

Chapter 11: ADF-related compensation

11.0.1 Overview

This Chapter deals with assistance available if a member dies or suffers personal injury or disease as a result of their service.

11.0.2 Contents

This Chapter includes the following Parts.

- [Part 1](#) Rehabilitation and compensation for personal injury or disease – general arrangements
- [Part 2](#) Additional military compensation
- [Part 3](#) Payment of financial entitlements on death
- [Part 4](#) Funeral costs, floral and non-floral tributes

Part 1: Rehabilitation and compensation for personal injury or disease – general arrangements

This Part is reserved for publication in the *ADF Pay and Conditions Manual* of an administrative description of rehabilitation and compensation of ADF members for personal injury or disease.

Part 2: Additional military compensation

11.2.1 Purpose

This Part provides for additional compensation for members who suffer an injury that results in death or severe impairment and in respect of which compensation is payable under the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act).

11.2.2 Contents

This Part includes the following Divisions.

Division 1	Overview
Division 2	Additional death benefit
Division 3	Severe injury adjustment
Division 4	Avoidance of double benefits
Division 5	Authorisation of payment and review of decisions
Division 6	General

Division 1: Overview

11.2.3 Limits to application of benefits under this Part

1. This Part applies only to injuries that meet both these conditions.
 - a. A member suffered them after 10 June 1997 and before 1 July 2004.
 - b. They resulted in the death or severe impairment of the member.
2. This Part does not apply to any injury that a member is entitled to compensation for under the [Military Rehabilitation and Compensation Act 2004](#).

11.2.4 Secretary's discretions

This clause is reserved for publication in the *ADF Pay and Conditions Manual* of an administrative description of the vesting of discretionary decision-making powers under this Part.

11.2.5 Definitions

This table defines terms used in this Part.

Term	Definition in this Part
ADB	An additional death benefit mentioned in Division 2 clause 11.2.8.
Basic amount	An amount mentioned in Division 3 subclause 11.2.12.1.
Commonwealth authority	The same meaning as in section 4 of the SRC Act.
Compensation	SRC compensation, State compensation or State workers' compensation.
Dependent child	<p>Is a person who meets all the following conditions.</p> <ol style="list-style-type: none"> a. The person meets the definition of child in clause 1.3.75. <p>Exception: Conditions in clauses 1.3.78 and 1.3.79 do not need to be met for the child to be considered a dependant.</p> <p>See: Chapter 1 Part 3 Division 2 clause 1.3.75, Child</p> b. The person is wholly or partly dependent on the member for economic support. c. The person meets either of the following conditions. <ol style="list-style-type: none"> i. They are under 16 years old. ii. They are 16 or more years old but under 25 years old, and meet the education test. <p>In this definition meeting the education test means meeting both the following conditions.</p> <ol style="list-style-type: none"> a. The person is in full-time education at a school, college, university or other educational institution. b. The person is not ordinarily in employment or working on their own account.
Dependent child amount	An amount mentioned in subclause 11.2.9.3 or 11.2.12.2.
Impairment	The same meaning as in section 4 of the SRC Act.
Interim payment amount	An amount mentioned in subclause 11.2.14.3.
Member	Includes a member of the Reserves or a cadet force.
Non-economic loss	The same meaning as in section 4 of the SRC Act.

Permanent	The same meaning as in section 4 of the SRC Act.
Severe injury	An injury for the purposes of the SRC Act, affecting the brain or spinal cord of a person. The injury must result in quadriplegia, paraplegia, hemiplegia, an organic brain syndrome, chronic blindness or a condition of similar effect.
SIA	A severe injury adjustment mentioned in clause 11.2.11.
Spouse	Has the same meaning as in the <i>Safety, Rehabilitation and Compensation Act 1988</i> . Note: This meaning includes a de facto partner (whether of the same sex or a different sex).
Spouse amount	An amount mentioned in subclause 11.2.9.1.
SRC Act	The Safety, Rehabilitation and Compensation Act 1988 .
SRC compensation	Compensation payable under subsection 17 (3) or (4), or section 24 or 27, of the SRC Act.
State compensation	The same meaning as in section 119 of the SRC Act.
State workers' compensation	The same meaning as in section 118 of the SRC Act.
The Secretary	Secretary of the Department of Veterans' Affairs.

