



# **Defence Determination, Conditions of service Amendment (Assisted Leave Travel) Determination 2021 (No. 8)**

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I, FIONA LOUISE McSPEERIN, Assistant Secretary, People Policy and Employment Conditions, make the following Determination under section 58B of the *Defence Act 1903*.

Dated 1 June 2021

Fiona Louise McSpeerin  
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 (Assisted Leave Travel) Determination 2021 (No. 8)*.

## **2 Commencement**

This instrument commences on 10 June 2021

## **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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Assisted leave travel amendments

## *Defence Determination 2016/19, Conditions of service*

### **1 Section 16.1.2 (Definitions), Hardship location**

After the definition, insert:

**In-country** means in the country where the member's posting location is located.

### **2 Subsection 16.4.7.1 (Number of trips)**

After the subsection, insert:

- 1A. The number of trips a member is eligible for under subsection 1 is reduced by 1 for each assisted leave travel benefit which is offset under section 16.4.11.

### **3 Section 16.4.11 (Offsetting assisted leave travel)**

Omit the section, substitute:

#### **16.4.11 Offsetting assisted leave travel**

1. If the CDF is satisfied that travel to any of the following locations meets the purpose of assisted leave travel, the member is permitted to offset the assisted leave travel under section 16.4.5 to travel to that location.
  - a. Travel to a location in another country other than the location listed in Annex 16.B.
  - b. Travel to a location in-country.
2. The CDF must consider all of the following criteria.
  - a. The purpose of the leave fare.
  - b. The facilities and environment at the destination.
  - c. Any travel restrictions that may apply to the destination.
3. If a member is permitted to offset their assisted leave travel to travel to a location in another country all of the following apply.
  - a. They cease to be eligible for assisted leave travel under section 16.4.5 for the trip that has been offset.
  - b. They are eligible for the value of the travel they would have been eligible for under section 16.4.5.
4. If during the COVID-19 pandemic the member is permitted to offset their assisted leave travel to travel a location in-country, all of the following apply.
  - a. They cease to be eligible for assisted leave travel under section 16.4.5 for the trip that has been offset.
  - b. They are eligible for return transport costs up to the value they would have been eligible for under section 16.4.5.

- c. If they travel by private vehicle, section 16.4.15 applies.
5. For the purpose of determining the value of the travel under subsections 3 and 4, the regional leave centre or relief leave centre is a location other than a location in Australia.

#### **4 Section 16.4.12 (Proof of travel)**

Omit the section, substitute:

#### **16.4.12 Proof of travel**

1. Proof of travel is required if the member meets any of the following.
  - a. They offset their assisted leave travel under section 16.4.11.
  - b. They are paid for assisted leave travel in advance.
2. The member must provide documentary evidence within two weeks of returning from leave that they and their dependants visited a location in another country, or in-country.
3. Documentary evidence may include the following.
  - a. A dated exit or entry stamp in a passport.
  - b. An airline boarding pass that states the date and destination of the flight.
  - c. Written confirmation from a travel agent.
  - d. A bus or train ticket.

# Schedule 2—Transitional provisions

## ***Defence Determination 2016/19, Conditions of service***

### **1 Definitions**

In this Schedule the following apply.

**Defence Determination** means the Defence Determination 2016/19, Conditions of service, as in force from time to time.

**Decision maker** means one of the following.

- a. A person not below MAJ(E)/APS 6 who is authorised to manage Defence personnel administration at the overseas post.
- b. Senior ADF Representative at the overseas post.
- c. Director of Attaché and Overseas Management.

**In-country** means in the country where the member's posting location is located.

### **2 Offsetting assisted leave travel**

1. This section applies to a member who would have been eligible for assisted leave travel under section 16.4.5 of the Defence Determination between 26 February 2021 and the commencement of this Schedule.
2. The member is eligible for return transport costs up to the value of assisted leave travel under section 16.4.5 of the Defence Determination if all of the following apply.
  - a. The member travelled to an in-country location between 26 February 2021 and the commencement of this Schedule.
  - b. The decision maker is satisfied that the travel met the purpose of assisted leave travel under 16.4.5 of the Defence Determination.
3. For the purpose of subsection 2, if the member travelled by private vehicle, section 16.4.15 of the Defence Determination applies.
4. For the purpose of paragraph 2.a, the member must provide documentary evidence that they and their dependants visited the in-country location.
5. The number of trips a member is eligible for under subsection 16.4.7.1 of the Defence Determination is reduced by 1 for each benefit received under this Schedule.