



Defence Determination 2009/64

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 1 October 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 2009/64, Reserve member taken to be attending for duty - amendment.

2 Commencement

This Determination commences on the day it is signed.

3 Amendment

Defence Determination 2005/15, Conditions of Service, as amended¹, is amended as set out in this Determination.

4 Clause 3.2.13 (Reserve member taken to be attending for duty), table

substitute

Item	If a member is...	they will be taken to be on duty for the period starting...	and ending...
1.	directed to attend away from their normal place of duty	at the start of the journey from where the member normally lives	when the member commences duty in the other location.
2.	returning to the place they normally live after attending for duty away from it	at the start of the return journey to the place where the member normally lives	when the member arrives at the place they normally live. Example: A member of the Reserves travels from Canberra to Melbourne for a training course. While travelling to Melbourne they are taken to be on duty. While on the course they are on duty. While travelling home they are on duty.
3.	admitted to hospital while parading for approved duty	the day when they are admitted to hospital	on the earlier of the following days: a. the day when they are discharged from hospital; or b. the first day that one of dates in item 4 occurs.

4.	ill or convalescing under PERS DI(G) 16-21, Absence due to illness and absence for convalescence	the day that the Commanding Officer approves as the first day of the period of illness or convalescence	<p>on the earlier of the following days:</p> <p>a. the day:</p> <p>i. the period of illness or convalescence authorised under PERS DI(G) 16-21 has passed; and</p> <p>ii. the member has been cleared for duty by a service medical officer;</p> <p>b. the day the Department of Veterans Affairs' commences payment to the member;</p> <p>c. the day the member starts civilian employment or receives sick leave payment from civilian employer;</p> <p>d. a day for which sick leave is payable by the member's employer;</p> <p>e. the day the member receives unemployment or a similar benefit from Centrelink;</p> <p>f. the day the member has recovered from their injury and parades with their unit; or</p> <p>g. the day the Department of Veterans Affairs' notifies the member that it has rejected the claim.</p>
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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, 58, 59, 60, 61, 62 and 63.

EXPLANATORY STATEMENT

Defence Determination 2009/64

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 3 of the Principal Determination sets out provisions dealing with salaries and bonuses for members of the Australian Defence Force (ADF).

The purpose of this Determination is to provide that Reserve members returning from duty in another location are taken to be on duty for the travel period and when a member is taken to be on duty while ill, injured or hospitalised.

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 substitutes the table in clause 3.2.13 of the Principal Determination. The exception from table item 2 has been removed to clarify that a member is taken to be on duty while travelling to another location for duty. Table item 2 has been added to provide that a member is taken to be on duty for the return journey while travelling to their normal place of residence. Items 3 and 4 allow for payment to Reservists if they are ill, injured or hospitalised, prior to payment occurring under longer-term support schemes.

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