Defence Determination 2016/19, Conditions of service

made under section 58B of the *Defence Act 1903*

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This compilation is in 4 volumes

Volume 1	**Chapter 1 – Chapter 5**
Volume 2	Chapter 6 – Chapter 11
Volume 3	Chapter 12 – Chapter 17
Volume 4	Endnotes

Each volume has its own contents

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About this compilation

This compilation

This is a compilation of *Defence Determination 2016/19, Conditions of service*, that shows the text of the law as amended and in force on 14/3/2024 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Chapter 1: Introduction (Required reading)

1.1.1 Overview

This section is reserved for publication in the ADF Pay and Conditions Manual of an administrative description of the aims of Chapter 1.

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Part 1: About this Manual

1.1.3 Abbreviations

The following abbreviations apply in Chapters 1 to 17.

ADF means the Australian Defence Force.

APS means the Australian Public Service.

CDF means the Chief of the Defence Force.

DFRDB Act means the *Defence Force Retirement and Death Benefits Act 1973*.

DFRT means the Defence Force Remuneration Tribunal.

MSBS means the Military Superannuation and Benefits Scheme.

UK means the United Kingdom.

USA means the United States of America.

VCDF means the Vice Chief of the Defence Force.

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Part 2: The Defence Determination on conditions of service

1.2.1 Defence Determination 2016/19 – general

1. *Defence Determination 2016/19, Conditions of service*, is the main Determination authorising ADF conditions of service within Australia and overseas. It deals with a wide range of ADF conditions of service.

1.2.2 Members Chapters 1 to 17 apply to

1. Chapter 1 (other than Part 3 Division 3) applies in relation to all ADF members, including members of the Reserves on Reserve service. Chapter 1 Part 3 Division 3 applies only to members on ***continuous full-time service***, unless expressly stated otherwise.

2. Chapters 2 to 17 apply only in relation to members on continuous full-time service. This is unless an express intention to deal with another class of person is clear.

3. The following classes of members are on continuous full-time service for the purposes of this Determination.

    a. A member of the Permanent Forces.

    b. A member of the Reserves on continuous full-time service.

4. A member of the Reserves on Reserve service is not on continuous full-time service.

1.2.3 Other people this Determination may apply to

Some benefits in this Determination may be provided to the family members of a member.

1.2.4 Meaning of words and phrases

1. The definitions under Part 3 applies to each use of the term throughout Chapters 1 to 17, unless specified otherwise.

2. To avoid doubt, definitions in Part 3 may apply in relation to a Reserve service member if necessary to determine their eligibility for a benefit.

    Note: If an allowance is not normally payable to a member on Reserve service, then the definitions cannot be used to create that eligibility.

1.2.5 Forms

If an approved form is specified in relation to a benefit, the member must complete and submit the approved form in accordance with any instructions on it.

1.2.5A References to rules in other instruments

1. This Determination may make reference to rules in other instruments. Subsection 2 applies to any of the following instruments.

    a. Acts of parliament.

    b. Provisions of legislative instruments covered by subsection 14(3) of the *Legislation Act 2003*.

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c. Determinations of the Defence Force Remuneration Tribunal made under section 58H of the *Defence Act 1903*.

Note: Subsection 58B(1A) of the *Defence Act 1903* provides that paragraph 14(1)(a) of the *Legislation Act 2003* applies to these determinations. This means the provisions may be referenced as they were in force on a particular date or from time to time.

2. Both the following apply to instruments listed in subsection 1.

a. If a date is specified, the reference is to the rules that were in force on that date.

b. If no date is specified, the reference is to the rules that are in force from time to time.

1.2.6 Collection, use and disclosure of personal information

1. For the purpose of the Australian Privacy Principles, as provided in schedule 1 of the *Privacy Act 1988*, Defence is authorised to collect, use and disclose personal information and sensitive information necessary or required for the administration of benefits provided to a member under this Determination and salary and allowances provided under Determinations made by the DFRT.

2. For the purpose of clarity, the administration of benefits includes, but is not limited to, the following:

a. The granting of benefits.

b. Reviewing decisions made with respect to benefits.

c. Conducting audits of benefits provided to a member.

d. Providing advice about the availability of benefits.

3. For the purpose of the Australian Privacy Principle 8, as provided in schedule 1 of the *Privacy Act 1988*, Defence is authorised to disclose personal information and sensitive information to an overseas recipient as necessary or required for the administration of benefits provided to a member under this Determination.

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Part 3: Interpretation

Division 1: Definitions – general

1.3.1 Interpretation

Accompanied resident family means recognised family to whom section 1.3.14 applies.

Adult child means a person who meets all of the following.

a. They are between 21 years old and 25 years old.

b. Immediately before turning 21 years old, they were resident family of a member.

c. Since turning 21 years old they meet any of the following.

i. They continue to live with the member.

ii. They continue to live with an adult who is recognised as resident family of the member.

iii. Immediately before turning 21 years old, they were recognised as accompanied resident family of the member under section 1.3.19.

iv. Immediately before turning 21 years old, they were recognised as unaccompanied resident family of the member under section 1.3.29.

Act means the *Defence Act 1903.*

Allowance includes an allowance determined under section 58B or section 58H of the Act, unless expressly stated otherwise.

Approved form means a form approved by the Assistant Secretary People Policy and Employment Conditions by notifiable instrument.

Baggage, for service within Australia, means one of the following.

a. Personal possessions that either accompany the member or are sent unaccompanied by public transport.

b. For the purpose of a removal, includes furniture and effects that the member has chosen not to be carried by a contracted removalist.

Breakdown of a relationship occurs when a person ceases to be a partner.

Note: Subsection 1.3.36 provide the rule on when a person ceases to be a partner.

Calendar month has the same meaning as in section 2B of the *Acts Interpretation Act 1901*.

Capital city includes the metropolitan area of a capital city of a State or Territory.

CDF means the Chief of the Defence Force.

Note: The CDF may authorise another person to act on their behalf.

CDF recognised partner has the same meaning given by section 1.3.38.

Ceasing continuous full-time service includes all of the following.

a. Involuntary separation.

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b. Transfer of service from the Permanent Forces.

c. Ending a period of continuous full-time service as a member of the Reserves.

d. Completing a specified period of service.

e. Retirement under subsection 23(1) of the Defence Regulation.

f. Redundancy under paragraph 24(1)(b) of the Defence Regulation.

Child has the same meaning given by section 1.3.35.

Close relative has the same meaning given by section 1.3.2.

Commonwealth includes a Commonwealth body, as defined in section 9 of the *Corporations Act 2001.*

Commonwealth removalist means Toll Transitions Pty Ltd, its subcontractors, agents or employees who provide removal services under a contract with the Commonwealth.

Compulsory residency means training in a hospital undertaken by a medical officer as a condition of entry into the medical profession.

Note: It does not matter whether or not the medical officer lives in accommodation provided by the hospital.

Continuous full-time service is service performed by a member of the Permanent Forces, or a period of service by a member of the Reserves for which they are paid the annual rate of salary.

Couple means a member and their partner.

A reference to **custody** is a reference to civil custody in the absence of a finding of guilt under a Commonwealth law (other than the *Defence Force Discipline Act 1982*), a State or Territory law, or a foreign law.

Note: Custody does not include military custody.

De facto relationship has the same meaning given by section 1.3.39.

Defence Regulation means the *Defence Regulation 2016*.

Deployment means overseas service by a member who is force assigned with an ADF deployment, a United Nations' mission or a similar force on any of the following.

a. Warlike deployment.

b. Non-warlike deployment.

c. Peacetime deployment.

Detention means a punishment of detention imposed on a member who has been convicted of a Service offence under the *Defence Force Discipline Act 1982.*

DFRT allowance means any relevant allowances, as defined under section 58F of the Act, which is paid on a fortnightly basis.

Doctor means a health professional who is a medical practitioner, including an ADF medical officer, registered under the law of a State or Territory.

Dual entitlement means a benefit that is payable to both member and their partner, which is also a member in the same circumstances.

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Dual serving couple means two members of the Defence Force who are partners of each other.

Effective date of posting means whichever is the later of the following.

a. The commencement date as specified in the member's posting order.

b. The date the member actually starts duty at their new primary service location.

Emergency means an event that causes, or threatens to cause, any of the following on a Defence establishment.

a. Death of, or injury or other damage to the health of, any person.

b. Destruction of, or damage to, any property.

c. Disruption to essential services.

Note: This is not limited to naturally occurring events (such as earthquakes, floods or storms), but would, for example, include fires, explosions, accidents, epidemics, pandemics, emissions of poisons, radiation or other hazardous agents, hijacks, sieges, riots, acts of terrorism and hostilities by an enemy.

Employment means paid work that includes full-time or part-time work, casual work or self-employment, but does not include volunteering activities.

Engine capacity – rotary engine means the displacement of the engine, or the rotor comprising the engine, according to the specifications of the engine issued by the manufacturer of the vehicle, which is any of the following figures.

a. The displacement of the rotor that makes up the engine.

b. The sum of the displacements of the rotors that make up the engine.

Equivalent rank has the same meaning given by section 1.3.40.

Evacuation order means an order given by the Senior ADF Officer of a Defence establishment in response to an emergency to evacuate the establishment.

Extended housing benefit location has the same meaning given by section 1.3.11.

Family and Domestic violence means violent, threatening or other abusive behaviour by a close relative of a member, a member of the member's household, or a current or former intimate partner of the member, that does any of the following.

a. It seeks to coerce or control the member or a member of their household.

b. It causes the member harm or to be fearful or a member of their household.

Family benefit location has the same meaning given by section 1.3.12.

Flexible service determination is a determination made under subsection 23(2) of the Act.

Force assigned has the same meaning given by section 12.3.1.

Fortnightly rate, in relation to an annual rate of allowance provided under this Determination, means the amount calculated using the formula in subsection 3.2.7.3.

Gaining location means the housing benefit location in relation to a member's primary service location.

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Guardian or housekeeper means a person who is an adult the CDF is satisfied is acting as a guardian or housekeeper for a member who has a child who is resident family and any of these other conditions are met.

a. The member has no partner.

b. The member's partner is an invalid or has a disability.

b. The member's partner is either a member serving at another primary service location or a non-Service partner living away from the family home.

Hardship location has the same meaning given by section 12.3.1.

Health professional, for the purpose of a medical absence, means any of the following.

a. A registered medical or dental practitioner, which also includes those who provide services as a Defence member, Australian Public Service employee or otherwise under an agreement in place with Defence.

b. Any of the following professionals authorised by the Surgeon General Australian Defence Force to perform an extended role.

    i. Nursing Officer.

    ii. Nurse Practitioner.

    iii. Advanced Medical Assistant (AMA) or Advanced Medical Technician (AMT).

    iv. Clinical Manager (CM).

Housing benefit location has the same meaning given by section 1.3.10.

Imprisonment means a punishment of imprisonment imposed on a member who has been convicted of an offence by any of the following judicial, or quasi-judicial body as defined in section 3 of the *Defence Force Discipline Act 1982*.

a. A service tribunal.

b. A civil court.

c. A court of another country.

Initial minimum period of service means the period of service a member must serve following enlistment or appointment, which may result in a service obligation debt under regulation 25 of the Defence Regulation if not completed.

Involuntary separation means the involuntary end of a period of service, except redundancy, which has the effect of ending all forms of a member's service in the ADF.

Isolation period, in relation or in response to a public health emergency, means the period a person is required to isolate themself.

Note: An isolation period may also be known as a quarantine period.

Legal officer means an officer who is, or is eligible to be, admitted as a barrister or solicitor of the High Court or the Supreme Court of a State or Territory, but does not include an officer who is a Judge of a court with, or vested with, federal jurisdiction under section 71 of the Commonwealth Constitution or a Judge of a court with State or Territory jurisdiction.

Living-in accommodation means any of the following forms of accommodation.

a. A barracks or similar kind of residential accommodation owned or controlled by the Commonwealth and provided primarily for the use of members who have no resident family.

b. Those which are described in paragraph a. that a foreign government or other organisation contracted by the Commonwealth provides.

c. Those provided by a hospital for a medical officer to occupy during a period of compulsory residency.

d. Those provided by a seminary or theological college for a Chaplain to occupy when undertaking training at the seminary or theological college.

e. Those provided by an educational institution for a Maritime Spiritual Wellbeing Officer to occupy when undertaking compulsory post-graduate work experience at the institution.

Live-in carer, in relation to a member, means a person the CDF is satisfied meets all of the following apply.

a. The person provides care for the member.

b. The member is required to have the person live with them as a part of the member's rehabilitation plan.

Living out means not occupying a living-in accommodation.

Location of residence, for service within Australia, has the same meaning given by section 1.3.13.

Long-term posting means one of the following.

a. For duty within Australia – a period of duty that the member's Service has directed to be for more than 6 months.

b. For duty overseas – has the same meaning given in section 12.3.10.