11.2.6 Some aspects of dependency

1. A child of a member is taken to have been wholly or partly dependent on a member at a time if the child would have been so dependent at that time but for an incapacity of the member as the result of an injury.
2. A child of a member who, immediately before the occurrence of an event, lived with the member is taken to have been wholly dependent on the member at the time of the occurrence of that event.
3. A child of a member who was born alive after the member's death is taken to have been born immediately before the member's death and to have been wholly dependent on the member at the time of the member's death.
4. A child of a member who was conceived before the time of an assessment of the member's SRC compensation mentioned in subclause 11.2.12.2, and was born alive after that time, is taken to have been born immediately before that time and to have been wholly dependent on the member at that time.
5. In deciding whether a child is or was dependent on a member at a time, none of these amounts payable for the child under the [Social Security Act 1991](#) are to be taken into account.
 - a. Family allowance.
 - b. Family allowance supplement.
 - c. Child disability allowance.
 - d. Double orphan pension.

11.2.7 Damages or compensation recovered or received for the benefit of dependants

1. A reference in this Division to SIA, ADB, compensation or damages paid or payable to a dependant includes a reference to SIA, ADB, compensation or damages paid or payable to a person other than the dependant for the benefit of the dependant.
2. A reference in this Division to compensation or damages received or recovered by a dependant includes a reference to compensation or damages received or recovered by a

person other than the dependant for the benefit of the dependant.

Division 2: Additional death benefit

11.2.8 Entitlement to additional death benefit

1. An additional death benefit is payable in relation to a member under this Division if all these conditions are met.
 - a. The member meets both of the following conditions.
 - i. On or after 10 June 1997, the member suffered an injury, being an injury or disease for the purpose of the SRC Act.
 - ii. The injury results in the member's death, regardless of the date of the death.
Example: A member was injured in 2002. The member dies in 2010, for a reason that the member's doctor believes was a result of the 2002 injury.
 - b. The member is survived by any of these sets of people.
 - i. A spouse.
 - ii. One or more dependent children.
 - iii. Both a spouse and one or more dependent children.
 - c. SRC compensation in respect of the injury is payable to, or for the benefit of, the spouse or one or more dependent children.
2. The ADB in relation to a member is the total of the amounts payable in relation to the member under this Division.
3. The ADB is payable in addition to any SRC compensation that is payable in relation to the member.

11.2.9 Calculation of the ADB

1. The spouse of a deceased member is entitled to a payment of \$47,395.78.
2. In addition to the spouse amount (if any), an amount of \$70,277.43 is payable for each person who was a dependent child of the member at the time of the member's death.

Note: The dollar amounts in this clause are indexed.

See: [Division 6](#) clause 11.2.27, Indexation of amounts

11.2.10 Who the ADB is payable to

1. The ADB is payable to the spouse.
2. However, subclause 3 or 4 applies if a dependent child amount is payable for a child and either of these conditions is met.
 - a. The deceased member is not survived by a spouse.
 - b. The spouse does not have primary responsibility for the daily care of the child.
3. If the child is under 18 years old, the dependent child amount is payable to a person who has primary responsibility for the daily care of the child.
4. If the child is 18 or more years old, the dependent child amount is payable to the child.

Division 3: Severe injury adjustment

11.2.11 Entitlement to a severe injury adjustment

1. A severe injury adjustment is payable in relation to a member under this Division if the member meets all these conditions.
 - a. The member suffered a severe injury in relation to service in respect of which SRC Act compensation is payable.
 - aa. The injury described in paragraph a of this subclause occurred on a date described in the following table.

Item	If the claim was...	the severe injury must be...
1.	made in relation to an injury (other than a disease) for the purposes of the SRC Act	suffered on or after 10 June 1997 but before 1 July 2004.
2.	made in relation to an injury that is a disease for the purposes of the SRC Act	suffered on or after 10 June 1997.

- b. The degree of permanent impairment of the member as a result of the injury is finally determined, under section 24 of the SRC Act, to be not less than 80%.
2. The SIA in relation to the member is the total of the amounts payable in relation to the member under this Division.
3. The SIA is payable in addition to any SRC compensation that is payable in relation to the member in respect of the injury.
4. The SIA is payable whether or not the member makes a request, under section 43 of the SRC Act, that the SRC compensation in respect of the injury not be paid to, or for the benefit of, the member.
5. The SIA is payable whether or not the member chooses, under section 45 of the SRC Act, to begin proceedings in relation to damages.

