



Defence Determination 2009/72

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

Dated 4 November 2009

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

1 Citation

This Determination is Defence Determination 2009/72, Victoria Cross for Australia representational duties.

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 4.0.2 (Contents)

insert after Part 6

[Part 6A](#) Victoria Cross for Australia representational duties

5 Chapter 4 Part 6 (Additional remuneration for star rank officers)

insert after the Part

Part 6A: Victoria Cross for Australia representational duties

4.6A.1 Purpose

This Part has two purposes.

- a. To recognise and reward the contribution of Victoria Cross for Australia recipients.
- b. To provide a package of benefits for Victoria Cross for Australia recipients to allow them to perform the representational duties associated with the award.

4.6A.2 Member this Part applies to

This Part applies to the following members.

- a. A member who has been awarded the Victoria Cross for Australia.
See: Chapter 3 Part 7, Victoria Cross for Australia medal
- b. A member who has been approved to perform escort duties for a Victoria Cross for Australia holder.

4.6A.3 Expenses related to representational duties

1. The Commonwealth will pay for, or reimburse the member, costs directly related to the member's representational duties for the following expenses.
 - a. The purchase of civilian clothing for the member.
 - b. The hire of civilian clothing for the member.

- c. The purchase of clothing for the member's recognised dependants.
 - d. The hire of clothing for the member's recognised dependants.
 - e. Laundry and dry cleaning costs.
 - f. Babysitting costs, when the member and their spouse or partner are attending representational activities.
2. The CDF may approve any additional costs not listed in subclause 1 that relate directly to the member's representational duties.
 3. The CDF may approve reimbursement of the cost of clothing hire for the escort personnel who must attend representational events with the Victoria Cross for Australia recipient.

4.6A.4 Business class travel

1. The CDF may approve travel at Commonwealth expense for the member and their escort for travel to and from Victoria Cross for Australia representational activities.

See:

Chapter 9 Part 1 clause 9.1.6, Class of travel
Chapter 13 Part 2 Division 1, Class of air travel

2. The CDF may approve business class travel at Commonwealth expense for the following people for travel to and from Victoria Cross for Australia representational activities.

- a. The member's spouse or partner.
- b. The member's recognised dependants.

See:

Chapter 9 Part 3 Division 9, Travel for representational purposes
Chapter 13 Part 2 Division 3, Accompanied travel

4.6A.5 Travel allowance

Travel costs or travel allowance rates, specified in Annex 9.5.A Part 1, are payable to the member and the following people for travel on Victoria Cross for Australia representational activities.

- a. The member's dependants.
- b. Escort personnel.

See: Chapter 9 Part 5 Annex 9.5.A Part 1, Amounts for accommodation, meals and incidentals for travelling allowance and travel card

6 Subclause 9.1.6.1 (Class of travel), table header row

substitute

Item	A member who is...	and is travelling...	is entitled to travel by...
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7 Subclause 9.1.6.1 (Class of travel), table

insert at the end

5.	a Victoria Cross for Australia recipient travelling for representational duties	on a domestic flight	business class.
6.	an escort for a Victoria Cross for Australia recipient travelling for representational duties	on a domestic flight	business class.

8 Transitional

1. This clause applies to a member who has received a Victoria Cross for Australia medal between 16 January 2009 and the day before the commencement of this Determination.
2. The member is to be reimbursed costs related to their representational duties as if this Determination had applied.

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, 68, 69, 70 and 71.

EXPLANATORY STATEMENT

Defence Determination 2009/72

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 4 of the Principal Determination sets out provisions dealing with allowances and reimbursements for members of the Australian Defence Force (ADF).

The purpose of this Determination is to provide a package to Victoria Cross for Australia recipients to enable them to attend representational activities at Commonwealth expense.

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 clause 4.0.2 of the Principal Determination to include a reference to the new Part 6A in Chapter 4.

Clause 5 inserts a new Part 6A, titled 'Victoria Cross for Australia representational duties', into Chapter 4 of the Principal Determination. The new Part has the following features.

- Clause 4.6A.1 outlines the purpose of the Part.
- Clause 4.6A.2 describes the members the Part applies to.
- Clause 4.6A.3 details some of the costs the Commonwealth will pay for to allow a Victoria Cross for Australia recipient and approved persons to attend representational activities.
- Clause 4.6A.4 provides that the member and approved persons may use business class travel for both domestic and international flights when travelling to attend representational activities.
- Clause 4.6A.5 provides that the member and approved people are to receive star-rank travel allowance rates when travelling for representational activities.

Clause 6 amends the table in subclause 9.1.6.1 of the Principal Determination. This clause amends the header row of the table to better reflect the members the table applies to.

Clause 7 amends the table in subclause 9.1.6.1 of the Principal Determination. The table in subclause 9.1.6.1 outlines the class of travel a member may use while travelling within Australia. This amendment includes two new items to the table. These items outline that a Victoria Cross for Australia recipient and their approved escort can travel by business class when they are travelling for representational purposes.

Clause 8 provides a transitional provision for members who have received a Victoria Cross for Australia. The member is eligible to be reimbursed costs related to representational duties which they would have been entitled to if this Determination had applied from 16 January 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 application 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