Losing location means one of the following.

a. For a member who has accompanied resident family and no unaccompanied resident family on their first removal after joining or re-joining the Permanent Forces — the location in Australia of the current or last permanent home of the resident family when they joined or re-joined.

b. For a member who has no resident family — the location in Australia to which they were last granted a removal.

c. For any other member — the location in Australia they were last granted a removal for their resident family.

Meal costs, include compulsory service charges and taxes, such as GST, and excludes voluntary tips and alcoholic drinks.

Meal period means 1 hour beginning at any of the following times.

a. 0700 hours for breakfast.

b. 1300 hours for lunch.

c. 1900 hours for dinner.

Medical absence means the period for which a member is granted leave under Chapter 5 Part 3 to be absent from duty for health reasons.

Member has the same meaning given under the Act.

Note 1: Under section 4 of the Act, member includes an officer, sailor, soldier and airman. Under section 58A of the Act, member also includes a person who has ceased to be a member, whether by reason of death or otherwise.

Note 2: Section 1.2.2 restricts the application of Chapters 1 to 17 to existing ADF members on continuous full-time service, unless a provision makes it clear that the provision applies to members on Reserve service, or former members.

Member undergoing recategorisation training has the same meaning given by section 1.3.3.

Month has the meaning given in section 2G of the *Acts Interpretation Act 1901.*

Non-resident family means recognised family who are not accompanied resident family or unaccompanied resident family.

Non-Service partner is a member's partner who is not a member.

Non-warlike service means any of the following.

a. Service with the Defence Force that is of a kind determined to be non-warlike service under section 5C of the *Veterans' Entitlements Act 1986.*

b. Service with a peacekeeping force, as published in the Gazette, as a Peacekeeping Force under section 68(1) of the *Veterans' Entitlements Act 1986.*

c. Service with the Defence Force that is of a kind determined to be non-warlike service under section 6 of the *Military Rehabilitation and Compensation Act 2004.*

Nonworking period in relation to a flexible service determination, means the period that is not the member's pattern of service.

Normal departmental liability has the same meaning given by section 9.1.7.

Normal working hours for a member means the hours of duty set by their commander.

Operational area means any of the following.

a. For overseas service on a warlike or non-warlike deployment, means the specified area in column B of the table in section 17.7.6.

b. For overseas service on a peacetime deployment, means the specified area that has been approved by the CDF.

c. For overseas service other than a deployment, has the meaning given in section 6 of the *Veterans' Entitlements Act 1986.*

Own home has the same meaning given by section 7.1.14.

Paid leave means a period of leave when a member is entitled to salary.

Partner has the same meaning given by section 1.3.36.

Pattern of Reserve service means the periods that a member of the Reserves has agreed with their supervisor the member would attend for duty.

Pattern of service means the hours of duty or periods of duty prescribed under a flexible service determination.

Pay grade means the pay grade for a member under DFRT Determination No. 2 of 2017, Salaries.

Pay to the Commonwealth, in relation to a debt or liability to the Commonwealth that a member incurs, means a member's obligation to pay (or repay) money to the Commonwealth.

Peacetime deployment means a deployment overseas that meets all of the following.

a. It is not a warlike or non-warlike deployment.

b. It has been approved by the CDF as a peacetime deployment.

Period of prospective service has the same meaning as in section 30(1) in Part 8 of the *Military Superannuation and Benefits Act 1991*, as repealed by Act No. 135 of 1991 and preserved by item 4 of Schedule 4 to the *Defence Legislation Amendment Act (No. 1) 2005*.

Posting period, for service within Australia, has the same meaning given by section 1.3.4.

Primary emergency contact, for the purpose of notifying the family of a member assigned a casualty status, means an adult who is usually in the member's family nominated as the first contact.

Primary service location has the same meaning given by section 1.3.9.

Private Proficient, in relation to salary, means a Private eligible to be paid salary as a Private Proficient.

Private vehicle means a motor vehicle registered in the name of the member or their resident family that is not a recreational or hobby vehicle.

Public holiday has the meaning given in the following.

a. In relation to a member performing duty in Australia – section 5.12.1.

b. In relation to a member performing duty overseas – section 15.1.10.

Public transport means transport available to the public by regular services over fixed routes.

Quarantine residence means a residence, or other form of accommodation, provided for the purpose of undertaking an isolation period (or quarantine period).

Rank, which is not an honorary rank, includes the following unless otherwise specified:

a. For a Chaplain – division.

b. For a Maritime Spiritual Wellbeing Officer – class.

Note: Section 1.3 40 provides for equivalent ranks.

Recognised family means any of the following

a. A member’s partner.

b. A child of the member or the member’s partner.

Recognised other person has the same meaning given by section 1.3.37.

Refitting port means the port where a seagoing ship or seagoing submarine refit that is not the ship's home port.

Remote location means a location listed in the following.

a. For the purpose of ADF district allowance – Annex 4.4.A.

b. For the purpose of additional recreation leave – Annex 5.4.A.

Removal means a removal by a Commonwealth removalist.

A person is **required to isolate** if one of the following apply.

a. If the person is in Australia – under a law of any of the following.

   i. A State or Territory.

   ii. A foreign government – before leaving Australia to begin or continue a long-term posting or short-term duty in that foreign government's jurisdiction.

b. If the person is, or accompanying a member, on a long-term posting overseas or short-term duty overseas – under a law of a State or Territory, or a law of a foreign government.

Note: Isolation may also be known as quarantine.

Reserve service means a period of service performed by a member of the Reserves that is not continuous full-time service.

Resident family means any of the following.

a. Accompanied resident family.

b. Unaccompanied resident family.

Restricted destination means any of the following.

a. Afghanistan.

b. Democratic People's Republic of Korea.

c. Iraq.

d. South Sudan.

e. Syria.

f. Yemen.

g. A country, or a part of it, listed by the Department of Foreign Affairs and Trade with an advice level of 'Do not travel'.

Retirement age has the same meaning as under regulation 23(4) of the Defence Regulation.

Return of service obligation, in relation to specified training, education, experience or special duties, means the period of service that a member is required to complete, which if not completed may result in a service obligation debt under regulation 25 of the Defence Regulation.

Salary means salary paid or payable under DFRT Determination No. 2 of 2017, *Salaries*, as amended from time to time.

Seagoing ship means any of the following.

a. A ship or vessel in commission in the service of the Royal Australian Navy.

b. Another ship or other vessel approved by the CDF that is under the direction of the Commonwealth or a foreign government.

Seagoing submarine means any of the following.

a. A submarine in commission in the service of the Royal Australian Navy.

b. Another submarine approved by the CDF that is under the direction of the Commonwealth or a foreign government.

Serious illness has the same meaning given by section 1.3.5.

Service location has the same meaning given by section 1.3.8.

Service residence means a residence provided to a member under Chapter 7 Part 6.

Service tribunal has the same meaning given in the *Defence Force Discipline Act 1982*.

Ship's home port means the port from which the seagoing ship or seagoing submarine regularly operates for a period of more than 1 year.

Short-term duty has the same meaning given in section 12.3.18.

Special needs has the same meaning given by section 1.3.6.

Suitable accommodation has the same meaning given by section 1.3.7.

Trainee means a new member of the ADF who meets all of the following.

a. They receive salary under Schedule B.13 of the Schedule to the DFRT Determination No. 2 of 2017, *Trainee salary rates.*

b. They are not a member undergoing recategorisation training.

Training commitment means an obligation under regulation 27 of the Defence Regulation for a member of the Reserves to render service for the purpose of undertaking training.

Travel card means a charge card that the Department of Defence provides to a member to pay accommodation, meal and incidental costs.

Unaccompanied resident family means recognised family to whom 1.3.20 applies.

Unpaid leave means any of the following.

a. Leave without pay.

b. Unpaid maternity leave.

c. Unpaid parental leave.

Very serious illness means an illness or injury of such severity that life is imminently endangered.

Warlike service means service with the Defence Force that is of a kind determined under any of the following.

a. Section 5C of the *Veterans' Entitlements Act 1986*.

b. Section 6 of the *Military Rehabilitation and Compensation Act 2004*.

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1.3.2 Close relative

1. **Close relative** of a member means any of the following people.

    a. Recognised family of a member.

    b. The member's parent, brother, sister, child, partner.

    c. The parent or child of the member's partner.

    d. If the member's partner is also a member, recognised family of the member's partner.

    e. Any other person approved by the CDF as a close relative of any of the following people.

        i. The member.

        ii. The member's partner

2. For the purpose of paragraph 1.e 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.

3. In this section, **child** means a child of the member, regardless of age.

1.3.3 Member undergoing recategorisation training

Member undergoing recategorisation training means a member who meets both of the following circumstances.

a. They commence training in a capacity listed in Schedule B.13 to *DFRT Determination No. 2 of 2017, Salaries*.

    i. For members on continuous full-time service — Part 1 of Schedule B.13.

    ii. For members on Reserve service — Part 2 of Schedule B.13.

b. Immediately before the start of the training, salary was payable to the member under a schedule to *DFRT Determination No. 2 of 2017, Salaries*, other than Schedule B.13.

Note 1: These members are eligible for salary non-reduction under section 3.2.25.

Note 2: This definition does not apply to new entrants to the ADF, who have only ever been on a trainee rate of salary under Schedule B.13 as defined in section 1.3.1.

1.3.4 Posting period – within Australia

1. For service within Australia, a member's posting period starts on the day they begin duty at a primary service location and ends on the day they finish duty there, subject to subsections 2 to 6.

    Note: Posting period for a member on a long-term posting overseas is defined in section 12.3.16.

2. The member's duty begins on any of the following days that they arrive at the location.

    a. The Saturday, Sunday or public holiday immediately before the day they begin duty.

    b. The last day of their paid leave before the day they begin duty.

c. The day they are granted a removal to the location, or any later day.

3. If the member's resident family are granted a removal to the member's housing benefit location and arrive there before the member, the posting period starts on the day their resident family arrive.

4. The member's duty ends on any of the following days that they leave the location.

   a. The Saturday, Sunday or public holiday immediately before the day they finish duty.

   b. The last day of their paid leave immediately before the day they finish duty.

   c. The day they are granted a removal from the location, or any later day.

5. If the member's resident family are granted a removal from the housing benefit location and depart after the member, the posting period ends on the day their resident family depart.

6. In deciding whether it is reasonable for a member's posting period to start on an earlier day or end on a later day, the CDF must consider all of the following.

   a. The circumstances of the member's removal to or from the location.

   b. The number, age, gender and circumstances of the member's resident family.

   c. The availability of rental accommodation at the location.

   d. Any other factor relevant to the posting.

Note: The specific provisions in other Chapters regarding the start and stop of particular benefits override this definition.

1.3.5 Serious illness

Serious illness has the following meanings.

Item	Seriously ill person	Severity of illness or injury
1.	A member's close relative under the following. a. For the purpose of personal leave for compassionate reasons – Chapter 5 Part 9 Division 2. b. For the purpose of travel for personal leave for compassionate reasons – Chapter 15 Part 3 Division 6.	Life endangerment.
2.	A member under the following Australians dangerously ill scheme. a. Within Australia – Chapter 9 Part 3 Division 9. b. Overseas – Chapter 17 Part 4.	Any or all of the following. a. Life endangerment. b. Significant disablement. c. Material impact on future life. **Note:** A serious illness can include a mental health condition.

1.3.6 Special needs

1. Subject to subsection 2, **special needs** in relation to one of the following, means a person who the CDF is satisfied has a condition set out in column A of the following table that has been assessed or recognised by the person in column B of the same item.

   a. The member's resident family.

   b. A person who has an interdependent relationship with the member under paragraph 1.3.37.1.d.

Item	Column A Condition	Column B Person who must assess or recognise the condition.
1.	Physical.	A specialist medical practitioner.
2.	Intellectual.	
3.	Sensory.	
4.	Multiple impairments.	
5.	Medical condition, illness or disability.	
6.	Speech or language disorders.	One of the following. a. A specialist medical practitioner. b. A paramedical practitioner.
7.	Social, emotional or behavioural.	
8.	Specific learning difficulties.	One of the following. a. A specialist medical practitioner. b. A psychologist.
9.	They are academically gifted or talented and have achieved a score at or about the 95th percentile on either of the following. a. Any individual or group IQ test. b. A subscale of an individual IQ test.	A psychologist with qualification and experience in assessing children.

2. A member must apply for recognition special needs using the approved form.

3. A person ceases to have special needs if the circumstances on which the member's application was approved changes.

   Note: A person may still be recognised as resident family or as a recognised other person if they cease to have special needs recognised.

1.3.7 Suitable accommodation

Suitable accommodation means accommodation that meets all of the following.

a. It is in the member's housing benefit location.

b. It can accommodate the member, any resident family, and any recognised other persons.

c. If it is not a rented home or own home – it has the rent band that applies to the member under section 7.6.13.

d. It is available within a reasonable time.

e. Accommodation that, in relation to the member's situation in column A of the following table, is a type of accommodation listed in column B of the same item.