11.2.12 Calculation of the SIA

1. The basic amount of SIA in relation to a member is this amount.

A - B

where:

- A** is the total of the maximum amount of permanent impairment compensation payable under the SRC Act, plus \$68,063.38.

B is the total amount of SRC Act compensation payable (or that would be payable but for a request under section 43 of the SRC Act or an election under section 45 of that Act) to the member in respect of the injury.
2. An amount of \$70,277.43 is payable, in addition to the basic amount, for each person who was a dependent child of the member at the time of the assessment of the member's SRC compensation under section 24 of the SRC Act.

Note: The dollar amounts in this clause are indexed.

See: [Division 6](#) clause 11.2.27.

11.2.13 Who the SIA is payable to

1. The SIA in relation to a member is payable to the member.
2. However, if a dependent child amount is payable for a child and the member does not have primary responsibility for the daily care of the child, the dependent child amount is payable to a person who has primary responsibility for the daily care of the child.

11.2.14 Interim payment of SIA

1. This clause applies if, under section 25 of the SRC Act, both these conditions are met.
 - a. An interim payment of SRC compensation is made to the member in respect of the injury.
 - b. The amount has been assessed on an interim determination that the degree of permanent impairment of the member is not less than 80%.
2. An interim payment of SIA is payable to the member.
3. The interim payment amount is this amount.

A – B

where:

- A** is the total of the maximum amount of permanent impairment compensation payable under the SRC Act, plus \$68,063.38.
 - B** is the maximum total amount of SRC Act compensation payable (or that would be payable but for a request under section 43 of the SRC Act or an election under section 45 of that Act) to the member in respect of the injury.
4. When, under section 24 of the SRC Act, the degree of permanent impairment of the member as a result of the injury is finally determined, there is payable to the member an amount of SIA equal to the difference (if any) between the basic amount and the interim payment amount.

Note: The dollar amounts in this clause are indexed.

See: [Division 6](#) clause 11.2.27.

Division 4: Avoidance of double benefits

11.2.15 Notice of proceedings against a third party

1. This clause applies if all these conditions are met.
 - a. SIA or ADB is payable (or would be payable but for this Division) in relation to a member in respect of an injury.
 - b. The injury happened in circumstances that appear to create a legal liability in a person (other than the Commonwealth, a Commonwealth authority or an employee of the Commonwealth) to pay damages in respect of the injury.
 - c. After 9 February 1998, the member or a dependant begins proceedings to recover damages from the person.
2. The member or dependant, as the case requires, must notify the Secretary in writing of the proceedings not later than seven days after the day the member or dependant begins the proceedings.

11.2.16 SIA or ADB not payable if damages are recovered

1. This clause applies if both these conditions are met.
 - a. But for this clause, SIA or ADB would be payable to a member or a dependant in respect of an injury suffered by the member.
 - b. The member or dependant recovered, or recovers, damages in respect of the injury.
2. If the member or dependant recovers damages on or after 9 February 1998, the member or dependant, as the case requires, must notify the Secretary in writing, within 28 days after the day the damages are recovered, of the recovery of the damages and the amount of damages.
3. If SIA or ADB was paid to the member or dependant before the damages are recovered, the member or dependant, as the case requires, must repay to the Commonwealth an amount equal to the amount (if any) of SIA or ADB that, when added to the amount of SRC compensation (if any) paid to the member or dependant, does not exceed the amount of the damages.
4. SIA or ADB is not payable to the member or dependant after the day the member or dependant recovered, or recovers, the damages.
5. Subclause 3 does not apply if the damages were recovered in proceedings instituted by the member under section 45 of the SRC Act, or by way of a settlement of the proceedings.
6. Subclause 4 does not apply if the damages were recovered in any of these ways.
 - a. As a result of proceedings begun by the member after making an election under section 45 of the SRC Act.
 - b. As a result of proceedings begun or taken over by the Commonwealth against a person (other than the Commonwealth, a Commonwealth authority or an employee of the Commonwealth).
 - c. In a settlement of those proceedings.

7. If a member or a dependant satisfies the Secretary that a part of the damages recovered by the member or dependant was not in respect of death, permanent impairment or non-economic loss as a result of the injury, this clause has effect in relation to that member or dependant, as the case requires, as if the amount of the damages recovered by the member or dependant were an amount equal to so much (if any) of the damages as was in respect of death, permanent impairment or non-economic loss as a result of the injury.
8. In this clause, **damages** does not include an amount of damages paid to the Commonwealth under section 76 of the [Veterans' Entitlements Act 1986](#).

