



## Defence Determination 2009/3

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

Dated 13 January 2009

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

**1 Citation**

This Determination is Defence Determination 2009/3, Pet relocation and miscellaneous amendments.

**2 Commencement**

This Determination commences on the day it is signed.

**3 Amendment**

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

**4 Determination 2005/15, Conditions of Service, as amended**

*omit wherever occurring*

Other rank members' pay grades

*insert*

Other Rank pay grades

**5 Clause 1.3.5 (A day's pay), See**

*substitute*

**See:** Chapter 3 Part 1

Schedule B.1 – Senior officer total cash value

Schedule B.3 Parts 2 and 3 – Officer salary rates

Schedule B.4 Parts 2 and 3 – Other rank member appointed as officer – transitional salary rates

Schedule B.5 Part 2 – Specialist Officer – Chaplain salary rates

Schedule B.6 Parts 2 and 3 – Specialist Officer – Dental Officer salary rates

Schedule B.7 Part 2 – Specialist Officer – Legal Officer salary rates

Schedule B.8 Parts 3 and 4 – Specialist Officer – Medical Officer salary rates

Schedule B.10 Parts 3 and 4 – Warrant Officer Class 1 salary rates

Schedule B.12 Parts 2 and 3 – Other Rank salary rates

Schedule B.13 Part 2 – Trainee salary rates

**6 Clause 3.5.49 (Member this Division applies to), second See**

*omit*

Part 1 Schedule B.11

*insert*

Part 1 Schedule B.11 Part 2

**7 Subclause 3.5.273.3 (Some concepts used in this Division)**

*omit*

clause 15

*insert*

Part B Division 3

**8 Subclause 3.5.274.e (Member who is eligible under this Division), See**

*omit*

clause 15

*insert*

Part B Division 3

**9 Subclause 3.5.275.c (Member who is not eligible under this Division)**

*omit*

clause 7

*insert*

clause B.3.2

**10 Clause 4.4.43 (Definition – general), table**

*substitute items for Day of embarkation and Day of disembarkation*

Day of embarkation	See clause 4.4.44 below.
Day of disembarkation	See clause 4.4.45 below.

**11 Subclause 5.1.3.2 (Leave types), table item 19, See**

*substitute*

**See:** Chapter 5 Part 9 Division 2

**12 Subclause 5.1.3.2 (Leave types), table item 20, See**

*substitute*

**See:** Chapter 5 Part 9 Division 3

### 13 Clause 5.10.2A (Christmas stand-down)

*substitute*

1. Members are not required to attend for duty in accordance with the following table.

Item	A member who holds the rank of...	may be absent from...	to...
1.	Brigadier, or a higher rank	25 December 2008	1 January 2009.
2.	Colonel, or a lesser rank	25 December 2008	2 January 2009.

2. The periods in subclause 1 include public holidays that fall within the period.
3. A Commanding Officer may determine that the member must perform duty on a day listed in subclause 1. The Commanding Officer should consider if there are pressing operational, preparatory or safety needs that prevent the member from being absent.
4. Absences are treated in accordance with the following table.

Item	If the day...	the day is to be...
1.	is a public holiday	granted under clause 5.10.1. <b>See:</b> Clause 5.10.1, Public holidays
2.	is not a public holiday	treated as short absence when not required for duty.

**Related Information:** Clause 15.1.4A, Christmas stand-down, for arrangements that apply to members overseas

### 14 Clause 6.1.25 (Purpose), *See also*

*substitute*

**See also:** Chapter 8 Part 5, Emergency Support for Families Scheme

### 15 Clause 6.1.30 (When costs may be reimbursed)

*insert at the end*

#### 6.1.30A When costs may be reimbursed – member posted overseas

1. If a member is posted overseas the CDF may reimburse the following costs, if satisfied that they are reasonable.
  - a. The commercial transportation of one or more household pets to a location within Australia.
  - b. The boarding costs of one or more household pets for the period the member is in receipt of temporary accommodation allowance in the losing posting location.

2. In deciding whether costs are reasonable, the CDF must consider all the criteria in subclauses 6.1.30.2 and 6.1.30.3.

**See:** Clause 6.1.30, When costs may be reimbursed

**16 Paragraph 6.1.31.a (When costs will not be reimbursed)**

*omit*

**17 Subclause 7.3.16.5 (Contribution for living-in accommodation), See**

*omit*

**18 Clause 8.0.1 (Overview)**

*omit*

emergency childcare assistance

*insert*

emergency support for families, dependants with special needs

**19 Subclause 9.4.3.2 (Nominated family), table item 4**

*omit*

Division 1

**20 Paragraph 11.3.3.2.a (Bereavement payment), See**

*omit*

**21 Subclause 15.2.7.2 (Disposable income for ADF members [ADF only], table item 7**

*substitute*

7.	Flying allowance	Chapter 4 Part 3 Division 5.
----	------------------	------------------------------

---

**NOTE**

1. Defence Determination 2005/15 commenced on 31 May 2005. For previous amendments see Note to Defence Determination 2009/1 and see also Defence Determination 2009/2.