Item	Column A Member situation	Column B Type of accommodation
1.	They are one of the following. a. A member with accompanied resident family. b. A member who has no resident family but who has an adult child.	Any of the following. a. The member's suitable own home. b. A suitable Service residence. c. A home for which rent allowance is payable.
2.	The member has unaccompanied resident family.	1. For the member, any of the following. a. Suitable living-in accommodation. b. A rented home for which rent allowance is payable. c. A surplus Service residence. d. Accommodation provided under Chapter 7 Part 7. e. An appointment, tied or assigned Service residence under Chapter 7 Part 6 Division 6. 2. For the unaccompanied resident family the accommodation that was approved as suitable for them to live in at the family benefit location.
3.	The member meets all the following. a. They are a member with unaccompanied resident family. b. They have unaccompanied resident family at a location that is not a family benefit location.	Any of the following. a. Suitable living-in accommodation. b. A rented home for which rent allowance is payable. c. A surplus Service residence. d. Accommodation provided under Chapter 7 Part 7.
4.	A member who has no resident family.	Any of the following. a. The member's suitable own home. b. Suitable living-in accommodation. c. A rented home for which rent allowance is payable. d. A surplus Service residence. e. Accommodation provided under Chapter 7 Part 7. f. An appointment, tied or assigned Service residence under Chapter 7 Part 6 Division 6.

Note: Section 7.5.2 provides a different definition of Suitable accommodation for the purpose of Chapter 7 Part 5.

Division 2: Key definitions relating to location

1.3.8 Service location

Service location means any of the following.

a. If the member is on continuous full-time service, the location where the member is normally expected to provide capability under any of the following.

   i. A posting order.

   ii. An alternate located work agreement.

   iii. A transition location (general) agreement.

   iv. A transition location (medical) agreement.

b. If the member is posted to any of the following, the ship's or submarine's home port.

   i. A seagoing ship.

   ii. A seagoing submarine.

   iii. A flight liable to embark on a seagoing ship.

c. If the member is on Reserve service, the location where they are expected to provide capability on the day they provide reserve service.

1.3.9 Primary service location

Primary service location means one of the following.

a. If the member only has one service location, the service location.

b. If the member has more than one service location, the location specified in any of the following agreements as the member's primary service location.

   i. The member's alternate located work agreement.

   ii. The member's transition location – general agreement.

   iii. The member's transition location – medical agreement.

c. If the member is a member on reserve service, one of the following.

   i. If the member is required to perform duty from multiple service locations from the same posted position — the location where they are expected to provide the majority of their capability in the financial year.

   ii. For any other member — the location of the position they are posted to.

1.3.10 Housing benefit location

Housing benefit location, in relation to a member, means any of the following.

a. Any area that is within 30 km from the member's primary service location that can be travelled by vehicle on a public road.

b. Any area in which a member can travel by public transport in 150 minutes from the member's primary service location and return for the purpose of commencing duty and returning home after ceasing duty.

c. An extended housing benefit location under section 1.3.11.

d. If a Service residence has been provisioned for the member's primary service location in an area that does not meet paragraph a, b or c, the location of the Service residence.

e. An area approved for a member participating in the flexible housing trial under section 7.1.15.

1.3.11 Extended housing benefit location

Extended housing benefit location for a member means an area extending the housing benefit location described in paragraphs 1.3.10.a. and b. that meets both of the following.

a. The extension of the housing benefit location has been requested by the member.

b. The CDF is satisfied that the member's attendance at their primary service location will not be adversely affected by any additional travelling time to their primary service location as a consequence of extending the member's housing benefit location.

1.3.12 Family benefit location

1. **Family benefit location** means any of the following that is not in the member's housing benefit location.

   a. If a member is one of the following — the location to which their resident family received a removal under this Determination.

      i. The member has unaccompanied resident family and no accompanied resident family.

      ii. The member is posted to a seagoing ship or submarine.

      iii. The member has accompanied resident family and no unaccompanied resident family and is deployed for 6 months or longer.

   b. If the member was recruited from overseas and has unaccompanied resident family and no accompanied resident family — the location of the member's resident family's first Australian home.

   c. If all of the following apply — the location the member's resident family lives.

      i. The member has unaccompanied resident family.

      ii. Before the member had an unaccompanied resident family the member had an accompanied resident family.

      iii. The unaccompanied resident family remain in the location where they were the member's accompanied resident family.

2. Despite subsection 1.c, family benefit location does not include the location the member's resident family live if all the following are met.

   a. Before the member had an unaccompanied resident family the member had an accompanied resident family.

b. During the period the member had accompanied resident family they lived in a location (the alternate location) which was approved under an Alternate located work agreement.

c. Before the member's alternate located work agreement was approved, the member's resident family did not live in the alternate location.

1.3.13 Location of residence

Location of residence, for service within Australia, means the area comprising of all of the following.

a. The area that is within 30 km from the member's residence that can be travelled by vehicle on a public road.

b. The area in which a member can travel by public transport in 150 minutes from the member's residence and return.

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Division 3: Key definitions relating to resident family

Subdivision 1: Accompanied resident family

1.3.14 Accompanied resident family

A person is accompanied resident family of a member if all of the following apply.

a. The person meets the definition of recognised family under section 1.3.1.

b. The member has applied for recognition of the person as accompanied resident family on the approved form.

c. One of the following apply.

i. The person meets the criteria for a type of accompanied resident family in Subdivision 2: Types of accompanied resident family

ii. The person is accompanied resident family of a dual serving couple under Subdivision 5: Dual serving members.

1.3.15 Effect of temporary separation

A person does not ceases to be accompanied resident family of a member if they are temporarily separated from the member due to one of the following reasons.

a. Service reasons.

b. The member or their partner has an illness or infirmity which prevents them from living together.

c. A circumstance in which the CDF is satisfied of the following.

i. The reason for the temporary separation is unforeseen.

ii. The separation is genuinely temporary.

iii. The person intends to permanently re-join the member within a reasonable timeframe.

Subdivision 2: Types of accompanied resident family

1.3.16 Accompanied resident family — Partner

A partner of a member is accompanied resident family of a member if they meet any of the following.

a. They live in a home with the member on a permanent basis.

b. They are reasonably expected to live in a home with the member.

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1.3.17 Accompanied resident family — Child 90+ nights

A child is accompanied resident family of a member if they are reasonably expected to live with the member for at least 90 nights in a year.

Note: If a member is on a flexible service determination, the member's nonworking period does not affect the 90 night period when the child stays with the member in the housing benefit location.

1.3.18 Accompanied resident family — Child less than 90 nights

A child is accompanied resident family of a member if they are expected to live with the member at their housing benefit location for less than 90 nights a year and the CDF is satisfied that they are not able to meet section (Child 90+ nights) having regard to any of the following.

a. The arrangements for the child's contact or residence with the member.

b. The member's access to the child.

c. The distance and transport between the child's location and the member's location.

d. The nature and extent of the member's Service commitments.

e. Other factors that may be relevant to the relationship of the child and the member.

1.3.19 Accompanied resident family — Child absent due to education

A child is accompanied resident family of a member if all of the following apply.

a. Any of the following apply.

i. The member has accompanied resident family.

ii. The member does not have a partner who is recognised as resident family and has no accompanied resident family.

b. The child is absent from the member's home only because they are undertaking full-time primary, secondary or undergraduate tertiary education.

Subdivision 3: Unaccompanied resident family

1.3.20 Unaccompanied resident family

1. A person is unaccompanied resident family of a member if all of the following apply.

a. The person meets the definition of recognised family under section 1.3.1

b. The member has applied for recognition of the person as unaccompanied resident family on the approved form.

c. One of the following apply.

i. The person meets the criteria for a type of unaccompanied resident family in Subdivision 4: Types of unaccompanied resident family.

ii. The person is unaccompanied resident family of a dual serving couple under Subdivision 5: Dual serving members.

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2. A member is eligible for the recognition of the resident family as unaccompanied resident family if all of the following apply.

   a. The member's resident family are children.

   b. The CDF is satisfied that there is an appropriate recognised other person to care for the children.

   Note: 'Child' is defined in section 1.3.35.

1.3.21 When resident family cease to be unaccompanied

Resident family cease to be unaccompanied resident family of a member if any of the following apply.

a. The resident family no longer meets the criteria for a type of unaccompanied resident family in subdivision 4 of this Division.

b. Subdivision 5 ceases to apply.

c. The member commences a new posting.

d. The CDF is satisfied that the member's resident family no longer meet the purpose of being recognised as unaccompanied.

   Note: The CDF must inform the member of the decision.

Note: Nothing prevents the member from reapplying for recognition of a person as unaccompanied resident family.

Subdivision 4: Types of unaccompanied resident family

1.3.22 Unaccompanied resident family — In connection with a posting

Resident family is unaccompanied resident family if all of the following apply.

a. The member commences a new posting.

b. Immediately before commencing a new posting, one of the following applies.

   i. The resident family was accompanied resident family of the member.

   ii. The resident family was unaccompanied resident family.

c. The member resides in their housing benefit location without any accompanied resident family.

1.3.23 Unaccompanied resident family — In connection with a posting to a seagoing ship or seagoing submarine

Resident family is unaccompanied resident family if all of the following apply.

a. Immediately before becoming unaccompanied resident family, the resident family was accompanied resident family of the member.

b. The member meets all of the following.

i. They are posted to a seagoing ship or seagoing submarine.

ii. They are granted a removal for their resident family to a family benefit location under section 6.5.21.

iii. They reside in their housing benefit location without any accompanied resident family.

1.3.24 Unaccompanied resident family — Resident family moving away from the member

Resident family is unaccompanied resident family if all of the following apply.

a. The resident family meets all of the following.

i. Immediately before becoming unaccompanied resident family, they were accompanied resident family of the member.

ii. They move away from the member's housing benefit location

b. The member resides in their housing benefit location without any accompanied resident family.

1.3.25 Unaccompanied resident family — On return from a deployment

Resident family is unaccompanied resident family if all of the following apply.

a. The resident family meets all of the following.

i. Immediately before becoming unaccompanied resident family, they were accompanied resident family of the member.

ii. During the member's deployment, they moved to a family benefit location or another location for family support.

b. The member meets all of the following.

i. On return from deployment, they do not commence a new posting in Australia.

ii. They reside in their housing benefit location without any accompanied resident family.

1.3.26 Unaccompanied resident family – Partners who don't live together

A partner is unaccompanied resident family if all of the following apply.

a. The CDF is satisfied that the member and their partner are not able to live together due to one of the following.

i. Service requirements.

ii. Court orders relating to a child of the member or of the person.

iii. Court orders relating to the safety and welfare of a person.

iv. Compelling reasons that prevent the member and person from living together.

b. The member resides in their housing benefit location without any accompanied resident family.

1.3.27 Unaccompanied resident family — Recognised family in connection with recruitment from overseas

Recognised family is unaccompanied resident family if all of the following apply.

a. The member meets all of the following.

i. They were recruited from overseas.

ii. They were moved to Australia at Commonwealth expense.

iii. They reside in their housing benefit location without any accompanied resident family.

b. The recognised family's first home in Australia is not in the member's housing benefit location.

1.3.28 Unaccompanied resident family — Service or compassionate reasons

1. Resident family is unaccompanied resident family if all of the following apply.

a. The CDF is satisfied that there are Service or compassionate reasons to recognise them as unaccompanied resident family, having regard to the following,

i. The health and welfare of the member and their resident family.

ii. Any other relevant matter.

b. The member resides in their housing benefit location without any accompanied resident family.

2. In making a decision under subsection 1, the CDF must also specify the duration in which the decision is to apply.

1.3.29 Unaccompanied resident family — Child absent due to education

A child is unaccompanied resident family of a member if all of the following apply.

a. The member has unaccompanied resident family.

b. The child is absent from the member's home only because they are undertaking full-time primary, secondary or undergraduate tertiary education.

c. The member resides in their housing benefit location without any accompanied resident family.

Subdivision 5: Dual serving members

1.3.30 Who this subdivision applies to

This subdivision applies to a member (the first member) who meets all of the following.

a. The member's partner is also a member (the second member).

b. The first member has a different housing benefit location than the second member.

1.3.31 Dual serving member – Partner only

If the member's (the first member) only resident family is their partner (the second member) and the first member is nominated as having unaccompanied resident family, the following apply.

a. The first member is accompanied resident family of the second member.

b. The second member is unaccompanied resident family of the first member.

1.3.32 Dual serving member – Member lives without resident family

If one of the members does not live with any resident family (the first member) and the member's partner lives with the resident family (the second member) the following apply.

a. In relation to the first member, their resident family are unaccompanied resident family.

b. In relation to the second member, their resident family are accompanied resident family.

1.3.33 Dual serving member – Members both live with resident family

If both members live with resident family and a member (the first member) is nominated as having unaccompanied resident family, the following apply.

a. In relation to the first member, their resident family are unaccompanied resident family and they have no accompanied resident family.

b. In relation to the member (the second member) not nominated as having unaccompanied resident family their resident family are accompanied resident family and they have no unaccompanied resident family.