11.2.17 No double benefit if State workers' compensation is received

1. This clause applies if both these conditions are met.
 - a. But for this clause, SIA or ADB would be payable in relation to a member or dependant in respect of an injury suffered by the member.
 - b. The member or dependant received, or receives, State workers' compensation in respect of the injury.
2. SIA or ADB is not payable in relation to the member or dependant in respect of the injury.
3. If SIA or ADB is paid to the member or dependant before the State workers' compensation is received, the member or dependant, as the case requires, must pay back to the Commonwealth an amount equal to the amount of SIA or ADB so paid.

11.2.18 No double benefit if State compensation is received

1. This clause applies if both these conditions are met.
 - a. But for this clause, SIA or ADB would be payable in relation to a member or dependant in respect of an injury suffered by the member.
 - b. The member or dependant received, or receives, State compensation in respect of the injury.
2. The amount of SIA or ADB payable in relation to the member or dependant in respect of the injury is so much (if any) of the amount that would be payable but for this clause as, when added to the amount (if any) of SRC compensation determined in respect of the injury in relation to the member or dependant, exceeds the amount of State compensation.
3. If SIA or ADB is paid to the member or dependant before the State compensation is received, the member or dependant, as the case requires, must repay to the Commonwealth an amount equal to the amount (if any) of the SIA or ADB that, when added to the amount of SRC compensation (if any) determined in respect of the injury in relation to the member or dependant, does not exceed the amount of State compensation.
4. If a member or dependant satisfies the Secretary that a part of the State compensation received by the member or dependant was not in respect of death, permanent impairment or non-economic loss as a result of the injury, this clause has effect in relation to that member or dependant, as the case requires, as if the amount of the State compensation received by the member or dependant were an amount equal to so much of the State compensation as was in respect of death, permanent impairment or non-economic loss as a result of the injury.

11.2.19 Statutory declaration as to State workers' compensation etc.

The Secretary may require a member or dependant to give to the Secretary a statutory declaration stating whether any damages, State workers' compensation or State compensation has been paid to, or for the benefit of, the member or dependant for an injury for which, but for clause 11.2.16, 11.2.17, or 11.2.18, SIA or ADB would be payable.

11.2.20 Reduction of SIA or ADB if similar compensation received before commencement

Nothing in this Division requires the repayment to the Commonwealth of an amount of compensation of the same kind as SIA or ADB received by a person from the Commonwealth before 9 February 1998 in respect of an injury for which SIA or ADB is payable under this Part, but the amount of SIA or ADB that would, but for this clause, be payable to the person under this Part, is to be reduced by the amount of compensation of that kind already received.

11.2.21 Recovery of SIA or ADB that is repayable

The Commonwealth may recover, as a debt due to the Commonwealth in a court of competent jurisdiction, an amount of SIA or ADB repayable to the Commonwealth under clause 11.2.16, 11.2.17, or 11.2.18.

Division 5: Authorisation of payment and review of decisions

11.2.22 Payment of SIA or ADB

1. The Secretary may authorise the payment to a person of an amount of SIA or ADB payable under this Part in relation to a member.
2. Without limiting the discretion of the Secretary under subclause 1, the Secretary may refuse to authorise a payment to a person if the person meets either of these conditions.
 - a. They failed, without reasonable excuse, to notify the Secretary under [Division 4](#) clause 11.2.15 of proceedings mentioned in that clause.
 - b. They refused, or failed without reasonable excuse, to give a statutory declaration under [Division 4](#) clause 11.2.19.
3. If an amount is payable to a person who is under a legal disability, Chapter 1 [Part 6](#) clause 1.6.3 applies to the payment as if a reference to the CDF were a reference to the Secretary.

11.2.23 Notice of decisions

1. The Secretary must give notice of a decision to authorise, or not to authorise, a payment of an amount of SIA or ADB in relation to a member.
2. The notice must be given to each person who is, to the Secretary's knowledge, one of the member's dependants.
3. The notice must have with it a statement by the Secretary of the Secretary's reasons for making the decision.
4. The notice must include a statement to the effect that, if dissatisfied with the decision, the person may do these things.
 - a. In the case of notice of a decision (other than a decision made by the Secretary under clause 11.2.24 confirming or varying an earlier reviewable decision of the Secretary) – request reconsideration of the decision under clause 11.2.24.
 - b. In the case of notice of a decision made by the Secretary under clause 11.2.24 confirming or varying an earlier reviewable decision of the Secretary – apply to the Administrative Appeals Tribunal for review of the decision so confirmed or varied.
5. Failure to comply with subclause 4 in relation to a decision does not affect the validity of the decision.

