The domestic flight described in subparagraph a.ii was on a carrier that did not let passengers under 15 years old travel unaccompanied.
 - c. The person is either a member, or a member's family member.
2. The member is to be paid an amount that is the difference between the following reunion visit costs.
 - a. The reunion visit costs the member was paid for the period 30 August 2008 and the date of commencement of this Determination.

- b. The reunion visit costs the member would have been paid had clauses 4 and 5 of this Determination commenced on 30 August 2008.

NOTE

- 1. Defence Determination 2005/15 commenced on 31 May 2005. For previous amendments see Note to Defence Determination 2008/1 and see also Defence Determinations 2008/2, 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, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 and 68.

EXPLANATORY STATEMENT

Defence Determination 2008/69

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 15 of the Principal Determination sets out provisions dealing with living and working on long-term posting overseas for members of the Australian Defence Force (ADF).

The purpose of this Determination is to insert Canada as a location for reimbursement of travel costs for an escort for an unaccompanied minor on domestic flights in Canada.

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 made, as provided by subsection 58B(4) of the Act.

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

Clauses 4 and 5 respectively amend paragraph 15.3.15A.1.a.ii and 15.3.15A.2 of the Principal Determination. This amendment inserts Canada as a location for travel costs for an escort for an unaccompanied minor on domestic flights in Canada. Domestic flight policy in Canada requires that minors under 15 years of age be accompanied by someone 15 years and older.

Clause 6 of this Determination is a transitional provision. The clause creates a benefit for a member who had a child escorted on a domestic flight in Canada on an overseas reunion visit, during the period 30 August 2008 to the date of effect of this Determination. The benefit equates to the additional reunion travel costs incurred by the escort for domestic flights in Canada. 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.

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