Defence Determination, Conditions of service Amendment (ADF Retention – Carer's leave) Determination 2019 (No. 28)

I, KIRK MARCEL LLOYD, Acting Assistant Secretary, People Policy and Employment Conditions, make the following Determination under section 58B of the Defence Act 1903.

Dated 24 September 2019

K M LLOYD
Acting Assistant Secretary
People Policy and Employment Conditions
Defence People Group
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Defence Determination, Conditions of service Amendment (ADF Retention – Carer's leave) Determination 2019 (No. 28)
1 Name

This instrument is the *Defence Determination, Conditions of service Amendment (ADF Retention – Carer's leave) Determination 2019 (No. 28).*

2 Commencement

This instrument commences 14 November 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Carer's leave amendments

Defence Determination 2016/19, Conditions of service

1 Section 1.3.81 (Child)
   After the section, insert:
   
   1.3.81A Close relative
   1. Means any of the following people.
      a. The member’s parent, brother, sister, child, dependant, spouse or partner.
      b. The parent or child of the member's spouse or partner.
      c. If the member’s partner is also a member, a dependant of the member’s partner.
      d. Any other person approved by the CDF as a close relative of any of the following
         people.
         i. The member.
         ii. The member’s spouse.
         iii. The member’s partner.
   2. In making a decision under paragraph 1.d the CDF must consider all the following.
      a. Any kinship obligations or child-rearing practices of the member’s traditional culture.
      b. Any other relevant factor.

2 Section 5.9.9 (Definitions), table item 1
   Omit table item 1.

3 Section 5.9.11 (Purpose)
   Omit the section, substitute:
   
   5.9.11 Purpose
   The purpose of carer's leave is to provide a member leave to care for and support their
   close relatives when they are sick or injured, or affected by an unexpected emergency.

4 Subsection 5.9.12.2 (Carer’s leave)
   Omit the subsection, substitute:
   
   2. Carer’s leave may be granted to a member who is to provide direct care and support to a
      close relative in any of the following circumstances.
a. The close relative is sick or injured.
b. The close relative is affected by an unexpected emergency.

5 Paragraph 5.9.12.3.d (Carer's leave)
Omit "circumstances under paragraph 2.a or 2.b", substitute "circumstance under paragraph 2.a".

6 Paragraph 5.9.12.3.f (Carer's leave)
Omit "paragraph 2.c", substitute "paragraph 2.b".

7 Subsection 5.9.12.4 (Carer's leave)
Omit the subsection, substitute:

4. The CDF may grant additional carer's leave to a member who has already been granted their leave limit. The CDF must consider whether any of the following are available to the member.

a. Other forms of paid leave.
b. Alternative care options.

8 Subsection 5.9.12.5 (Carer's leave)
Omit the subsection.