11.2.24 Reconsideration of decisions

1. A person who is dissatisfied with a decision of the Secretary (other than a decision made under this clause) may, by notice in writing to the Secretary, request the Secretary to reconsider the decision.
2. The notice must be given to the Secretary within either of these times.
 - a. 30 days after the day the person first receives notice of the decision.
 - b. Any further period that the Secretary allows.
3. The person must set out in the notice the reasons for the request.

4. The Secretary must reconsider the decision. The Secretary may do either of these things.
 - a. Confirm the decision.
 - b. Vary or revoke the decision.

11.2.25 Review by Tribunal of reconsidered decisions

An application may be made to the Administrative Appeals Tribunal for review of a decision of the Secretary to confirm or vary a decision under subclause 11.2.24.4.

Division 6: General

11.2.26 Reimbursement for cost of financial advice

1. If a person is paid an amount of SIA or ADB under this Determination and obtains professional financial advice about the investment of that amount, the person is entitled to be reimbursed up to \$1,405.62 for the cost of that advice.
2. For subclause 1, an amount that is made up of an interim payment and a final payment is to be taken as one amount.

Note: The dollar amounts in this clause are indexed. See clause 11.2.27.

11.2.27 Indexation of amounts

1. Section 13 of the SRC Act applies to the dollar amounts specified in subclauses 11.2.12.1 and 11.2.12.2 and clauses 11.2.14 and 11.2.26 as if both these conditions were met.
 - a. Those amounts were relevant amounts mentioned in subsection 13(1) of the SRC Act.
 - b. References in that section to the SRC Act were references to this Part.
2. Section 13AA of the SRC Act applies to the dollar amount specified in subclauses 11.2.9.1 and 11.2.9.2 as if both these conditions were met.
 - a. That amount was a relevant amount mentioned in subsection 13AA(1) of the SRC Act.
 - b. References in that section to the SRC Act were references to this Part.

11.2.28 Exercise of powers by Secretary

In this Division, a reference to the Secretary includes a reference to another person authorised by the Secretary for the purpose of the provision in which the reference occurs.

Part 3: Payment of financial entitlements on death

11.3.1 Purpose

This Part sets out financial benefits that may be provided on the death of a member. They include payments for leave not taken, bereavement payments and reimbursement for financial or legal advice.

11.3.2 Entitlement for leave and other compensation

1. This clause applies if a member dies. This includes a member of the Reserves. For paragraph 2.d, this also includes a member of a cadet force.
2. The CDF must authorise a payment to a person under clause 1.6.4. The payment must be the total of what the member would have been entitled to if they had left the ADF without dying. The total is made up of amounts for these entitlements.

See: Chapter 1 [Part 6](#) clause 1.6.4, Payments of amounts on death of a member.

- a. Recreation leave.

See: Chapter 5 [Part 2](#).

- b. Long service leave.

See: Chapter 5 [Part 3](#).

- c. War service leave.

See: Chapter 5 [Part 6](#).

- d. Compensation for loss of, or damage to, clothing or personal effects.

See: Chapter 10 [Part 4](#).

3. This table sets out where related information about death and disability can be found.

Item	Information	Description
1.	Clause 1.3.57, definition of <i>Presumed date of death</i> See: Chapter 1 Part 3 Division 1	Provides for circumstances where the CDF must direct that, for Chapters 1 to 17, a member's death is presumed to have occurred on a specified date
2.	Clause 1.6.3, Payment of amount to person under legal disability See: Chapter 1 Part 6	Provides for payment of amounts to persons who are under a legal disability. Example: A deceased member's dependent children.
3.	Clause 1.6.4, Payment of amounts on death of a member See: Chapter 1 Part 6	Sets out the standard procedures for payment of amounts following a member's death
4.	Other entitlements	There may be other entitlements on the death of a member. Examples: Superannuation, removals and payments of outstanding salary and allowances.

