



Defence Determination 2009/59

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

Dated 30 September 2009

P A E BAVINGTON
Acting Director General
Personnel Policy and Employment Conditions
People Strategies and Policy Group

1 Citation

This Determination is Defence Determination 2009/59, Approved clubs – 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 Clause 15.7.5 (List of approved clubs), table

insert in alphabetical order

Kuwait	Al Corniche Fitness Club
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5 Transitional

1. This clause applies to a member who has purchased a club membership at Al Corniche Fitness Club in Kuwait between 28 August 2009 and the day before the commencement of this Determination.
2. The member is to be reimbursed club membership costs if this Determination had commenced on 28 August 2009.

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 Determinations 2009/2, 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 and 58.

EXPLANATORY STATEMENT

Defence Determination 2009/59

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 a new club to the list of approved clubs for members on long-term posting in Kuwait.

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

Clause 2 of this Determination provides this Determination commences on the day 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 table in clause 15.7.5 of the Principal Determination, which lists the clubs that a member on long-term posting may be entitled to receive reimbursement for the costs of the membership. The list is amended to include Al Corniche Fitness Club in Kuwait. The criteria for the approval have been met by the overseas post.

Clause 5 provides a transitional provision for members on long-term postings in Kuwait. The member is eligible to be reimbursed the cost of club membership to which they would have been entitled if this Determination had applied from 28 August 2009.

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.

The retrospective effect of the transitional provision in 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