EXPLANATORY STATEMENT

Defence Determination 2017/17

This Determination amends Defence Determination 2016/19, Conditions of service (the Principal Determination), made under section 58B of the Defence Act 1903 (the Defence Act) and in accordance with subsection 33(3) of the Acts Interpretation Act 1901 (AIA Act). Determinations made under section 58B of the Defence Act are disallowable legislative instruments subject to the Legislation Act 2003. These instruments are also subject to the interpretation principles in the AIA Act, as modified by section 58B of the Defence Act.

Chapter 5 of the Principal Determination sets out provisions dealing with leave for members of the Australian Defence Force (ADF).

The purpose of this Determination is to provide limited authority for Director Pay and Administration Centre, New South Wales or Director People Systems Business Analysis, Pay and Administration Branch, to approve unprocessed leave applications prior to the introduction of a new personnel management computer system to be used by Department of Defence. Outstanding leave applications cannot be migrated into the new system for processing. Leave applications must be processed before Defence One Release 1a which is proposed to commence on 7 August 2017.

Section 1 of this Determination sets out the manner in which this Determination may be cited.

Section 2 is the commencement provision for the Determination and includes a table setting out the details of the commencement of sections of the Determination. Column 1 of the table sets out the provisions in numbered items, column 2 sets out the commencement and column 3 sets out date/details. Information in column 3 does not form part of the Act, so information can subsequently be inserted in the column (or edited) in a published version of the Determination.

Item 1 in the table provides that sections 1 to 4 of this Determination commence on 1 June 2017.

Item 2 in the table provides that Schedule 1 commences on 1 June 2017

Item 3 in the table provides that Schedule 2 commences on 7 October 2017.

Section 3 provides that this instrument has authority under section 58B of the Defence Act 1903.

Section 4 provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1 amends three sections of the Principal Determination to allow two decision makers to approve unprocessed recreation leave and short absences prior to Defence One Release 1a. The Determination does not remove the decision making powers from the usual decision makers. It allows the two decision makers to process outstanding recreation leave and short absence applications through the personnel management computer system prior to the go live date for Defence One.

Item 1 of Schedule 1 inserts a new subsection 5.4.33.1A which provides the power for two senior positions to make decisions about the grant of recreation leave.

Item 2 inserts a new subsection 5.11.4.5 which provides the power for two senior positions to make decisions about the grant of short absence from duty.

Item 3 amends section 5.11.9 and inserts a new subsection 5.11.9.3 which provides the power for two senior positions to make decisions about the grant of short absence for removal purposes.

Schedule 2 omits the three subsections inserted by Schedule 1, two months after the proposed implementation of Defence One Release 1a.
Consultation

Navy, Army, Air Force and the Defence Pay and Administration Branch were consulted.

**Authority:** Section 58B of the *Defence Act 1903*
Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Defence Determination 2017/17, Decision-makers for unprocessed leave applications

This Determination is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

Overview of the Determination

This Determination makes technical amendments to Defence Determination 2016/19, Conditions of service.

The Determination provides authority for Director Pay and Administration Centre, New South Wales or Director People Systems Business Analysis, Pay and Administration Branch, to approve unprocessed recreation leave and short absences prior to the new pay system commencing. ADF members' leave entitlement is not affected by this Determination. There is no detriment to ADF members and this determination does not engage any applicable rights or freedoms.

Lisa Annette Arnold, Acting Assistant Secretary People Policy and Employment Conditions