11.3.3 Bereavement payment

1. This table defines terms used in this clause.

Term	Definition in this clause
Dependent person	A person who was financially dependent on the deceased member during the relevant pay period.
Gross fortnightly pay	Either of these amounts. a. The total of the fortnightly instalments of salary and allowances the member would have been entitled to for the relevant pay period. This includes what they would have had to pay for any of these. i. Income tax. ii. Superannuation. iii. A debt due to the Commonwealth. b. The average amount of gross fortnightly pay that the member was entitled to for each completed pay period in the last three months of service. This amount is used only if it is greater than the amount under paragraph a.
Relevant pay period	The fortnight that ends on the day immediately before the day the member died.

2. This clause applies to a member who dies, if they were meeting both these conditions when they died.
 - a. They were on continuous full-time service during all or part of the relevant pay period.
 - b. Salary was payable for that period.
3. If there is a dependent person, the CDF must authorise payment under Chapter 1 [Part 6](#) clause 1.6.4 to them. The payment is four times the member's gross fortnightly pay.
4. Payment must be made in four equal fortnightly instalments. The payments begin on the first day of the pay period immediately after the member's death.
5. No payment will be made if there is no dependent person.

11.3.4 Payment for financial or legal advice

1. This payment assists persons with legal or financial responsibility upon a member's death to carry out their duties. It is intended to assist the person to make sound and rational decisions associated with their role.
2. This clause applies to a person who meets both of the following conditions.
 - a. They must be a **member of the family** as defined under section 58A of *Defence Act 1903*.
See: *Defence Act 1903*, section 58A, Interpretation.
 - b. They hold any of the following roles.
 - i. An executor of the deceased member's will.
 - ii. A beneficiary of the deceased member's estate.

- iii. A legal personal representative of the beneficiary of the deceased member's estate.
- 3. The person may be eligible for a payment under this clause if all of the following have been met.
 - a. The CDF forms a belief that the person would have difficulty making decisions required of them, but that this is unlikely to result in the appointment of another person to make the decision on their behalf.
 - b. The CDF believes the difficulty is caused by either of the following.
 - i. A lack of demonstrated adult cognitive maturity.
 - ii. Another cognitive or functional impairment.
 - c. The CDF decides that based on his belief, the person needs the support to carry out their role in making sound and rational decisions on financial or legal matters.
- 4. The person may be reimbursed up to \$2,000 for each of the following costs.
 - a. Financial advice obtained from a financial advisor who holds a current Australian financial services licence.
 - b. Legal advice obtained from a legal practitioner.

Note: The CDF may rely on various formal and informal sources in forming his belief.

Exception: The payment is not for legal or court costs or for obtaining legal advice relating to disputes.

Example of exception: Disputes over access to children, testament or will disputes, rental property disputes, or disputes between beneficiaries.

Part 4: Funeral costs, floral and non-floral tributes

11.4.1 Purpose

The purpose of this Part is to provide a deceased member's family with financial assistance for funeral costs, floral and non-floral tributes.

11.4.2 Member this Part applies to

This Part applies to the following deceased members.

- a. A member of the Permanent Force.
- b. A member of the Reserve Force in any of the following circumstances at the time of death.
 - i. On continuous full-time service.
 - ii. Undergoing training.
 - iii. Attending a parade or bivouac.
 - iv. The death is due to injuries suffered, or illness contracted, while serving in the ADF.
 - v. The member had been on overseas operational deployment within the previous 12 months.
- c. A member of the Reserve Force or a retired member who met one of the following conditions before death.
 - i. The member held the rank of two-Star or above.
 - ii. A member of the Air Force who held a substantive air rank or was a Principle Air Chaplain who was promoted before 7 May 1999.
 - iii. The relevant Service Chief has requested that a benefit be provided for the member under this Part, having regard to the member's distinguished career.
- d. A member who was awarded the Victoria Cross or the Victoria Cross for Australia.

11.4.3 Member this Part does not apply to

1. This Part does not apply to the following deceased members.
 - a. A member who was absent without leave at the time of death.

See also: Chapter 3 Part 6 clause 3.6.1, Overview

Exception: The part may apply if a suspension is ceased in accordance with regulations 61 or 70 of Part XIII in *Defence Force Regulations 1952*

- b. A retired member of the ADF.

Exception: Members listed in paragraph 11.4.2.c or 11.4.2.d.
- c. An officer or instructor of Cadets.
- d. A member of the Cadets

2. Director General Defence Community Organisation may approve a funeral at Commonwealth expense for deceased members under paragraphs 1.b-d. if requested by the relevant Service Chief.