1.3.34 Dual serving member – Rules relating to nomination

For the purpose of section 1.3.31 and 1.3.33, the following apply.

a. A nomination may be made by a member or their partner.

b. If a nomination is not made, the senior member is taken to be nominated as having unaccompanied resident family.

c. The classification of the resident family applies regardless of who they live with.

Division 4: Key definitions relating to people

Subdivision 1: General

1.3.35 Child

1. A **child** of a member or their partner meets any of the following persons.

    a. A person under 21 years of age who meets one of the following.

        i. They are, or were before they turned 18 years old, a child of the member or the member's partner for the purposes of Part 7 Division 1 Subdivision D of the Family Law Act 1975.

        ii. They are, or were before they turned 18 years old, the subject of a permanent care order issued by a court or statutory authority and placed in the member's or the member's partner's care.

        iii. The CDF is satisfied that they have joined the member's household in anticipation of being placed in the member or the member's partner's care under a permanent care order issued by a court or statutory authority.

    b. The age limit in subsection 1 does not apply for a child who is an invalid or has a disability.

1.3.36 Partner

1. **Partner**, in relation to a member, means a person who meets any of the following.

    a. They are in a registered relationship prescribed by the law of a State or Territory with the member.

    b. They are in a de facto relationship with the member.

    c. One of the following applies.

        i. They are married to the member under the *Marriage Act 1961*.

        ii. They are in a marriage with the member that is recognised under the *Marriage Act 1961*.

    d. A CDF recognised partner under section 1.3.38.

2. A person ceases to be a partner if the CDF is satisfied that the person lives separately and apart from the member on a permanent or indefinite basis.

    Note 1: Living separately and apart from the member on a permanent basis is an indication of a breakdown in the relationship.

    Note 2: A member and their partner may cease to be partners even if they continue to reside in the same residence or that either party provides some household services to the other.

1.3.37 Recognised other person

1. **Recognised other person**, in relation to a member, means any of the following.

    a. An adult child.

b. A live-in carer.

c. A guardian or housekeeper.

d. Subject to subsection 2, a person who has an interdependent relationship with the member if the CDF is satisfied the member and the person have a close personal relationship having regard to the following factors.

i. The person has a permanent relationship with the member and provides them with a degree of emotional support.

ii. The living arrangements of the person and if they will live with the member.

iii. The inability of the person to live with the member is because of an intellectual, physical or psychiatric disability.

iv. The financial support provided to the person by the member.

v. The interdependent support and personal care provided to the member or the person.

2. A person must not be recognised as being in an interdependent relationship under paragraph 1.d if the CDF is satisfied that any of the following circumstances apply.

a. The person's relationship with the member is one of mere convenience.

b. There is alternative support, care or accommodation available to the person.

c. The person is a resident child carer living with the member's family but is not otherwise recognised family of the member.

Subdivision 2: Partners

1.3.38 CDF recognised partner

CDF recognised partner means a person who the CDF is satisfied meets one of the following.

a. They meet all of the following.

i. The person would be able to be recognised as being in a de facto relationship with the member if they were living together.

ii. The member and the person are not able to live together due to Service requirements only.

b. The person would be in a de facto relationship if they lived with the member, but are unable to because of one of the following.

i. Court orders relating to a child of the member or of the person.

ii. Court orders relating to the safety and welfare of a person.

iii. Compelling reasons that prevent the member and person from living together.

1.3.39 De facto relationship

1. **De facto relationship** means a relationship between two persons who are both at least 18 years old that is, in the CDF's opinion, a de facto relationship.

Note: De facto relationship is defined by section 2F of the *Acts Interpretation Act 1901*.

2. A member must use the approved form to apply for recognition of a de facto relationship.

3. A de facto relationship may be recognised under subsection 1 if the partners are temporarily separated due to one of the following reasons.

   a. Service reasons.

   b. The member or their partner has an illness or infirmity which prevents them from living together.

   c. A circumstance where the CDF is satisfied of the following.

      i. The reason for the temporary separation is unforeseen.

      ii. The separation is genuinely temporary, and the CDF is satisfied that the person intends to permanently re-join the member within a reasonable timeframe.

   Note: This subsection cannot apply to a relationship where the couple have never lived together.

4. To avoid doubt, an application may be approved in relation to a period immediately preceding the application date.

   Note: Approval of a past period may require adjustment of allowances and benefits and this may result in recovery action, with the member or their partner having to repay benefits to Defence or other Commonwealth agencies.

Division 5: Other matters

1.3.40 Equivalent ranks and classifications

1. A reference to an Army rank includes a reference to the equivalent of a rank in the Navy and Air Force as set out in Schedule 1 of the Act, unless specified otherwise.

2. A reference to a rank in column A of the following table includes a Chaplain classification in column B or a Maritime Spiritual Wellbeing Officer classification in column C of the same item.

Item	Column A Rank	Column B Chaplain classification	Column C Maritime Spiritual Wellbeing Officer classification
1.	Captain	Division 1	Class 1
2.	Major	Division 2	Class 2
3.	Lieutenant Colonel	Division 3	Class 3
4.	Colonel	Division 4	Class 4
5.	Brigadier	Division 5	Class 5

1.3.41 References to time

Time is expressed using a 24-hour clock system.

1.3.42 Meaning of dependant for the *Fringe Benefits Tax Assessment Regulations 2018*

For the purpose of the *Fringe Benefits Tax Assessment Regulations 2018,* a dependant of a member means a person who is resident family of the member.

1.3.43 Meaning of specific words for determinations made under section 58H of the *Defence Act 1901*

For the purpose of a determination made under section 58H of the *Defence Act 1901*, the following apply.

a. A **dependant** of a member means a person who is resident family of the member.

b. A **member with dependants (unaccompanied)** means a member who has unaccompanied resident family.

Part 5: Member's rights and obligations

1.5.1 Purpose

A member must meet certain obligations when they have an entitlement or benefit. This Part sets out those obligations.

1.5.2 Obligation to provide accurate information

1. A member must provide accurate information in their application.

2. Defence may take into account information that a member's recognised family or recognised other person provides to ensure that correct benefits are provided in relation to the member's service.

3. If a member has claimed a benefit, the CDF may from time to time ask the member to provide information about their relationships and living arrangements.

   a. This information is used to verify the relationships or living arrangements that affect eligibility.

   b. It may also be used to decide which category a member is in and what benefits they and any recognised family or recognised other person are eligible for.

4. Giving false or misleading information is a serious offence.

   Note 1: Sections 137.1 and 137.2 of the Criminal Code create offences for providing false or misleading information or documents. The Criminal Code is a Schedule to the Criminal Code Act 1995.

   Note 2: Section 56 of the Defence Force Discipline Act 1982 creates a military disciplinary offence for a false statement made in an application for a benefit.

1.5.3 Change in member's circumstances

1. This section applies if a member, recognised family or a recognised other person meet both these conditions.

   a. They have qualified for a benefit.

   b. The circumstances on which they qualified for the benefit change.

2. A person who applies for a benefit under this Determination is responsible for informing themselves about the benefit they are claiming.

3. The member must notify their Commanding Officer in writing about the change within 14 days after it happens.

   Exception: The CDF may accept a notice provided by the member on a later date if satisfied that the delay is reasonable.

   Note: This requirement helps the *Commonwealth* prevent overpayments being made. If a member does not advise about changes, they may receive payments they are not entitled to, which would need to be repaid.

4. The member must also provide a written notice of the change to the administrator of their type of housing assistance, within 14 days after it happens, as relevant.

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a. For living-in accommodation – Commanding Officer, Officer Commanding or Executive Officer not below MAJ(E) at the base where the member is required to occupy living-in accommodation.

b. For a Service Residence – Defence Housing Australia.

c. For rent allowance – Defence Housing Australia.

5. A member must fill in and provide the approved form to their Commanding Officer as soon as practicable after any of the following events.

a. The number of people in the member's recognised family changes or recognised other person.

b. The member is notified of a change of service location and it is reasonable to expect that any of the following may change in the new service location.

i. The member has accompanied resident family.

ii. The member has unaccompanied resident family and no accompanied resident family.

iii. The member has no recognised family or other recognised persons.

1.5.4A Contributions and payments payable by a member not receiving salary

1. This section applies to a member not receiving salary for either of the following reasons.

a. The member meets a condition under section A.1.4 of DFRT Determination No. 2 of 2017, *Salaries*.

b. The member is on a nonworking period under the member's flexible service determination.

2. Any unpaid contributions or payments are a debt to the Commonwealth. The Commonwealth may recover any unpaid contributions or payments.

Note: The Accountable Authority Instructions issued under Section 20A of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) provide guidance and relevant procedures relating to debt management to ensure officials can meet their obligations under the PGPA Act.

1.5.5 Recovery by the Commonwealth

1. This section applies if a member must repay an overpayment of salary or allowances to the Commonwealth.

2. The Commonwealth may recover the overpaid amount from the salary and allowances that the member has been – or may be – paid. The Commonwealth still has the right to recover the overpaid amount by other means.

Note: The Public Governance, Performance and Accountability Act 2013 recovery processes are usually used to do this.

1.5.6 Decision-makers to avoid conflict of interest

1. This section applies if a member would get a personal benefit from a decision they are authorised to make.

2. The member must refer the decision to another decision-maker at or above their rank or classification.

1.5.7 Member to provide evidence of payment

1. This section applies to a member who is eligible for the reimbursement of a payment they made.

2. The member must provide either of the following as evidence that they made the payment.

   a. Written evidence, including any original receipts.

   b. A statutory declaration if written evidence is not available.

3. The member must provide the items when they lodge their claim for reimbursement or as soon as practical after that time.

Note: A person who knowingly makes a false statement in a statutory declaration under the *Statutory Declarations Act 1959,* as amended, is guilty of an offence under section 11 of that Act. They could go to prison for 4 years.

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Part 6: Payment of benefits in special circumstances

1.6.1 Dual entitlement – member's partner is also a member

1. This section applies if all the following are met.

    a. A member's partner is also a member.

    b. Both members are eligible for any of the following benefits at the same time or for the same event.

        i. Disturbance allowance.

        ii. Reimbursement for childcare on removal.

        iii. Assistance or reimbursement for home sale or purchase.

        iv. Reimbursement for loss on sale of furniture and effects.

        v. Reimbursement for loss on sale of a vehicle.

        vi. Reimbursement for cost of insurance on removal of urgently needed household items.

        vii. Reimbursement for education costs for a child under Chapter 8 Part 4.

        viii. Reimbursement in place of a child's scholarship.

2. This table sets out how the benefit is provided.

Item	If the members…	then the benefit is provided to the member who…
1.	jointly nominate one of them to receive the benefit	is nominated.
2.	do not jointly nominate one of them to receive the benefit, and they:	
	a. hold different ranks	has the higher rank
	b. hold the same rank	has the greater seniority in the rank.

3. If a member is eligible to receive a benefit listed in subsection 1 and the member's partner is also eligible for a similar benefit not provided in Chapter 1 to 11 of this determination, the benefit payable to the member is reduced by the amount of the similar benefit.

1.6.1A Payment of contributions by another person

1. This section applies to a member not receiving salary for either of the following reasons.

    a. The member meets a condition under section A.1.4 of DFRT Determination No. 2 of 2017, *Salaries*.

    b. The member is on a flexible service determination — during their nonworking period.

2. The member may nominate, in writing, their partner to pay contributions owed by the member if all of the following conditions are met.

    a. Their partner is also a member.

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b. Their partner has consented in writing to make the contributions on the member's behalf.

Note 1: Their partner may revoke consent at any time.

Note 2: Contributions are to be paid through the Department of Defence pay system.

Note 3: If the contribution is not paid by their partner, the contribution may be recovered from the member as a debt owed to the Commonwealth.

1.6.2 Payment of benefit to another person

1. A member may seek to have their benefit paid to their partner or another person. These conditions apply.

   a. The member must nominate in writing the person to receive the payment on their behalf.

   b. The other person must consent to the disclosure of their personal or financial information, and to receiving the payment.

   c. The member must provide the alternative payment details.

2. Alternatively, the benefit will be paid as specifically provided for under another Chapter.

1.6.3 Payment of amount to a person under legal disability

1. This section applies if an amount is payable to a person who has a legal disability.

2. The amount may be paid to a trustee appointed by the CDF to act on behalf of the person. The CDF must consider any instructions the member gave before the legal disability began.

3. Both these conditions apply to an amount paid to a trustee under subsection 2.

   a. The trustee will hold it on trust for the benefit of the person in accordance with any directions of the CDF.

   b. It is taken to have been paid to the person.

1.6.4 Payment of amounts on death of a member

1. An amount payable to a member on their death may be paid to either of these parties.

   a. The member's recognised family.

   b. The member's legal personal representative, if both these conditions are met.

      i. The member has no recognised family.

      ii. The CDF considers it appropriate.

2. The amount may be payable to more than one of the member's recognised family if the CDF is satisfied of the losses each person suffers through the loss of the member's earnings.

3. A payment should be made under subsection 1 within 12 months after the member's death. If it is not, the amount must be paid to the member's legal personal representative.