# EXPLANATORY STATEMENT

## Defence Determination 2009/3

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 1 of the Principal Determination provides an introduction to the Pay and Conditions manual, Chapter 3 sets out provisions dealing with salaries and bonuses for members of the Australian Defence Force (ADF), Chapter 4 sets out provisions dealing with ADF allowances and reimbursements, Chapter 5 sets out provisions dealing with leave for members of the ADF, Chapter 6 sets out provisions dealing with ADF relocation on posting in Australia, Chapter 7 sets out provisions dealing with ADF housing and meals, Chapter 8 sets out provisions dealing with members and their dependants, Chapter 9 sets out provisions dealing with ADF travel in Australia, Chapter 11 sets out provisions dealing with ADF-related compensation and Chapter 15 sets out provisions dealing with living and working on long-term posting overseas.

The purpose of this Determination is to make various administrative amendments and to amend the conditions under which a member may be reimbursed for the costs to relocate household pets within Australia when posted overseas.

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.

Clause 4 amends the reference to other rank members' pay grades in the Principal Determination. Reference is now made to 'Other Rank' pay grades throughout the Principal Determination to reflect changes made by Defence Force Remuneration Tribunal (DFRT) Determination No. 15 of 2008, Salaries.

Clause 5 amends clause 1.3.5 of the Principal Determination by updating the references to the annexes in Chapter 3 Part 1.

Clause 6 amends clause 3.5.49 of the Principal Determination by updating a cross reference to refer to Part 1 Schedule B.11 Part 2. The reference previously referred to Part 1 Schedule B.11.

Clauses 7, 8 and 9 amend subclause 3.5.273.3, subclause 3.5.274.e and subclause 3.5.275.c of the Principal Determination respectively by updating cross references to reflect changes to the structure of salary information made by DFRT Determination No. 15 of 2008, Salaries.

Clause 10 amends the table in clause 4.4.43 of the Principal Determination by updating the cross references for "Day of embarkation", to refer correctly to clause 4.4.44 and for "Day of disembarkation", to refer correctly to clause 4.4.45.

Clauses 11 and 12 amend table items 19 and 20 respectively in subclause 5.1.3.2 of the Principal Determination. This amendment updates table item 19, to refer correctly to Chapter 5 Part 9 Division 2 and table item 20, to refer correctly to Chapter 5 Part 9 Division 3.

Clause 13 amends clause 5.10.2A of the Principal Determination. This amendment removes reference to the Christmas 2007 stand-down period and consecutively numbers the subclauses as a numbering error was made when inserting the clause into the Principal Determination through Defence Determination 2007/62.

Clause 14 amends clause 6.1.25 of the Principal Determination by updating a cross reference to Chapter 8 Part 5, to reflect a change to the title of the Part made in Defence Determination 2006/16.

Clause 15 of this Determination inserts a new clause 6.1.30A into the Principal Determination. The new clause provides that a member who is posted overseas may be reimbursed for costs associated with commercial transport and for short-term boarding of pets relocated within Australia.

Clause 16 omits paragraph 6.1.31.a of the Principal Determination. This amendment removes overseas posting from the list of circumstances in which a member is not entitled to reimbursement of their costs. Costs relating to an overseas posting may now be reimbursed as outlined in clause 15 of this Determination.

Clause 17 amends subclause 7.3.16.5 of the Principal Determination by removing the cross reference to clause 7.3.16, Contribution for living-in accommodation.

Clause 18 amends clause 8.0.1 of the Principal Determination by updating the overview to Chapter 8. The reference to the emergency childcare assistance is removed and replaced with emergency support for families and dependants with special needs is inserted.

Clause 19 omits reference to Division 1 from table item 4 of subclause 9.4.3.2 of the Principal Determination. The reference to Division 1 is not required as subclause 9.4.3.2 is located in the same Division as the clause referred to.

Clause 20 omits the cross reference in paragraph 11.3.3.2.a of the Principal Determination. The cross reference to clause 11.3.3 is not required as the information is already located in clause 11.3.3.

Clause 21 substitutes table item 7 in subclause 15.2.7.2 of the Principal Determination. This amendment updates the reference to Flying allowance to refer to Chapter 4 Part 3 Division 5.

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*