11.4.4 Definitions

This table defines terms used in this Part.

Term	Definition in this Part
Floral tribute	A close fitting cover, sheath or wreath of fresh flowers and foliage.
Non-floral tribute	Either or both of the following. a. A wreath of imitation flowers or leaves. b. A suitably inscribed book.
Next of kin	The member's dependant or another family member the member has nominated for this purpose.
Legal personal representative	The person referred to in 1.6.4.1, usually the member's executor.

11.4.5 Funeral costs

1. The Director General Defence Community Organisation may **approve an application for payment of costs related to a deceased member's funeral, up to \$12,500. The approved costs may be paid to the relevant service provider, the deceased member's next of kin or legal personal representative, for any of the following expenses.**
 - a. Transport costs for the deceased member, if the funeral is to be at a location other than where the member died.
 - b. If the deceased member has been cremated, removal of the ashes to a location nominated by the member's next of kin or legal personal representative.
 - c. Collection and preparation of the member's remains.
 - d. **Supply and delivery of a casket, coffin, or urn.**
 - e. Shroud (if needed).
 - f. Undertaker, funeral director.
 - g. Hearse and driver.
 - h. Use of undertaker's premises.

Example: The wake following the funeral is held at a reception room at the funeral director's premises.
 - i. **Floral car or gun carriage.**
 - j. Transport of the deceased member's family to and from the funeral service.

Note: This transportation is at the funeral location only.

See: Clause 11.4.7 for travel and accommodation for family travelling from another location within Australia.
 - k. Fees and transport of a clergyperson.

- l. Two press notices.
 - m. Memorial book.
 - n. Floral tributes.
 - o. Burial or cremation fees.
 - p. Headstone or memorial plaque.
 - q. Cost of niche.
 - r. Order of Service booklets.
 - s. Hire of church, chapel or Director General Defence Community Organisation approved alternative venue.
 - t. Cost for the use of a standard photo projector owned by the church, chapel or approved alternative venue.
- Exception:** The hire or purchase of audio visual equipment is not payable.
- u. Up to two mourning cars.
 - v. An Australian National Flag.
 - w. Mortuary care.

2. If the member has no dependants, the CDF may approve reimbursement to the member's legal personal representative.

See: Chapter 1 Part 6 clause 1.6.4, Payment of amounts on death of a member

3. Relevant invoices and receipts must be provided to the Defence Community Organisation in relation to the costs that are approved for payment on the application under subclause 1.
4. The Director General Defence Community Organisation may approve payment of additional costs related to the funeral, including costs that are above \$12,500 if satisfied that there are exceptional circumstances.

11.4.6 Funeral overseas

1. If the deceased member's next of kin choose to have a private funeral overseas the Director General Defence Community Organisation may approve costs up to the maximum shown in subclause 11.4.5.1.

See: Clause 11.4.5, Funeral costs

2. Overseas funeral arrangements are the responsibility of the deceased member's next of kin or legal personal representative.
3. Travel costs will not be met by the Commonwealth.

11.4.7 Travel and accommodation

1. The Director General Defence Community Organisation may approve travel and two nights accommodation expenses for dependants to attend the deceased member's funeral.
2. The Director General Defence Community Organisation may approve travel and two night's accommodation for any of the following persons to attend the deceased member's funeral.
 - a. If the member's dependant is very young, aged, infirm or severely distressed, an additional person to accompany the dependant.

- b. A family member who has been nominated by a dependant when the dependant is unable to attend the funeral.
 - c. The parents of the deceased member.
3. The Director General Defence Community Organisation may approve additional accommodation if the travel requirements and funeral service times require the approved people to stay at the location for an additional night.
 4. Travel and accommodation approved under this clause is only for travel and accommodation within Australia and must be organised through the Defence Travel Contract.

11.4.8 Floral and non-floral tributes

1. The CDF may approve floral and non-floral tributes at Commonwealth expense for a member, for any of the following.
 - a. An act of commemoration at a funeral of a deceased member listed in clause 11.4.2.
 - b. An annual celebration of remembrance of a deceased member listed in clause 11.4.2.
See: Clause 11.4.2, Member this Part applies to
 - c. In relation to a memorial occasion of national importance.
2. The maximum amount payable for floral and non-floral tributes is \$250.