



Defence Determination (Funeral costs – amendment) 2018 (No. 4)

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

Dated 30 January 2018

F L MCSPEERIN
Assistant Secretary
People Policy and Employment Conditions
Defence People Group

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1 Name

This instrument is *Defence Determination (Funeral costs - amendment) 2018 (No. 4)*.

2 Commencement

This instrument commences 8 February 2018.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Funeral and transportation costs on death amendment

Defence Determination 2016/19, Conditions of service

1 Chapter 11 Part 4 (Funeral costs, floral and non-floral tributes)

Omit the Part, substitute:

Part 4: Funeral and transportation costs on death

11.4.1 Overview

1. Financial assistance may be provided to assist members and dependants when a death occurs.
2. This Part describes assistance that may be available on the death of a member, a former member or a dependant.

11.4.2 Contents

This Part contains the following Divisions.

- | | |
|------------|--|
| Division 1 | Funeral costs, floral and non-floral tributes for deceased members or former members |
| Division 2 | Assistance on death of a dependant in Australia |

11.4.3 Dual entitlement

If a deceased member was also a dependant of a member the conditions and benefits that apply are those set out in Division 1.

See: Division 1, Funeral costs, floral and non-floral tributes for deceased members

11.4.4 Administration

To be eligible for reimbursement of approved costs under this Part, the claimant must submit all relevant invoices and receipts to the Defence Community Organisation.

Division 1: Funeral costs, floral and non-floral tributes for deceased members or former members

11.4.5 Purpose

The purpose of this Division is to provide financial assistance for funeral costs, floral and non-floral tributes to a member's dependants when a member or a former member dies.

11.4.6 Member or former member this Division applies to

1. This Division applies in relation to a deceased member or former member who was in any of the following classes immediately before they died.
 - a. A member of the Permanent Forces.
 - b. A member of the Reserves in any of the following circumstances at the time of death.
 - i. On continuous full-time service.
 - ii. Undergoing training.
 - iii. Attending a parade or bivouac.
 - iv. The death is due to injuries suffered, or illness contracted, while serving in the ADF.
 - v. The member had been on overseas operational deployment within the previous 12 months.
 - c. A member of the Reserves or a retired member who met one of the following conditions before death.
 - i. The member held the rank of two-Star or above.
 - ii. The relevant Service Chief has requested that a benefit be provided for the member under this Part, having regard to the member's distinguished career.
 - d. A recipient of the Victoria Cross or the Victoria Cross for Australia.
2. The Director General Defence Community Organisation may approve a funeral at Commonwealth expense for a deceased member or former member not specified under subsection 1 if requested by the relevant Service Chief.

11.4.7 Member this Division does not apply to

This Division does not make any provision in relation to the following deceased members.

- a. A member who was absent without leave at the time of death.
- b. A member who died while on duty overseas and who has an overseas funeral.

Related information: Provisions for these members are in Chapter 15 Part 9 section 15.9.3, Assistance if member dies.

11.4.8 Definition

In this Division, *legal personal representative* means either of the following.

- a. The executor of the deceased member or former member's will.
- b. The administrator of the deceased member or former member's estate.

11.4.9 Funeral costs

1. The Director General Defence Community Organisation may approve an application for the payment for costs related to a deceased member or former member's funeral, up to \$14,000.
2. When considering whether to approve costs under subsection 1, the Director General Defence Community Organisation must have regard to the following.
 - a. Whether the items are culturally appropriate for the deceased member or former member.
 - b. The person's wishes, as communicated through the deceased member or former member's legal personal representative.
 - c. Any requirements of the relevant religion, faith or culture of the deceased member or former member.
3. The Director General Defence Community Organisation may approve payment of additional costs related to the funeral amount specified in subsection 1, if satisfied that there are exceptional circumstances.
4. The approved costs under this Division may be paid to any of the following people.
 - a. The deceased member or former member's dependant.
 - b. The deceased member or former member's legal personal representative.
 - c. The service provider.

Examples: Funeral director, minister.

11.4.10 Funeral overseas

1. This section applies if both of the following conditions are met.
 - a. An eligible member or former member dies in Australia.
 - b. The deceased member or former member's family choose to have a private funeral overseas.
2. The Director General Defence Community Organisation may approve costs up to the amount specified in subsection 11.4.9.1.
3. Overseas funeral arrangements are the responsibility of the deceased member or former member's next of kin or legal personal representative.
4. Mourners' travel and accommodation costs will not be met by the Commonwealth.

11.4.11 Travel and accommodation

1. Subject to subsection 3, the Director General Defence Community Organisation may approve travel and two night's accommodation within Australia for the following people to attend the funeral of the deceased member or former member.
 - a. The deceased member or former member's dependants.
 - b. A person to accompany the dependant if the dependant is very young, aged, has an illness or is severely distressed.
 - c. A family member who has been nominated by a dependant if the dependant is unable to attend the funeral.
 - d. The parents of the deceased member or former member.

