I, NICHOLAS JEFFERSON FORD, Director General Financial Conditions, Defence Personnel Executive, Department of Defence, acting under a delegation made by the Minister for Workplace Relations and Small Business under regulation 72A of the Defence Force Regulations, make the following Determination under section 58B of the Defence Act 1903.

Dated 9 April 1998

N.J. FORD
Air Commodore
Director General Financial Conditions
Defence Personnel Executive
Department of Defence
PART A - Preliminary

1. Citation
1.1 This Determination may be cited as Defence Determination 1998/16.

[NOTE: This Determination commences on the day on which it is made: see Defence Act 1903, subsection 58B(4).]

PART B - Amendment of Determination 2601

2. Amendment
2.1 Determination 2601, Recreation Leave, as amended¹, is amended as set out in this Part.

3. Clause 2 (Definitions)
3.1 Definition of “Defence Force vessel”:
Omit the definition.

3.2 After the definition of “clearance diving team”, insert:

“‘Fleet Supply Team’ has the same meaning as in Determination No. 1 of 1996, Seagoing Allowance;”.

3.3 Definition of “sea-going submarine”:
Omit “sea-going”, substitute “seagoing”.

3.4 After the definition of “seagoing submarine”, insert:

“‘Sea Training Group’ has the same meaning as in Determination No. 1 of 1996, Seagoing Allowance;”.

4. Clause 11 (Additional recreation leave for sea service)
4.1 Paragraph 11(a):
Omit “sea-going submarine;”, substitute “seagoing submarine;”.

4.2 Omit paragraph 11(b), substitute:

“(b) in the Sea Training Group or the Fleet Supply Team; or”.

4.3 Omit paragraph 11(d), substitute:

“(d) if the member so serves during the whole leave year - 10 days;”.
4.4 Omit paragraph 11(e), substitute:

“(e) if the member so serves for a continuous period of more than 1 month but less than the whole leave year - 10/12 of a day for each completed month of that service during the period; or”.

4.5 Omit paragraph 11(f), substitute:

“(f) if the member so serves for a period which extends over 1 night but less than a complete month during the leave year - 10/12 of a day for each aggregate period of 30 days of that service during that leave year.”.

5. Clause 23 (Recreation leave not granted)
5.1 Omit the clause, substitute:

“23. Recreation leave that has not been granted to a member lapses 3 years after the day on which it is first credited to the member under this Determination.”.

6. Clause 25 (Recreation leave not granted)
6.1 Omit the clause.

7. Clause 25A (Recreation leave not granted)
7.1 Omit the clause.

8. Clause 26 (Recreation leave not granted)
8.1 Omit the clause.

9. Clause 28 (Recreation leave deemed not to have been granted)
9.1 Omit the clause, substitute:

“28. Paragraph 27(a), 27(b) or 27(c) does not apply to a member, unless:

(a) the member supplies satisfactory medical evidence of an occurrence for the purpose of those paragraphs; and

(b) the occurrence lasts for a period of 1 day or more.”.

10. Clause 38 (Payment in lieu of recreation leave)
10.1 Omit “clauses 39 and 39A”, substitute “clause 39”.

11. Clause 39A (Payment in lieu of Recreation Leave)
11.1 Omit the clause.
PART C - Amendment of Overseas Defence Determination 1995/26

12. Amendment
12.1 Overseas Defence Determination 1995/26, as amended, is amended as set out in this Part.

13. Clause 23 (Additional recreation leave)
13.1 Omit “in the Table in that clause.”, substitute “in the Schedule to Determination 2601, Recreation Leave.”.

PART D - Amendment of Defence Determination 1997/10

14. Amendment
14.1 Defence Determination 1997/10 is amended as set out in this Part.

15. Clause 4 (Special leave for private purposes)
15.1 Subclause 4.1(1):
Omit “under clause 25A of Determination 2601, Recreation Leave,”, substitute “under clause 23 of Determination 2601, Recreation Leave,”.

NOTES

1. Determination 2601, as amended to date. For previous amendments see Note to Determination No. 6 of 1998 and see also Determination Nos. 6 and 10 of 1998.

2. Determination 1995/26 was made on 8 September 1995 and has been amended by Determination No. 10 of 1996; Nos 2, 3 and 11 of 1997.
EXPLANATORY STATEMENT

Defence Determination 1998/16

Defence Act 1903

Determination 2601, Recreation Leave, authorises accrual and granting of recreation leave for members of the Australian Defence Force (ADF). Leave years in the ADF correspond to financial years and members are credited on 1 July each year with recreation leave for service in the preceding year.

Part A of this Determination sets out preliminary matters.

Part B of this Determination:

- incorporates additional recreation leave for sea service in the Fleet Supply Team and Sea Training Group and makes minor consequential amendments, as a result of the Defence Force Remuneration Tribunal’s Determination No. 8 of 1998, which amended the Seagoing Allowance provisions by extending eligibility to members serving with those elements of the Navy;

- removes the redundant definition of “Defence Force vessel” which is included in the definition of “seagoing ship” (defined in Defence Determination 1991/45), and removes reference to a Defence Force vessel in the clause dealing with additional recreation leave for sea service;

- amends the carry-over provisions to require unused recreation leave to lapse 3 years after it is first credited. Previously, unused credits had to be formally considered for recrating at the end of each of the first and second years after they were first credited. Redundant provisions are also repealed;

- revises the wording of a provision dealing with circumstances in which recreation leave is deemed not to have been granted; and

- removes provisions relating to a revoked clause.

Part C amends Overseas Defence Determination 1995/26 (General overseas conditions) by deleting a reference to a repealed table in clause 13 of Determination 2601 and substituting a reference to the Schedule that replaced the table.

Part D of this Determination makes a consequential amendment to a reference to Determination 2601 in Defence Determination 1997/10 (Special leave for private purposes for ADF statutory office holders).

This Determination commences on the day on which it is made, as provided by subsection 58B(4) of the Defence Act 1903. It will affect administrative arrangements for members’ recreation leave at the start of the new ADF leave year on 1 July 1998.

Authority: Section 58B of the Defence Act 1903