4. If no-one is eligible for a payable amount, no payment will be authorised.

1.6.5 Effect of death on eligibility for salary and allowances

1. For the purpose of payment of salary or allowances, a member is taken to have ceased continuous full-time service when the member is in either of the following situations.

   a. The member has died.

   b. The member is missing and presumed dead.

      Exception: If the member is later found alive, the period for which the member was missing is taken not to break their service.

2. If a certificate of death has not been provided to state a date of death or presumed death for a member under a relevant Commonwealth, State or Territory law, then for the purpose of the benefits provided under this Determination, the CDF, a Service Chief or the Director General Defence Member and Family Support may determine that a member died on a particular date.

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Part 7: Imprisonment, detention and custody within Australia

1.7.1 Purpose

This Part sets out what happens to a member's salary and benefits during a period of imprisonment, detention or custody.

1.7.2 Member this Part applies to

This Part applies to a member, including a member of the Reserves on Reserve service, who is imprisoned, in detention or in custody within Australia.

1.7.3 Member this Part does not apply to

1. The CDF or the Chief of Defence Intelligence may specify a member to whom this Part does not apply for a particular period or activity.

2. When making a decision under subsection 1, the CDF or the Chief of Defence Intelligence must have regard to the nature of the member's duty.

1.7.4 General rule – benefits and contributions

1. This section does not apply to a member in the following circumstances.

   a. If individual periodic imprisonment periods of imprisonment are less than 7 consecutive days.

   b. If the full length of imprisonment is less than 7 days.

2. A decision under subsection 3 does not apply to any of the following.

   a. The member's salary or DFRT allowances.

      Note: Sections 1.7.5 and 1.7.6 specify the effect of imprisonment, detention or custody on salary and DFRT allowances.

   b. The member's leave credits.

      Note: Division 1 specifies the effect of imprisonment, detention or custody on leave credits.

   c. The member's contributions towards a Service residence, rent allowance or living-in accommodation.

      Note 1: Division 2 specifies the effect of imprisonment, detention or custody on housing assistance.

      Note 2: This subsection does not prevent the CDF from ceasing a member's eligibility for housing assistance.

3. If a member has been imprisoned, detained or held in custody for a period of 7 or more continuous days the CDF may decide to do the following.

   a. Reduce or cease a benefit that the member was receiving before the member's imprisonment, detention or custody.

      Note: The CDF may set a future date when the benefit will be reduced or ceased.

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b. Increase a contribution payable by the member, but not above the actual cost of the benefit.

Note: To avoid doubt, a member will continue to receive benefits for the first 7 consecutive days of imprisonment, detention or custody. The 7 days starts on the day the member is imprisoned, detained or taken into custody.

4. If a member's benefit or contribution is changed by the CDF under subsection 3, the CDF may review the decision after 7 days.

5. When reviewing a decision under subsection 4, the CDF may decide to do any of the following.

   a. Reinstate a benefit that had been ceased or reduced.

   b. Reduce, including a further reduction of benefits previously reduced, or cease other benefits.

   c. Reduce a contribution that had been increased.

   d. Increase a contribution, including a further increase of a contribution previously increased, but not above the actual cost of the benefit.

   e. Make no further change to the benefit or contribution.

6. When making a decision under subsection 3 or subsection 4 the CDF must consider the following.

   a. The remaining period of imprisonment, detention or custody.

   b. The impact that reducing or ceasing a benefit or increasing a contribution would have on the member's resident family.

   c. Any other relevant circumstance.

7. A member is not eligible for a benefit that they were not eligible for immediately before their imprisonment, detention or custody.

1.7.5 Salary and DFRT allowances – member in detention

1. If a member is in detention both of the following occur for each full day of the member's period of detention.

   a. The part of the member's salary calculated using the following formula, is forfeited to the Commonwealth.

$$forfeited\ salary = A - B$$

   Where:

   A is the member's rate of salary.

   B is the salary payable to a normal entry recruit during basic training under Schedule B.13 Part 1 item 1 column 3 of DFRT Determination No. 2 of 2017, *Salaries.*

   b. The member's DFRT allowances and Language allowance are forfeited to the Commonwealth.

   Note: Language allowance is payable under DFRT Determination No. 10 of 1992, *Language allowance.*

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2. If a Reserve member who is not on continuous full-time service is in detention the member receives the daily rate of salary for a normal entry recruit during basic training under Schedule B.13 Part 1 item 1 column 3 of DFRT Determination No. 2 of 2017, *Salaries,* for each full day of the member's period of detention.

3. A period of detention does not count as qualifying service for the purpose of eligibility for DFRT allowances.

1.7.6 Salary and DFRT allowances – member imprisoned or in custody

1. A member's salary, DFRT allowances and Language allowance are forfeited to the Commonwealth during a period of imprisonment or custody.

   Note: Language allowance is payable under DFRT Determination No. 10 of 1992, *Language allowance.*

2. For the purpose of subsection 1 the forfeit period is either of the following.

   a. For a single period of imprisonment or custody.

      i. Commencing at the start of the first full day that the member is imprisoned or held in custody.

      ii. Ending at the end of the last full day the member is imprisoned or held in custody.

   b. For periodic imprisonment or custody.

      i. Commencing at the start of the first day for each period that the member is imprisoned or held in custody.

      ii. Ending at the end of the last day of each period that the member is imprisoned or held in custody.

3. If a member is held in custody for less than a full day, or 2 consecutive part days, the member does not forfeit any salary, DFRT allowances or Language allowance.

   Note: If the member is absent from duty without leave while being held in civil custody, action under section 29 of the Defence Regulation may apply.

4. A period of imprisonment or custody does not count as qualifying service for the purpose of eligibility for DFRT allowances.

1.7.7 Conviction quashed or set aside

1. This section applies to a member if either of the following occurs.

   a. The decision that led to a member's imprisonment or detention has been quashed or set aside.

   b. The period in which the member was held in custody was determined to be unlawful.

2. If the member had part of their salary forfeited under section 1.7.5, the member is to be paid both of the following amounts.

   a. An amount of salary calculated using the following formula.

$$amount\ of\ salary\ repayable = A - B$$

   Where:

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A is the amount of salary that the member would have received during the period had the member not been in detention.

B is the amount of salary that the member received during the period the member was in detention.

b. An amount equal to the DFRT allowances and Language allowance which were forfeited during the period the member was in detention.

Note: Language allowance is payable under DFRT Determination No. 10 of 1992, *Language allowance*.

3. If the member's salary, DFRT allowances and Language allowance were forfeited under section 1.7.6, the member is to be paid an amount equal to the salary, DFRT allowances and Language allowance that were forfeited during the period.

4. If a member's contribution for a benefit was increased under section 1.7.4, the member is to be reimbursed an amount calculated using the following formula.

$$amount\ of\ contribution\ reimbursed = A - B$$

Where:

A is the contribution amount paid by the member during the period of imprisonment, detention or custody.

B is the contribution amount that would have been paid by the member during the period of imprisonment, detention or custody.

5. If a member's eligibility for a reimbursement was ceased under section 1.7.4, the member is to be paid the amount that the member would have been reimbursed had the member not been imprisoned, in detention or held in custody.

6. If a member's service in the ADF was terminated during a period of imprisonment, detention or custody, the member is to be paid any salary, DFRT allowances and Language allowance that would have been payable from the date of forfeiture up until the member's last day of service.

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Division 1: Leave

1.7.8 Purpose

This Division sets out what happens to a member's leave during a period of imprisonment, detention or custody.

Note: The general rule in section 1.7.4 does not apply to any type of leave.

1.7.9 Recreation leave

1. A member is not eligible to take recreation leave during a period of imprisonment or detention.

2. A period of imprisonment, detention or custody is non-effective service for the purpose of recreation leave accrual.

3. A member is credited recreation leave credits that would have accrued during a period of detention if the decision is quashed or set aside.

Note: This subsection does not apply to imprisonment or custody.

1.7.10 Short absence and medical absence from duty

A member is not eligible to take short absence or medical absence from duty during a period of imprisonment, detention or custody.

1.7.11 Maternity leave

1. A member is not eligible to take maternity leave during a period of imprisonment, detention or custody.

2. If a member is imprisoned, detained or held in custody during the required absence provided under Chapter 5 Part 6 Division 3, the required absence period is reduced by the by the number of days the member was imprisoned, in detention or custody during that period.

3. If a member is in periodic imprisonment or weekend imprisonment, the member may take maternity leave when not serving a period of imprisonment during the period in which maternity leave can be taken.

1.7.12 Parental leave

If a member is in periodic imprisonment or weekend imprisonment, the member may take parental leave when not serving a period of imprisonment during the period in which parental leave may be taken.

1.7.13 Long service leave

1. A period of imprisonment, detention or custody is non-effective service for the purpose of accruing long service leave credits under Chapter 5 Part 5 Division 3.

2. The member is not eligible to take long service leave during a period of imprisonment, detention or custody.

1.7.14 Other forms of leave with or without pay

A member is not eligible to take any other forms of leave with pay provided under Chapter 5 during a period of imprisonment or detention.

Note: This section does not apply to custody.

Division 2: Housing, removals and storage

1.7.15 Purpose

This Division sets out what happens to a member's housing, removals and storage benefits during a period of imprisonment, detention or custody.

Note: The general rule in section 1.7.4 does not apply to the contribution rate payable for any type of housing.

1.7.16 Member occupying a Service residence or rent band choice property

1. During a period of imprisonment, detention or custody a member is required to pay the market rent rate for the Service residence or rent band choice property for the following period.

    a. Commencing on the first full day of the member's imprisonment, detention or custody.

    b. Ceasing on the earlier of the following.

        i. The last full day the member is in prison, detention or custody.

        ii. The day the member vacates the property.

    Note: If the member is not in receipt of salary during this period, the payments will be considered a debt to the Commonwealth.

2. Subject to subsection 4, if the member is in financial hardship the CDF may reduce the market rent rate payable under subsection 1.

3. If the member's eligibility for a Service residence or a rent band choice property is ceased by the CDF under section 1.7.4, the member is eligible for a removal under Chapter 6 Part 5 within 28 days to a location within Australia.

4. If the member or the member's resident family or recognised other persons do not vacate the residence within the 28 day period under subsection 3, both of the following apply.

    a. The member's contribution is the equivalent of market rent rate for the residence until the residence is vacated.

    b. The member is not eligible for either of the following.

        i. A removal under Chapter 6 Part 5.

        ii. A reduction in the market rent rate under subsection 2.

5. If the member chooses to vacate a Service residence or rent band choice property and their eligibility for the accommodation has not ceased, the member is not eligible for a removal under Chapter 6 Part 5.

6. The member is not eligible for housing assistance for their resident family if either of the following applies.

    a. The member's eligibility for a Service residence or rent band choice property is ceased by the CDF under section 1.7.4.

    b. The member chooses to vacate a Service residence or rent band choice property.

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7. If a member is required to vacate their Service residence or rent band choice property and the member is unable to remove their property due to their imprisonment, detention or custody, the member's property may be removed and stored under Chapter 6 Part 5 until the member's release or an agent appointed by the member takes possession of the property.

Note 1: The member may be responsible for the cost of storage under section 1.7.19.

Note 2: If the member appoints an agent to take possession of their property, this appointment must be in writing.

8. If a member's possessions have been removed to another location or to storage, the member is not eligible for a removal under Chapter 6 Part 5 on their release from imprisonment, detention or custody unless they are posted to a new service location.

1.7.17 Member occupying a rent allowance property

1. A member ceases to be eligible for rent allowance on the first full day of the member's imprisonment, detention or custody.

2. If the member chooses to vacate the rent allowance property during a period of imprisonment, detention or custody, Chapter 6 does not apply.

1.7.18 Member occupying living-in accommodation

1. A member ceases to be permitted to occupy living-in accommodation if the CDF revokes the member's licence to live in.

2. When making a decision under subsection 1, the CDF must take the following into consideration.

   a. The duration of the member's imprisonment, detention or custody.

   b. The pattern of the member's imprisonment, detention or custody.

   c. The type of living-in accommodation.

   d. Whether the accommodation is needed for a member who is required to live in.

   Note: If the member's licence to live in is revoked under subsection 1, the member may be eligible for housing assistance upon release from imprisonment, detention or custody.

3. If the member's property remains in the living-in accommodation, the member is eligible for one of the following.

   a. Storage of the member's property in the living-in accommodation.

   b. Removal and storage of the member's property under Chapter 6 Part 5.

      Note: The member may be responsible for the cost of storage under section 1.7.19.

1.7.19 Storage costs

1. If a member's possessions have been removed and stored under Chapter 6 Part 5, section 1.7.16 or section 1.7.18, the CDF may recover the cost of the storage from the member.

2. When making a decision under subsection 1 the CDF must take the following into consideration.

   a. The amount of property put into storage.

b. Any special storage requirements that resulted in an increased cost to the Commonwealth.

c. The number and type of vehicles that required storage.

