



## **Defence Determination 2009/69**

I, BRIAN GARY PAULE, Director General Personnel Policy and Employment Conditions, make this Determination under section 58B of the *Defence Act 1903*.

Dated 19 October 2009

B G PAULE  
Director General  
Personnel Policy and Employment Conditions  
People Strategies and Policy Group



**1 Citation**

This Determination is Defence Determination 2009/69, Christmas stand-down.

**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 5.10.2A.1 (Christmas stand-down), table**

*substitute*

<b>Item</b>	<b>A member who holds the rank of...</b>	<b>may be absent from...</b>	<b>to...</b>
1.	Brigadier, or a higher rank	25 December 2009	3 January 2010.
		25 December 2010	3 January 2011.
2.	Colonel, or a lesser rank	24 December 2009	3 January 2010.
		24 December 2010	3 January 2011.

**5 Clause 15.1.4A (Christmas stand-down)**

*substitute*

1. Members are not required to attend for duty on the following days.
  - a. 30 December 2009.
  - b. 31 December 2009.
  - c. 30 December 2010.
  - d. 31 December 2010.
2. A member holding the rank of Colonel or a lesser rank is not required to attend for duty on either of these days.
  - a. 24 December 2009.
  - b. 24 December 2010.
3. A Commanding Officer may determine that the member must perform duty on a day listed in subclauses 1 or 2. 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 as short absence when not required for duty.

**Example:** A member is not required to attend for duty on 30 and 31 December 2009. The CDF has directed under subclause 15.1.4.2 that 1 January 2010 is not to be observed as a public holiday at that post. The member must work on 1 January 2010, or be granted another type of leave.

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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, 64, 65, 66, 67 and 68.

# EXPLANATORY STATEMENT

## Defence Determination 2009/69

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 5 of the Principal Determination sets out provisions dealing with leave and Chapter 15 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 amend Christmas stand-down dates for 2009-2010 and 2010-2011.

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 subclause 5.10.2A.1 of the Principal Determination. It inserts the Christmas stand-down dates for 2009-2010 and 2010-2011.

Clause 5 substitutes clause 15.1.4A of the Principal Determination. The revised clause identifies which days the Chief of the Defence Force has approved as stand-down and updates the example, for locations overseas.

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*