Defence Determination, Conditions of service Amendment (Compassionate travel and approved clubs) Determination 2019 (No. 15)

I, LOUISE JUDITH MEMMOLO, Acting Assistant Secretary, People Policy and Employment Conditions, make the following Determination under section 58B of the Defence Act 1903.

Dated 31 May 2019

L J MEMMOLO
Acting Assistant Secretary
People Policy and Employment Conditions
Defence People Group
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1 Name

This instrument is the *Defence Determination, Conditions of service Amendment (Compassionate travel and approved clubs) Determination 2019 (No. 15)*.

2 Commencement

This instrument commences on 13 June 2019.

3 Authority

This instrument is made under section 58B of the *Defence Act 1903*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Travel for compassionate reasons amendments

Defence Determination 2016/19, Conditions of service

1 Section 1.3.72 (Serious illness), table
Omit item 1, substitute:

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| 1. | a. compassionate leave under Chapter 5 Part 9 Division 2  
    | b. travel for compassionate leave under Chapter 15 Part 3 Division 6  
    | endanger the person's life. |

2 Section 15.3.31 (Definitions), table
Omit the entry for “Very seriously ill”.

3 Section 15.3.31 (Definitions), table
Omit the entry for “Seriously ill”.

4 Section 15.3.32 (Person this Division applies to)
Omit the section, substitute:

15.3.32 Payment of benefits under this Division
A benefit provided under this division may be paid to either of the following.

a. Directly to the service provider or their agent.

b. By way of reimbursement to the person who incurred the cost.

5 Section 15.3.33 (Close relative visit to seriously ill person overseas)
Omit the section, substitute:

15.3.33 Close relative to visit a person overseas with a serious or very serious illness
1. This section applies if all the following are met.

a. The member’s spouse or partner is accompanying the member on a long-term posting overseas.

b. A doctor has certified that a member's spouse or partner has a serious illness or very serious illness.

c. The member’s spouse or partner continues to have the serious illness or very serious illness.

2. A close relative is eligible for the cost of travel from their home to the location of the person who has a serious illness or very serious illness if the CDF is satisfied it is reasonable.
having considered the following.

a. Any views of the member's spouse or partner or the member.

b. Any views of the member's spouse or partner's personal legal representative, if relevant.

c. Any other factor relevant to the visit.

Notes: To avoid doubt, only one close relative may be eligible for travel benefits under this section.

3. The cost of travel in subsection 2 is the lesser of the following.

a. The allowable travel cost for the travel to the member's posting location and return.

b. The cost of the fares paid for the travel.

6 Section 15.3.34 (Close relative attends to death overseas)

Omit the section, substitute:

15.3.34 Close relative travel for matters following a death overseas

1. This section applies in the event of the death of any of the following.

a. A member on long-term posting overseas.

b. A spouse or partner accompanying a member on long-term posting overseas.

2. A close relative is eligible for the cost of travel from their home to attend the funeral or to make necessary arrangements following a death of the member or the member's spouse or partner if the CDF is satisfied it is reasonable in the circumstances.

Note: To avoid doubt, only one close relative may be eligible for travel benefits under this section.

3. The cost of travel in subsection 2 is the lesser of the following.

a. The allowable travel cost for the travel from the close relative's home to the location of the funeral and return.

b. The actual fares paid for the travel.

7 Section 15.3.35 (Member or partner visit to a close relative)

Omit the section, substitute:

15.3.35 Member or partner to visit a close relative

1. This section applies to a member and the member's spouse or partner if either of the following apply to a close relative.

a. Both the following apply.

i. A doctor has certified that the close relative has a serious illness or very
serious illness.

   ii. The close relative continues to have a serious illness or very serious illness.

   b. The close relative dies.

2. The following people are eligible for the cost of travel from the posting location to the location of the close relative, or if they have deceased, the location of the funeral of the close relative, if the CDF is satisfied it is reasonable in the circumstances.

   a. A member who is on a long-term posting overseas.

   b. The member’s spouse or partner who is accompanying the member on a long-term posting overseas.

3. For the purpose of subsection 2, if more than one trip is to be approved to visit a close relative for the same serious or very serious illness, the CDF must consider the following.

   a. The number of trips that have been provided under this section.

   b. The relationship of the member or the member’s spouse or partner to the close relative.

   c. The reasons for the request.

4. The cost of travel in subsection 2 is either of the following.

   a. If the travel is to a location within Australia, the lesser of the following.

      i. The allowable travel cost for the travel from the posting location to the close relative’s home, or the location of the funeral and return.

      ii. The cost of the fares paid for the travel.

   b. If the travel is to a location outside of Australia, the outcome of the following calculation, but not less than $0.

      \[
      \text{cost of travel} = a - b
      \]

      Where:

      a is the cost of the fares paid for the travel.

      b is allowable travel costs for travel from Sydney, Australia to the overseas location of the close relative and return.
Schedule 2—Approved clubs amendments

Defence Determination 2016/19, Conditions of service

1 Section 15.8.7 (Approved clubs), table

Insert after the entry for Solomon Islands:

| Spain          | Holmes Place – Capitán Haya, Madrid |
Schedule 3—Transitional provisions

1 Travel for compassionate reasons – transitional provision
   1. This section applies to a member who meets all of the following conditions.
      a. The member was posted overseas between 13 May 2018 and the commencement of this Determination.
      b. A close relative has or had a serious illness or very serious illness.
      c. The member travelled from an overseas location to visit the close relative.
      d. The member paid the travel cost.

   2. The member may be eligible for the reimbursement of the lesser of the following.
      a. The cost of the fares paid for the travel.
      b. The allowable travel cost, as defined in section 12.3.3 of the Principal Determination, had the changes made by Schedule 1 of this Determination commenced on 13 May 2018.

2 Overseas travel for compassionate reasons – transitional provision
   1. This section applies to a member who meets all of the following conditions.
      a. The member was posted overseas between 13 May 2018 and the commencement of this Determination.
      b. A close relative who was a dependant died.
      c. The member travelled from an overseas location to attend the funeral.
      d. The member paid the travel cost.

   2. The member may be eligible for the reimbursement of the lesser of the following.
      a. The cost of the fares paid for the travel.
      b. The allowable travel cost, as defined in section 12.3.3 of the Principal Determination, had the changes made by Schedule 1 of this Determination commenced on 13 May 2018.