1.7.20 Contribution for meals

If the member is on a continuous period of imprisonment, detention or custody — the member is not required to make a contribution for meals under Chapter 7 Part 9 Division 1.

1.7.21 Food allowance

A member ceases to be eligible for food allowance under Chapter 7 Part 9 Division 2 during a period of imprisonment, detention or custody.

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Division 3: Other benefits

1.7.22 Purpose

This Division sets out the effect on other benefits that a member may or may not be eligible for during a period of imprisonment, detention or custody.

1.7.24 Travel in Australia

1. If a member is required to travel to or from the place of detention, the following apply.

   a. The member is not eligible for meal allowance or incidentals for the journey to the place of detention but the member will be provided a reasonable meal having regard to the length and time of the journey.

   b. The member is eligible for meal allowance and incidentals payable under Chapter 9 Part 5 for the return journey to the member's service location.

   Note: Travel relating to the start and end of a period of detention is duty travel.

2. If a member is required to travel to or from the place of imprisonment or custody, the member is not eligible for travel benefits under Chapter 9 Part 5.

1.7.25 Funeral costs

The Director General Defence Member and Family Support may approve funeral benefits in exceptional circumstances under subsection 11.4.6.2.

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Chapter 2: ADF career

Part 1: Joining the ADF

2.1.3 Purpose

This Part provides assistance to a person who has applied to join the ADF. This includes travel costs, allowances and accommodation costs.

2.1.4 Travel, accommodation and meals

1. This section applies to a person who has applied to be appointed to, or enlisted in, the ADF and all the following apply.

    a. They are requested to attend a Defence Force Recruiting Centre for an interview or examination.

    b. They attend a Defence Force Recruiting Centre for the interview or examination requested.

    c. They are required to travel from their normal place of residence to the Defence Force Recruiting Centre and back to their normal place of residence.

    d. They live outside of an area serviced by the metropolitan transport system of the city or town where the Defence Force Recruiting Centre is located.

2. The person who uses a means of travel in an item in column A of the following table is eligible for the amount in column B of the same item.

Item	Column A Means of travel	Column B Assistance
1.	Private vehicle.	The amount they would be eligible for under section 9.6.25.
2.	Public transport by a regional transport provider, including air travel.	The lesser of these two amounts: a. The fares that the member would be eligible for if they held a rank of Colonel or lower. b. The fares that they paid.

3. The person is eligible for the allowance under subsection 4 for accommodation and meals if they meet both the following.

    a. The person has to be absent from their normal place of residence overnight to attend the Defence Force Recruiting Centre and return home.

    b. Their meals and accommodation are not provided by the Commonwealth.

4. The allowance is the lowest of the following amounts.

    a. The amount the accommodation and meals would have cost if they had been provided under this Part.

    b. The amount the person paid for accommodation and meals.

    c. The amount the person would be eligible for under table item 2 of section 9.5.35.

5. The person is eligible for meal allowance under section 4.5.9 if all the following apply.

    a. The person will not be absent from their normal place of residence overnight.

    b. The period of their absence includes a meal period.

    c. A meal is not provided under this Part.

2.1.5 Prepaid fares

1. A country applicant who travels to or from a recruiting centre is eligible to either a prepaid fare or an allowance under section 2.1.4.

2. The applicant must repay any prepaid amount they do not spend, including if the journey is cancelled.

2.1.6 Baggage

Persons eligible for travel under this Division are not eligible for assistance under this Part for excess baggage.

2.1.7 Loss of wages or salary

1. This section applies to a person who is not a member of the ADF and who has applied to join the ADF. They may be compensated for loss of wages or salary if they meet all these conditions.

    a. They are employed.

    b. They are required to have an examination or interview to see if they are suitable to join the ADF.

    c. They attend a recruiting centre to be examined or interviewed.

    d. They lose salary or wages because of that attendance.

2. The applicant is eligible for the lesser of these two amounts.

    a. The wages or salary they would have earned during the period they are reasonably required to be absent from the employment because of the attendance. This does not include any payment for overtime.

    b. The salary that would be payable for that period to a normal entry recruit during basic training.

3. The applicant is not eligible if they have not disclosed in their application a significant fact that makes them ineligible to join the ADF.

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Part 2: Career transition

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.

2.2.2 Definitions

In this Part the following apply.

Employment means any of the following.

a. Full-time work.

b. Part-time work.

c. Casual work.

d. Self-employment.

Meaningful Engagement means activities that improve social interaction and community inclusion, including, study, volunteer activities with sporting and recreation associations and clubs, retirement activities or unpaid work.

Member includes a former member.

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 is in one of the following situations.

i. They have been notified of a proposed involuntary separation under section 100 of the Act or redundancy under paragraph 24(1)(b) of the Defence Regulation.

ii. They are 12 months or less away from their retirement age.

Note: Retirement ages are provided under subsection 23(4) of the Defence Regulation.

iii. They are 3 months or less away from completing a fixed period of service.

Note 1: A member may change their period of service under section 18 of the Defence Regulation.

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Note 2: **Change a period of service** is defined in subsection 18(3) of the Defence Regulation.

iv. They have been dismissed under the *Defence Force Discipline Act 1982*.

d. A former member who meets all of the following.

i. They were in one of the situations under paragraph c. before they ceased to be a member.

ii. It has been 2 years or less since their last day of service in the ADF.

2.2.4 Member this Part does not apply to

This Part does not apply to a member who is leaving the Permanent Forces who will immediately become a member of the Reserves on continuous full-time service.

2.2.5 Career transition training

1. Subject to subsection 3, a member is eligible on application for career transition training if all of the following apply and the CDF is satisfied that the training is aligned to a post-transition employment career path or meaningful engagement.

a. The application is approved within 24 months of the member's transition date.

b. The training commences within 24 months of the member's transition date.

1A. Despite subsection 1, a member is eligible for an additional 12 months to apply for and undertake training provided under subsection 1 if the decision maker is satisfied of all of the following.

a. The member has been notified of a proposed involuntary separation under paragraph 24(1)(a) of the Defence Regulation because of being medically unfit for service in the Defence Force.

b. The member is unable to access training because of their medical condition or injuries.

Note: A member who is medically unfit for service may have their service in the Defence Force terminated under paragraph 24(1)(a) of the Defence Regulation.

1B. If subsection 1A applies, the member must not commence the approved training unless the decision maker is satisfied that the member is medically fit to undertake it.

1C. For the purpose of subsection 1A and 1B, decision maker means a person not below WO2(E)/APS4 working in the Directorate of Transition Coaching and Support.

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.

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5. In this section, **career transition training** means training for a member up to a cumulative lifetime total of $5,320.

2.2.6 Assistance for professional financial advice

1. A member is eligible on application for professional financial advice within 24 months of the member's transition date 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.

2.2.7 Travel and accommodation

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.

2. Travel costs provided under subsection 1 are limited to the travel costs payable under Chapter 9 Part 5, Payment of Travel costs.

3. The member is eligible to occupy one of the following.

    a. Service accommodation in the location where the activity is to be held.

    b. Normal accommodation stock, as defined in section 9.5.15, if the CDF is satisfied that Service accommodation is not suitable for the member to use.

2.2.8 Approved absence

1. This section does not apply to a member of the Reserves, other than a member of the Reserves on continuous full-time service.

2. Subject to subsection 3, a member is eligible for 23 approved absence days to attend the following activities if the CDF 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.

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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.

2.2.9 How to apply for transition assistance and approved absence

A member must use the approved form to apply for any assistance under this Part.

Part 3: Leaving the ADF

Division 1: Redundancy

2.3.3 Purpose

The purpose of this Division is to provide financial benefits for a member who is notified of a proposed involuntary separation from the Permanent Forces because of redundancy.

2.3.4 Member this Division applies to

This Division applies to a member who meets all of the following conditions.

a. The member's service in the ADF is ending under paragraph 24(1)(b) of the Defence Regulation because of redundancy.

b. The member has completed more than 2 years of continuous full-time service.

2.3.5 Benefit

1. On the day the member ceases to be a member of the Permanent Forces as a result of redundancy, the member is entitled to any of the following amounts.

   a. A fortnight's salary and allowances for each completed year of service that is recognised for long service leave under Chapter 5 Part 5.

   b. A pro rata payment for each part-year of such service completed.

   c. A fortnight's salary and allowances for each completed year of continuous full-time service in the ADF that is not recognised for long service leave accrual.

   d. A pro rata payment for each completed part year of ADF service that is not recognised for long service leave accrual.

2. Certain periods must be excluded from the calculations in subsection 1. These periods are those included by the Commonwealth or any employer in the calculation of a payment of a special benefit, redundancy payment, or management initiated early retirement benefit, however described.

3. The amount payable under subsection 1 must not be more than 48 weeks' salary and allowances.

4. If the member's retirement age is less than 48 weeks from the day the service of the member is to end, the amount payable is for the period up to the member's retirement age.

5. For the purpose of this section, **allowances** means any of the following.

   a. Higher duties allowance when the period of higher duties was for 12 continuous months or more on the day the notice of redundancy was received.

   b. Any of the following DFRT allowances:

      i. Special Forces disability allowance.

      ii. Clearance diver allowance.

      iii. Maritime disability allowance.

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iv. Unpredictable explosives allowance.

2.3.6 Additional payment

1. This section applies to a member to whom all of the following apply.

   a. The member is subject to an involuntary separation under paragraph 24(1)(b) of the Defence Regulation.

   b. The member provides a written response within the notice period requesting their service end on a day that is less than 5 weeks from the day the notice under section 24(2) of the Defence Regulation was given to the member.

2. The member is to be paid an additional amount that is equal to the salary the member would have received between and including the following days had the member continued to serve during the period.

   a. The day the member's service ends.

   b. The last day of the 5-week period beginning the day the member was given the notice under section 24(2) of the Defence Regulation.

2.3.7 When the amount is repayable

A member must repay the amount received if all of the following apply, unless the CDF is satisfied that the repayment is not required.

a. The member receives any payment under this Division.

b. The member commences another period of continuous full-time service within a year of ceasing to be a member of the Permanent Forces.

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Division 3: Special benefit payment

2.3.20 Purpose

1. The purpose of this Division is to provide the payment of a special benefit to certain members of the Permanent Forces who are compulsorily transferred to the Reserves under section 16 of the Defence Regulation.

2. The payment is not a performance management tool.

2.3.22 Member eligible for special benefit

1. A member is eligible for the special benefit under section 2.3.23 if either of the following apply.

    a. Subject to subsections 2 and 3, the member is compulsorily transferred to the Reserves for workforce planning reasons.

    b. Both of the following apply.

        i. The member is compulsorily transferred to the Reserves for reasons other than workforce planning.

        ii. The CDF is satisfied that payment of the special benefit is reasonable in the circumstances.

2. To be eligible for the special benefit, the member must satisfy all of the following.

    a. They have completed at least 2 years' service at their current rank.

    b. They have at least 12 months of service remaining before the day on which their period of service is expected to end.

    c. They are transferred to the Reserves within 30 days of receiving the decision to transfer them to the Reserves.

4. For the purpose of paragraph 2.b, the day the member's period of service is expected to end is the earlier of the following days.

    a. The day the member reaches retirement age.

    b. The last day of the member's fixed period of service.

2.3.22A Member not eligible for special benefit payment

A member is not eligible for the special benefit if any of the following apply.

a. The member is subject to any of the following.

    i. An investigation for unacceptable behaviour.

    ii. Disciplinary action.

    iii. A notice to show cause for an administrative sanction.

    iv. A notice of a positive test result under section 100 of the Act.

b. The member was imposed with an administrative sanction within the previous 12 months.

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c. Before the member's transfer date all of the following apply.

i. The member is offered an opportunity to serve more than 120 Reserve days within 1 year following their transfer date.

ii. The member agrees that they will undertake the Reserve service offered under subparagraph i.

Note: If the member does not complete the more than 120 days of Reserve service, the member is not eligible for the payment.

2.3.23 Amount of special benefit

1. An eligible member may be paid the lesser of the following.

a. The sum described in items 1 and 2 of the following table less the amounts described in item 3.

Item	Description	Amount
1.	ADF service, including earlier periods of ADF service.	The sum of the following amounts. a. A fortnight's salary for each completed year of continuous full-time service in the ADF. b. A pro rata payment for each part year of continuous full-time service completed in the ADF.
2.	Prior non-ADF service recognised for long service leave.	The sum of the following amounts. a. A fortnight's salary for each completed year of prior service that is recognised for long service leave. b. A pro rata payment for each part year of prior service completed that is recognised for long service leave.
3.	Prior payments for redundancy or retirement.	Any payments made by the Commonwealth or any employer of a special benefit, redundancy payment, or management initiated early retirement benefit, however described.

b. 48 weeks salary.

2.3.25 Repayment of special benefit payment

1. The member must repay any amount paid under this Division if any of the following apply.

a. They begin a period of continuous full-time service as a member of the Reserves or Permanent Forces within 1 year of receiving the payment.

b. They perform more than 120 days of Reserve service within 1 year of the date of their transfer to the Reserves.

