



# **Defence Determination, Conditions of service Amendment Determination 2021 (No. 19)**

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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 8 October 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 Determination 2021 (No. 19)*.

## **2 Commencement**

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

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

### 1 Section 2.2.1 (Purpose)

Omit the section, substitute:

#### 2.2.1 Purpose

This Part provides benefits for a member to assist them with training and financial advice in preparation for civilian life when they change service category or cease service with the ADF.

### 2 Section 2.2.2 (Definitions), definition of meaningful engagement

After the definition, insert:

**Member** includes a former member.

### 3 Section 2.2.3 (Member this Part applies to)

Omit the section, substitute:

#### 2.2.3 Member this Part applies to

This Part applies to the following.

- a. A member of the Permanent Forces who becomes a member of the Reserves.  
**Note:** A member may become a member of the Reserves under sections 16 or 21 of the Defence Regulation.
- b. A member of the Reserves who transfers to SERCAT 2 if one of the following occurs.
  - i. They cease service in SERCAT 3, 4 or 5.
  - ii. They complete a fixed period of continuous full-time service.
- c. A member, including a member of the Reserves, who meets one of the following.
  - i. They have been issued with a termination notice under section 24 of the Defence Regulation or section 100 of the Act.
  - ii. They are 12 months or less away from their retirement age.
  - iii. They are 3 months or less away from completing a fixed period of service.
  - iv. They have been dismissed under the *Defence Force Discipline Act 1982*.
- d. A former member who meets both of the following.
  - i. They met a requirement in paragraph c. before they ceased to be a member.
  - ii. It has been no more than two years since their last day of service in the ADF.

#### 4 **Section 2.2.5 (Career transition training)**

Omit the section, substitute:

##### **2.2.5 Career transition training**

1. Subject to subsection 3, a member is eligible on application for career transition training that the CDF is satisfied meets all of the following.
  - a. The training is aligned to post-transition employment goals or meaningful engagement.
  - b. The training commenced within 12 months of the member's transition date.

**Note:** The amount under subsection 1 can be used for more than 1 training activity.

2. Career transition training cannot occur during a period the member is on duty and undertaking Reserve service.
3. A benefit under subsection 1 can be made as a reimbursement to the member or provided to the service provider.
4. A member is not eligible for assistance under this section if any of the following apply.
  - a. The member has secured employment or achieved meaningful engagement related to their post-transition goals.
  - b. The training could be considered a capital investment in a new or existing business.
5. In this section, **career transition training** means training for a member up to a cumulative lifetime total of \$5,320.

#### 5 **Section 2.2.6 (Assistance for professional financial advice)**

Omit the section, substitute:

##### **2.2.6 Assistance for professional financial advice**

1. A member is eligible on application for professional financial advice if the financial advice meets the following.
  - a. It is provided by one of the following.
    - i. A professional financial advisor who holds a current Australian Financial Services Licence.
    - ii. An authorised representative of a holder of an Australian Financial Services Licence.
  - b. The advice is not for routine tax or accountancy services.
2. A benefit under subsection 1 can be made as a reimbursement to the member or provided to the service provider.
3. In this section, **professional financial advice** means financial advice for a member up to a cumulative lifetime total of \$1,000.

## 6 Subsection 2.2.7.1 (Travel and accommodation)

Omit the subsection, substitute:

1. A member is eligible for travel costs within Australia if the CDF is satisfied that the member must travel to attend the following.
  - a. Career transition training activities under section 2.2.5.
  - b. ADF Member and Family transition seminars.

## 7 Section 2.2.8 (Approved absence)

### 2.2.8 Approved absence

1. This section applies to the following.
  - a. A member of the Permanent Force.
  - b. A member of the Reserves.
2. Subject to subsection 3, a member is eligible for 23 approved absence days to attend the following activities if the decision-maker is satisfied that Service requirements can be met while the member is absent.
  - a. Defence Force transition program activities.
  - b. Employment related activities.
  - c. Career transition training or education courses.
  - d. Transition related administrative activities.
3. An approved absence under subsection 2 is limited by the following.
  - a. The absences must not exceed a cumulative lifetime total of 23 days.
  - b. A member may not be granted more than 3 days in total of approved absence for transition related administrative activities.
4. Approved absence can only be taken in full days.
5. If a member has been granted a period of approved absence for a career transition training activity and one of the following occurs, the unused approved absence days are not debited from the member's approved absence credits.
  - a. The training activity finishes early.
  - b. The training activity is cancelled.
6. In this section **decision-maker** means a person who meets both of the following.
  - a. They are a supervisor in the member's direct chain of command.
  - b. They are not below the following rank or APS classification.
    - i. Warrant Officer Class 2.
    - ii. APS 4.

## **Schedule 2—Army dental officer professional development scheme amendment**

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

**1 Subsection 4.8.29.2 (Member this Division applies to)**

Omit “30 June 2020”, substitute “30 June 2023”.

# Schedule 3—Evacuation assistance amendments

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

### 1 Paragraph 7.11.3.2.b (Period of evacuation assistance)

Omit the paragraph, substitute:

- b. If no end time was included in the evacuation order, a time set by the Senior ADF Officer at the establishment.
- c. If the member was occupying a Service residence immediately before an evacuation order is issued, the day all of the following apply.
  - i. The member is eligible for temporary accommodation allowance under Chapter 7 Part 5.
  - ii. The member is able to occupy the accommodation provided under Chapter 7 Part 5.

### 2 Section 7.11.4 (Accommodation assistance)

Omit subsection, substitute:

#### 7.11.4 Accommodation assistance

1. A member is not eligible for a benefit under this section if an evacuation centre has been established for the member to evacuate to, unless one of the following apply.
    - a. The evacuation centre is full.
    - b. The member was occupying living-in accommodation immediately before the evacuation order was issued and other living-in accommodation is made available for them to occupy.
    - c. The Senior ADF Officer at the establishment is satisfied that there are special circumstances for the member or their dependant not to go to the evacuation centre.
- Note:** An evacuation centre includes a centre established by civilian authorities or Defence.
2. A member occupying a Service residence immediately before an evacuation order is issued is eligible for the reasonable costs of accommodation for all of the following persons.
    - a. The member.
    - b. Each dependant of the member occupying the Service residence with the member immediately before the evacuation order was issued.
  3. A member who was occupying living-in accommodation immediately before the evacuation order was issued is eligible for one the following.
    - a. Living-in accommodation at another Defence establishment within 50 km of the establishment from which the member was evacuated.
    - b. If living-in accommodation under paragraph a. is not available — the reasonable costs of other forms of accommodation.

**Note:** The *Acts Interpretation Act 1901* applies to the measurement of distance in this



section.

4. In this section, **accommodation** means the following.
  - a. If the member was occupying living in accommodation — accommodation that is suitable for the member on a short term basis having regard to the nature of the emergency and the availability of accommodation, including shared accommodation.
  - b. If the person was occupying a Service residence — accommodation that is suitable for the occupants to occupy on a short term basis having regard to the nature of the emergency and the availability of accommodation.
5. A benefit provided under this section may be paid to the member by way of reimbursement or to the service provider.

## Schedule 4—Transitional provisions

### 1. Dental officer

1. In this section, Defence Determination means Chapter 4 Part 8 Division 6 of the Defence Determination 2016/19, Conditions of service, as in force on 30 June 2020.
2. This section applies to a member of the Army who would have been eligible for the Army dental officer professional development scheme under the Defence Determination between 30 June 2020 and the commencement of this Determination had it been in force at the time.
3. The member is eligible for a reimbursement up to the maximum set out in section 4.8.32 for professional development activities approved under section 4.8.31.