Exceptions: Travel and accommodation will not be provided in any of the following circumstances.

1. The deceased member's or former member's funeral will be held overseas under section 11.4.10.
 2. The member died while on duty overseas, and is given an overseas funeral under Chapter 15 Part 9 section 15.9.3.
 3. The person eligible for a benefit under subsection 1 lives in the location where the funeral is to be held.
2. The Director General Defence Community Organisation may approve additional accommodation if the travel requirements and funeral service times require the people approved under subsection 1 to stay at the location for an additional night.
 3. Travel and accommodation must be organised using Defence business travel arrangements up to the maximum amount that would have been paid if they were eligible for travel and accommodation costs under Chapter 9.

Note: The travel and accommodation benefit payable is based on the rank of the deceased member or former member.

See: Chapter 9

Part 1, Basic travel benefits

Part 5 Annex 9.5.A, Amounts for accommodation, meals and incidentals

4. The Director General Defence Community Organisation may approve a higher maximum amount payable for accommodation under subsection 3 if either of the following occurs.
 - a. There is no accommodation under the Defence business travel arrangements at the rate specified under Annex 9.5.A.
 - b. There is no accommodation under the Defence business travel arrangements at the funeral location.
5. People approved under subsection 1 will be reimbursed the cost of meals, up to the amount they would have been paid if they were eligible for meal costs under Annex 9.5.A.

Note: The cost of incidentals will not be reimbursed.

11.4.12 Floral and non-floral tributes

1. The CDF may approve floral and non-floral tributes at Commonwealth expense for a member, for any of the following.
 - a. An act of commemoration at a funeral of a deceased member or former member listed in section 11.4.6.
 - b. An annual celebration of remembrance of a deceased member or former member listed in section 11.4.6.
 - c. In relation to a memorial occasion of national importance.

See: Section 11.4.6, Member or former member this Division applies to

2. The maximum amount payable for floral and non-floral tributes is \$250.

Division 2: Assistance on death of a dependant in Australia

11.4.13 Purpose

The purpose of this Division is to provide financial assistance to a member when a dependant dies.

11.4.14 Member this Division applies to

This Division applies to a member if all of the following conditions apply.

- a. The member has a dependant who is a recognised dependant for Defence benefit purposes.

See: Chapter 1 Part 3 Division 2
Section 1.3.83, Dependants
Section 1.3.85, Dependants recognised by CDF

- b. The member's dependant dies in Australia.

See also: Chapter 15 Part 9 section 15.9.3A if the member's dependant dies overseas.

- c. The dependant is not in the location where the funeral is to take place.

See also: Chapter 9 Part 3 Division 8, Compassionate travel

11.4.15 Assistance provided when a dependant dies

1. The Director General Defence Community Organisation may approve assistance with the following costs.
 - a. The reasonable cost of the preparation of the dependant's remains.
 - b. Reasonable transport costs for the deceased dependant to either of the following locations.
 - i. To the location in Australia where the funeral will be held.
 - ii. To the nearest Australian departure point when the funeral will be held outside of Australia.

Note: An **Australian departure point** is the Australian location with air or sea travel to the overseas location.

Exception: No transport costs are paid if the deceased dependant is at the **Australian departure point**.
2. The member may elect that the assistance under this section be paid to any of the following people.
 - a. The deceased dependant's legal personal representative.
 - b. The service provider.

Examples: Funeral director, minister.
 - c. The person who paid for the preparation or transportation of the deceased dependant.

Schedule 2—Funeral costs amendment

Defence Determination 2016/19, Conditions of service

1 Section 11.0.2 (Contents)

Omit "Funeral costs, floral and non-floral tributes", substitute "Funeral and transportation costs on death".

2 Section 15.9.3 (Benefit – funeral costs)

Omit the section, substitute:

15.9.3 Assistance if member dies

1. If a member dies overseas, the member's dependant or their legal personal representative is eligible for the following.
 - a. The reasonable cost of preparing the remains.
 - b. The cost of returning the remains to Australia, if the next of kin request it.
2. The Director General Defence Community Organisation may approve assistance with either of the following costs, payable to the member's dependant or their legal personal representative.
 - a. If the funeral is in Australia, the cost of the funeral as provided under Chapter 11 Part 4 Division 1 section 11.4.9.

See: Chapter 11 Part 4 Division 1 section 11.4.9, Funeral costs
 - b. If the funeral is in an overseas location, the cost of the funeral up to AUD 14,000.

15.9.3A Assistance if dependant dies

If a dependant dies overseas, the Director General Defence Community Organisation may approve assistance with either of the following costs up to AUD 14,000, payable to the member or their legal personal representative.

- a. If the dependant is being returned to Australia, both of the following.
 - i. The reasonable cost of preparing the remains.
 - ii. The cost of returning the remains to Australia.
- b. Assistance with the cost of the funeral in the overseas location.