2. The member's requirement to repay the amount under paragraph 1.b may be waived if the CDF is satisfied it is reasonable in the circumstances.

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Division 4: Additional transition period

2.3.26 Additional transition period

1. The CDF or a Service Chief may approve payment of certain benefits to a former member for a period, having regard to the following considerations.

    a. Whether the period is necessary to provide the member with a reasonable period of transition assistance to adjust to the end of their career in the Permanent Forces.

    b. The period for which the benefits are usually made available to a member ceasing service on the same grounds as the former member.

2. Approval under subsection 1 may extend for a period of up to 4 months and is taken to start from the day that the member ceases service in the Permanent Forces.

2.3.27 Benefits during additional transition

1. Benefits approved during an additional transition period may include any of the following.

    a. Benefits under Chapter 2 Part 2 for career transition.

    b. Removal under Chapter 6.

    c. Continuation of housing assistance under Chapter 7.

    d. Medical, psychological and dental services and treatment; or reimbursement for equivalent private services if ADF services and treatment cannot be supplied.

2. Other benefits and conditions of service such as salary, DFRT allowances and leave may not be paid for the additional transition period under this Division.

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Chapter 3: ADF salaries and bonuses

Part 2: Administration of salaries

3.2.1 Overview

1. This Part deals with the administration of salary for members of the Permanent Forces and Reserves. It explains general aspects of salary, including when salary is paid, commencement salary, increments and other related matters.

2. This Part should be read together with DFRT Determination No. 2 of 2017, *Salaries*, and other relevant determinations made by the DFRT under section 58H of the Act.

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Division 1: About salaries

3.2.3 Purpose

The purpose of this Division is to explain the principles for administration of salaries set by the DFRT.

3.2.5 Time for payment of salary for a member on continuous full-time service

Subject to section A.1.4 of DFRT Determination No. 2 of 2017, *Salaries*, the salary of a member starts on the day on which they begin continuous full-time service and ends at midnight on whichever of the following days is relevant to their situation.

a. For an officer – on the day on which the member resigns or their service ends because of involuntary separation.

b. For Warrant Officer Class 1 and an other rank member – on the day on which the member is discharged or their service ends because of involuntary separation.

c. For a member who is seconded for service with another Government department or civil employment – on the day before the member starts the secondment.

d. For a member who transfers to the Reserves – on the day immediately before the transfer.

3.2.6 Method of payment of salary for a member on continuous full-time service

1. Salary may be paid to members every 14 days (a fortnight).

2. Payment of salary and allowances to a member is made by electronic funds transfer into a financial institution advised by the member.

3.2.7 Administration of allowances

1. This section applies to allowances payable under this Determination to a member not on a flexible service determination.

   Note: Administration of allowances payable to members on a flexible service determination are set out under section 3.2.7A.

2. The daily rate of rent allowance is one-fourteenth of the rate calculated in section 7.8.19.

3. The fortnightly rate of an annual rate of an allowance under this Determination is calculated using the following formula.

$$fortnightly\ rate = \left(\frac{A}{365}\right) x\ 14$$

Where:

A is the annual rate of allowance.

3.2.7AA Salary and DFRT determinations – flexible service determinations

1. This section applies to salary and allowances payable under a DFRT Determination to a member on a flexible service determination.

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2. For the purpose of calculating a member's fortnightly salary, the value of a day of a nonworking period is the following.

   a. For the first 4 days of a nonworking period in a fortnight — $0.00.

   b. For any other day of a nonworking period in a fortnight, the amount calculated using the following formula.

$$day\ in\ a\ nonworking\ period\ (\$) = \frac{Salary}{365} \times 1.4$$

   Where:

   Salary means the member's annual salary.

Note: Under DFRT Determination No. 2 of 2017, a member is not paid for a nonworking period. A member's fortnightly salary is reduced by the value of the nonworking period for each day that in their nonworking period in the fortnight.

3. For the purpose of a DFRT allowance, the value of a day of a nonworking period is one of the following.

   a. For the first 4 days of a nonworking period in a fortnight — $0.00.

   b. For every other day of a nonworking period in a fortnight, the amount calculated using the following formula.

$$day\ in\ a\ nonworking\ period\ (\$) = \frac{Allowance}{365} \times 1.4$$

   Where:

   Allowance means the annual rate of a DFRT allowance payable to a member.

Note: Under DFRT Determination No. 11 of 2013, a member is not paid for a nonworking period. A member's fortnightly rate of the allowance is reduced by the value of the nonworking period for each day in their nonworking period in the fortnight.

3.2.7A Section 58B Allowances – flexible service determinations

1. This section applies to an allowance under this Determination that has an annual rate and is payable to a member on a flexible service determination other than the following.

   a. ADF District allowance under Chapter 4 Part 4 Division 1 and Division 2.

   b. Scherger allowance under Chapter 4 Part 4 Division 4.

   c. Antarctic allowance under Chapter 4 Part 4 Division 6.

   d. Common duties allowance (Antarctic) under Chapter 4 Part 4 Division 7.

   e. Antarctic parity allowance under Chapter 4 Part 4 Division 8.

2. If the member is eligible for the payment of an allowance, the allowance is paid for all of the following days.

   a. Each full day of duty in a fortnight in the member's flexible service determination.

   b. Each part day of duty in the fortnight that adds up to 8 hours when combined with another part day of duty in the fortnight.

3. The daily rate of an annual rate of an allowance under this Determination calculated using the following formula.

$$daily\ rate = \frac{annual\ rate}{365} \times 1.4$$

4. The maximum fortnightly rate payable to a member must not exceed the fortnightly rate of a member not on a flexible service determination.

3.2.8 Pro rating contributions

1. This section applies to a member if both the following apply.

   a. The member is required to make a contribution for receiving a benefit.

   b. The rate of contribution needs to be calculated for a period that is less than the prescribed time period.

2. The daily rate of contribution is one-fourteenth of the fortnightly rate.

3.2.9 Death or presumed death of member

If a member dies or is missing and presumed dead, the member may be taken to have ceased continuous full-time service.

3.2.13 Reserve member taken to be attending for duty

A member is taken to be on duty in the circumstances and corresponding periods described in the table.

Item	If a member is	they will be taken to be on duty for the period starting	and ending
1.	directed to attend away from their service location	at the start of the journey from where the member normally lives	when the member commences duty in the other location.
2.	returning to the place they normally live after attending for duty away from it	at the start of the return journey to the place where the member normally lives	when the member arrives at the place they normally live.
3.	admitted to hospital while parading for approved duty	the day when they are admitted to hospital	on the earlier of the following days: a. the day when they are discharged from hospital; or b. the first day that one of dates in item 4 occurs.

4.	on a period of medical absence due to illness or injury arising out of and immediately following a period of Reserve duty	the day that the Commanding Officer approves as the first day of the medical absence	on the earliest of the following days: a. the day: i. the period of medical absence authorised has passed; and ii. the member has been cleared for duty by a service medical officer; b. the day the Department of Veterans' Affairs commences payment to the member; c. the day the member starts civilian employment or receives sick leave payment from a civilian employer; d. a day for which sick leave is payable by the member's employer; e. the day the member receives unemployment or a similar benefit from Centrelink; f. the day the member has recovered from their injury and parades with their unit; or g. the day the Department of Veterans' Affairs notifies the member that it has rejected the claim.

3.2.14 Reserve member attending for duty in special circumstances

1. This section applies to a member on Reserve service.

2. A member is taken to be required to attend for duty, and to be attending that duty, if the CDF is satisfied that the member meets all the following.

    a. One of the following applies.

        i. They commence a rest or recovery period immediately after completing an arduous or prolonged period of duty.

        ii. They are required to be away from their home location over a weekend, public holiday or rostered day off in order to perform duties during the days immediately before or after.

    b. The member is not engaged in any form of work, paid or otherwise, during the period of rest and recovery.

4. If a Chaplain or Maritime Spiritual Wellbeing Officer has been rostered on a Notification Team by any of the following, they are required and attending for duty from the first day to the last day of each period they are rostered on.

    a. For a member of the Navy — Director General Chaplain – Navy.

b. For a member of the Army — Principal Chaplain – Army.

c. For a member of the Air Force — Director General Personnel – Air Force.

Note: A member of the Reserves not of continuous full-time service is eligible for salary under DFRT Determination, 2017 No. 2 if they are required to attend for and attend that duty.

3.2.15 Reserve Assistance Program attendance

A member of the Reserves who attends a session under the Reserve Assistance Program is taken to be required and attending for duty for the period of the session if all the following are met.

a. The member counts their attendance time against the days of duty approved in their annual training commitment.

b. The session is the member's first session to discuss an issue.

c. The session and associated travel time are counted against the member's limits in section 8.10.3.

Note: Under this section, a member who attends a session must meet the specified time periods set out in DFRT Determination No. 2 of 2017, *Salaries*, section A.1.5 and subsection B.3.4.4, to receive salary.

3.2.17 Method of payment of salary and allowances for a member on Reserve service

1. Salary may be paid to a member on Reserve service every 14 days (a fortnight).

2. A Commanding Officer may approve a salary payment outside of the fortnightly pay cycle, if the Reserve member can demonstrate exceptional circumstances or hardship.

3. Payment of salary and allowances to a member is made by electronic funds transfer into a financial institution advised by the member.

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Division 2: Commencement salary

3.2.18 Purpose

The Division describes how to work out the rate of salary that may apply to a member at various points in their career.

3.2.18A Member this Division does not apply to

This Division does not apply to a member who is paid salary as an Officer Aviation member under Division 4A.

3.2.18B Definitions

In this Division the following apply.

Specialist level means any of the following.

a. Competency level.

b. Dental level.

c. Military medical level.

d. Legal level.

3.2.19 Salary on enlistment or appointment

1. The rate of salary on the day a member is enlisted or appointed is one of the following.

   a. If the member is a trainee, the rate specified in Schedule B.13 of DFRT Determination No. 2 of 2017, *Salaries.*

   b. If paragraph a. does not apply to the member, the rate of salary is the higher of the following.

      i. The minimum rate for their rank and pay grade or specialist level under the relevant salary structure specified in DFRT Determination No. 2 of 2017, *Salaries*.

      ii. The rate of salary set by the CDF.

   Note: A member's service commences on the day they are first required for duty.

2. For the purpose of subparagraph 1.b.ii, the following apply.

   a. The CDF must believe that a higher rate of salary is reasonable having regard to the member's experience, qualifications and skills.

   b. The member does not hold an entry level rank of Officer Cadet in the Army or Air Force.

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3.2.20 Salary on promotion – general

1. On the day that a member's rank changes due to a promotion, the member's rate of salary is one of the following.

    a. The minimum rate for their new rank at the relevant pay grade.

    b. The rate of salary set by the CDF.

    c. Another rate if a non-reduction provision under Division 5 applies to the member.

2. For the purpose of paragraph 1.b, the CDF must believe that a higher rate of salary is reasonable having regard to the member's experience, qualifications and skills.

3.2.21 Salary on change of pay grade or specialist level

1. This section applies to a member who meets all of the following.

    a. The member's pay grade or specialist level changes.

    b. The change is for a reason other than disciplinary action or an administrative sanction.

    c. The change is not related to the member becoming eligible for salary in a different pay grade scale under another salary Schedule in DFRT Determination No. 2 of 2017, *Salaries*.

2. The member's salary rate is the rate for the new pay grade or specialist level that corresponds to the rank increment the member held at their former pay grade or specialist level.

3. Despite subsection 2, if salary non-reduction arrangements apply to the member under Division 5, then the member's rate of salary is the rate for the member's rank increment of their former pay grade or specialist level.

3.2.22 Salary on ceasing to be a specialist officer

1. This section applies to a member who ceases to perform duty as a specialist officer.

2. The member is to be paid one of the following.

    a. The salary rate for the new pay grade that corresponds to the rank increment the member held in their former specialist officer competency level.

    b. A salary rate above the minimum increment that the CDF is satisfied is reasonable having regard to the member's relevant experience, qualifications and skills.

3.2.23 Member with previous service – commencement salary

1. In this section **relevant military service** means service that meets all of the following.

    a. It was in the ADF, or the forces of a Commonwealth country or the United States of America.

    b. It is relevant to the kind of work the member enlisted or is appointed to do.

    c. It was performed at a rank equivalent to the rank the member enlisted or is appointed to, or at a higher rank.

2. This section does not apply to members on promotion.

3. A member may have previous relevant military service at the time they enlist or are appointed to a rank. The CDF may grant the member a commencement salary between the following two amounts.

   a. The minimum rate.

   b. The rate the member would have been paid if the member's service had been in the ADF.

4. The CDF must consider all of the following factors.

   a. The member's previous relevant military service.

   b. What incremental salary rate the length of the member's relevant military service would place them at in the salary scale.

   c. For a member being reappointed or re-enlisted – whether the qualifications, skills or training requirements for the rank have changed since the member last served.

   d. Other matters relevant to periods of service for salary advancement.

