



## Defence Determination 2009/65

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 2009/65, Travel on second overseas posting.

**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 Subclause 15.2.34.3 (Payment of overseas living allowance for unused leave)**

*insert at the end*

**Exception:** A member who is on leave in between overseas postings and travelling under clause 15.3.41 is entitled to overseas living allowance.

**5 Clause 15.3.3 (Contents)**

*omit*

[Division 7](#) Travel on extension of posting

*insert*

[Division 7](#) Travel on extension of posting or second overseas posting

**6 Division 7 (Travel on extension of posting)**

*substitute, title only*

**Division 7: Travel on extension of posting or second overseas posting**

**7 Clause 15.3.38 (Purpose)**

*omit*

posting.

*insert*

posting or on a posting to a second overseas location.

**8 Subclause 15.3.39.6 (Additional travel when posting extended)**

*omit*

this Division.

*insert*

this clause.

**9 Clause 15.3.40 (Dependants' travel costs on posting extension)**

*insert at the end*

**15.3.41 Additional travel on long-term posting to a second overseas location**

1. This clause applies to a member who is issued with a second posting order only after they have left Australia on the first posting.

**Exception:** This clause does not apply to a member who was issued with a posting order for two or more overseas posting locations before they leave Australia. The member is not entitled to travel to Australia between these overseas postings in these circumstances.

2. The member may be paid the lower of the following costs.
  - a. Business class air travel between all following locations.
    - i. From the old posting location to the location where the member normally lives in Australia.
    - ii. From the location where the member normally lives in Australia to the new overseas posting location.
  - b. The allowable travel cost for the travel to the locations in paragraph a.
3. If dependants live at the posting location and accompany the member to Australia and to the new posting location, the member may be reimbursed for the dependants travel under this clause, up to the allowable travel cost.
4. The following conditions apply to this entitlement.
  - a. Travel must be taken during the following time period.
    - i. After departure from the first overseas location at the end of the posting.
    - ii. Before arrival at the second overseas posting location.
  - b. The second overseas posting must be for at least 12 months.
  - c. The member must take recreation leave for the absence.
  - d. The member must travel to the location where the member normally lives in Australia.
5. Rest periods under Chapter 14 Part 4 Division 3 only apply for travel from Australia to the new posting location.

**See:** Chapter 14 Part 4 Division 3, Rest periods

6. Excess baggage charges may be paid under clause 14.4.10.  
**See:** Chapter 14 Part 4 Division 2 clause 14.4.10, Excess baggage
7. Accommodation or meal costs are not payable for travel under this clause.
8. A member who is on leave in Australia between overseas postings is eligible to receive overseas living allowance for unused leave accrued at the old posting location.  
**See:** Part 2 Division 6 clause 15.2.34, Payment of overseas living allowance for unused leave
9. The member may travel to another location within Australia, other than where they normally live. However, the Commonwealth will only pay up to a maximum of the allowable travel cost set out in paragraph 2.b. The Commonwealth will not pay any extra costs that may be charged as a result of the change in destination.

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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, 63 and 64.

# EXPLANATORY STATEMENT

## Defence Determination 2009/65

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 provide travel to and from Australia for members and their dependants when the member has been posted to a second overseas location.

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 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 subclause 15.2.34.3 of the Principal Determination to insert an exception which will allow the payment of overseas living allowance for members on recreation leave in Australia while they are between overseas postings.

Clause 5 amends clause 15.3.3 of the Principal Determination. This amendment changes the reference to Division 7 to reflect the new Division title.

Clause 6 amends the title of Chapter 15 Part 3 Division 7 of the Principal Determination to reflect the new policy within the Division.

Clause 7 amends clause 15.3.38 of the Principal Determination. This clause sets out the purpose of the Division and the amendment includes the new policy within the purpose.

Clause 8 amends subclause 15.3.39.6 of the Principal Determination. Because of the insertion of a new clause within Division 7, made by clause 9 of this Determination, a reference within subclause 15.3.39.6 referring to the Division is no longer correct. This change amends this reference to 'clause'.

Clause 9 inserts a new clause 15.3.41 into the Principal Determination. This clause provides that when a member on overseas posting is posted to another overseas location the member and their dependants are entitled to travel to Australia and then to the new overseas location. This travel allows the member and dependants to have extended family contact and to complete any personal business within Australia.

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*