5. This table sets out what the CDF considers in working out the period of relevant military service if there is a break in service between two periods of continuous full-time service.

Item	If the break in service is…	then the CDF may disregard…
1.	5 years or less	any service before an earlier break in service.
2.	more than 5 years	any service before the break.

3.2.24 Recognition of service in the Reserves

1. The CDF may approve a salary above the minimum rate in the salary scale for the member's rank, for a member who served in the Reserves before they enlisted or were appointed to the Permanent Forces. This also applies to any other service that is not continuous full-time service.

2. The CDF must consider the nature and period of the previous service, having regard to any relevant matters set out in Division 3 or Division 4.

3.2.25 Salary – member undergoing recategorisation training

1. This section applies to a member undergoing recategorisation training.

2. The member is to be paid the relevant of the following amounts for the duration of the training.

   a. For a member of the Permanent Forces or a member of the Reserves on continuous full-time service — the rate of salary for the rank, pay grade or specialist level and increment that they held immediately before they began training.

   b. For a member on Reserve service — the daily rate of salary for the rank, pay grade or specialist level and increment that they held immediately before they began training.

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c. For a member of the Reserves who transfers to the Permanent Forces or undertakes a period of continuous full-time service for the period of their training — the rate of salary for the rank, pay grade or specialist level and increment that they would have held if they were on continuous full-time service immediately before they began training.

3. A Service Chief may approve an extended period of payment under subsection 2 for a member who has completed training. The Service Chief must specify the period of the extension.

3.2.26 Salary rate for training – start and advancement dates

2. If a member is advanced to a higher year of training to recognise previous studies then they are to be paid salary at the following rates and corresponding periods.

   a. From the date of entry into the Service — the rate of salary that applies to the first year of the member's course of training.

   b. From the date the member begins the academic studies of the higher year — the rate that applies to that higher year of training.

3. If a course of training listed in Schedule B.13 of DFRT Determination No. 2 of 2017, *Salaries*, provides rates of salary for different years of the course, then the member is to be paid the rate applicable to the year they are in, regardless of when they start the training.

4. For members undergoing a course of officer training and paid in accordance with item 6 of Part 1 of Schedule B.13 of DFRT Determination No. 2 of 2017, *Salaries*, the date of increase to the next year's rate is the date that corresponds to the member's month of entry to the course, set out in paragraph a or b.

   a. For the January entry — the date of commencement of the second term.

   b. For the July entry — 1 January of the following year.

5. If approval is given for a trainee to repeat a year of training, that member is to be paid the rate applicable to the year of training being repeated.

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Division 3: Increments

3.2.27 Purpose

This Division describes advancement through a rank, based on the passing of time.

3.2.28 Definitions

In this Division the following apply.

Increment anniversary date means the day that is 12 months after the member's most recent appointment, enlistment, promotion or last increment advancement date.

3.2.29 Member this Division does not apply to

This Division does not apply to a member who is paid a specialist rate of salary under Division 4 or Division 4A.

3.2.30 Increment advancement

1. A member is to be given an additional increment of salary if all of the following conditions are met.

    a. The member's rate of salary is below the top increment for the member's rank.

    b. The member ordinarily carries out duties at the standard of competence for the member's rank, experience, pay grade and employment category (including any applicable classification).

    Exception: Senior officers eligible to be paid salary under Schedule B.1 of DFRT Determination 2 of 2017, *Salaries*, do not need to meet the employment category condition in this paragraph.

    c. In the year since their most recent appointment, enlistment, last promotion, or last increment advancement date, the member has completed the following amount of service.

        i. For a member of the Permanent Forces – 12 months of continuous full-time service.

        ii. For a member of the Reserves (includes Reserve service and continuous full-time service) – 20 days or more of service in a 12-month period.

        Exception: For the increment following 1 July 2015, special transitional rules apply for some members.

        iii. For a member who served in both the Permanent Forces and Reserves in a 12-month period – 20 days of service, made up of the sum of the service in both Forces.

2. A member may not receive more than one increment advancement under this section in any 12-month period, except as a result of their initial transition to the 2 July 2015 salary structure.

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3. This subsection applies to a member of the Reserves. The following table sets out how part days of duty count toward the amount of service needed to qualify for an increment.

Item	If a member	then
1.	performs a period of duty for 6 hours or more	that period counts as a full day for the purposes of subsection 2.
2.	performs duty for a part day	that time can be combined with other part days. The total counts towards the time period conditions set out in subsection 2.
3.	is taken to be attending for duty under section 3.2.13	that period of duty will count towards the time period conditions set out in subsection 2.
4.	is taken to be attending for duty in special circumstances under section 3.2.14	

4. If a member performs a period of higher duties, the service at the higher rank counts towards increment advancement in the member's substantive rank, but not in the higher rank.

5. For a member of the Permanent Forces, any period when a member is not entitled to salary cannot be counted for salary increments.

   Exceptions: A member undertaking service with the United Nations or a member on a flexible service determination.

6. A member undergoing recategorisation training under section 3.2.25 is eligible for increment advancement at their preserved salary rate if they meet the relevant conditions under this section.

3.2.33 Increment deferral

1. If a member does not meet the conditions for incremental advancement under paragraph 3.2.30.1.b, the member's Commanding Officer may defer the payment of an increment for up to 12 months.

2. The decision to defer an increment must meet all the following conditions.

   a. It must be in writing.

   b. The period of the deferral must be specified.

   c. A copy must be provided to the member.

3. The decision to defer an increment must be reviewed within 4 months of the date of deferral. If the member is assessed having carried out their duties and responsibilities at the standard expected during that 4 months, the increment will be granted at the end of that review period.

3.2.34 Effect of pay increases on increments

A salary increase that is not a salary increment under subsection 3.2.30.1 does not affect the date for the next increment.

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3.2.35 Effect of pay grade changes on increments

A member keeps the increment level for their rank when their pay grade changes.

Exception: Section 3.2.38 deals with salary for a member who is reduced in rank for disciplinary reasons or as an administrative sanction.

3.2.36 Promotion after previous service at temporary or acting rank

1. The purpose of this section is to set out how earlier service in a higher rank can affect a member's increment when they are promoted to a new substantive rank.

2. This section applies to a member who meets both of the following conditions.

    a. The member is promoted while in service. It is not to be confused with provisions dealing with salary on appointment or enlistment.

    b. The member has previously served at their new substantive rank, or a higher one.

3. Periods of service must add up to full years of service to be counted towards an increment under this section. Periods of service that add up to part-years (that is, less than 1 year of service) do not count for salary increments in the higher rank.

4. Periods of earlier service that meet either of these conditions can count towards increments.

    a. A period of service at temporary or acting rank that is continuous with service in the member's new substantive rank. The whole period of continuous service counts towards the date of the member's next increment. There must be no break at all between the two periods of service.

    b. Periods of service at temporary or acting rank that are not continuous with service in the member's new substantive rank. This service must be within an overall period of double the number of years needed to qualify for the particular salary increment in that rank. Periods of service can be added together, provided they are within that overall period.

        Note: This is sometimes known as the 'one in two' rule, that is, one year in the last two years, two years in the last four, three years in the last six, etc.

3.2.37 Salary – Private Proficient

1. This section applies to an Army member who holds the rank of Private and meets all the following.

    a. They have completed their initial employment category training.

    b. They are proficient in their military trade or skill.

2. The member is eligible to be paid as Private Proficient if they meet one of the following.

    a. They are a member of the Permanent Forces and they have completed at least 12 months of service since finishing their initial employment category training.

    b. They are a member of the Reserves and all the following apply.

        i. At least 12 months have passed since they finished initial employment category training.

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ii. They have provided 20 days of service in a year after completing their initial employment category training.

Note: Service includes Reserve service and continuous full-time service.

3. For the purpose of subsection 2, only days for which the member is eligible for salary are counted.

3.2.38 Salary on reduction of rank

If a member's rank is reduced, they are entitled to salary at a rate approved by CDF in the salary scale of the lower rank. CDF must consider all the following factors in setting the member's new salary rate.

a. Their previous service at the lower rank.

b. Relevant service in the higher rank.

c. The circumstances of the reduction in rank.

3.2.39 Salary on promotion to rank previously held

1. The purpose of this section is to set out how earlier service in a previously held rank can affect a member's rate of salary on promotion.

2. The member must meet all the following conditions.

a. They have been reduced in rank.

b. They are later promoted to the rank that they held substantively before the reduction in rank.

c. The actions in paragraphs a and b occur within a single period of service.

3. The CDF may approve earlier periods of the member's service in the higher rank to be counted towards the member's increment in the higher rank.

Exception: If the reduction was for inefficiency.

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Division 4: Specialist Officer – increment and competency arrangements

3.2.40 Purpose

This Division sets out provisions for advancement through ranks and competency arrangements for the following specialist officers.

a. Chaplains.

b. Dental officers.

c. Legal officers.

d. Medical officers.

e. Maritime Spiritual Wellbeing Officer.

3.2.41 Chaplain, Maritime Spiritual Wellbeing Officers and dental officers – increment advancement, promotion and advancement

1. A Chaplain or Maritime Spiritual Wellbeing Officer is eligible for incremental advancement in the specialist officer salary structure 12 months after the later of the following dates.

   a. The day the member is posted to a position requiring a higher competency level than the member previously held.

   b. The day the member advances to a higher division or class.

   c. The day of the member's last increment advancement.

2. A dental officer is eligible for incremental advancement in the specialist officer salary structure 12 months after the later of the following dates.

   a. The day the member is assessed as holding a higher dental level than the member previously held.

   b. The day the member is promoted to a higher rank.

   c. The day of the member's last increment advancement.

3. A dental officer in the specialist officer salary structure is eligible for increment advancement 12 months after the day they become eligible for payment under that structure.

4. On advancement to a higher division or class a Chaplain or Maritime Spiritual Wellbeing Officer is paid the lowest increment for the competency level for their new division or class.

4A. On promotion a dental officer is paid the lowest increment for the dental level for their new rank.

4B. Despite subsections 4 and 4A, a member will be paid a higher increment of salary set by the CDF if the CDF believes it is reasonable, based on the member's relevant experience, qualifications and skills.

5. On advancement to a higher competency or dental level under section 3.2.44 or 3.2.45, the member's increment level is the lowest increment for that competency or dental level.

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3.2.42 Medical officers – increment advancement and promotion

3. A medical officer is eligible for an increment advancement in the specialist officer salary structure (up to the maximum increment level in the relevant Part of Schedule B.8 in DFRT Determination No. 2 of 2017 that applies to the medical officer) on their increment anniversary.

3A. For the purpose of this section, increment anniversary means the day 12 months after the later of the following days.

a. The day that the member begins to be paid salary under one of the following.

i. Schedule B.8, Specialist officer salary rates – medical officer.

ii. Schedule B.15, Senior officer specialist salary rates – medical officer

b. The day the member last advanced to a higher military medical level.

c. The day of the member's last increment advancement.

Note: The placement of a member from a medical level to a military medical level is not an increment advancement.

5. On promotion from rank to rank, a medical officer retains the same military medical level (MML1, 2A, 2B, 3, 3A or 4) and the same increment level they held before promotion.

Note: The member's increment advancement date will remain unchanged.

6. If a member advances to a higher military medical level under section 3.2.47, the member's increment is the lowest increment for that military medical level.

6A. Despite subsection 6, if one of the following applies, the member's increment level is the increment that has the next higher salary than their salary immediately before they advanced.

a. The member advances to MML3A.

b. The member advances from MML3A to MML4.

8. For medical officer who becomes eligible to be paid under Schedule B.8 Part 2 or 4 of DFRT Determination No. 2 of 2017, *Salaries*, the medical officer's initial increment level is the higher of the following.

a. The entry level increment for their Force and rank.

b. An increment level approved by Surgeon General Australian Defence Force above the entry level increment for the medical officer because of their qualifications, clinical experience, and currency of skills.

3.2.42A Salary on promotion – senior medical officers

If a member is promoted to one of the following ranks, the member's rate of salary is the rate payable under Schedule B.15 of DFRT Determination No. 2 of 2017, *Salaries* for the lowest increment for their new rank.

a. Brigadier.

b. Major General.

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3.2.43 Legal Officers – increment advancement and promotion

1. A legal officer in the specialist career structure becomes eligible for an increment level advancement (up to the maximum increment level for their legal level) on the later of the following dates.

    a. The day that is 12 months after the legal officer entered the specialist career structure.

    b. The day that is 12 months after the legal officer advanced to a higher legal level.

    c. The day that is 12 months after the legal officer was promoted to a higher rank.

    d. The day that is 12 months after the legal officer's last increment level advancement date.

2. A legal officer who is promoted retains the competency element of their legal level.

2A. A legal officer who is promoted is to be paid one of the following.

    a. The rate of the lowest increment for their legal level at the new rank.

    b. The rate of an increment level above the minimum for their legal level that the CDF is satisfied is reasonable having regard to the member's relevant experience, qualifications and skills.

3. On advancement to a higher legal level under paragraph 1.b, the legal officer's increment level is the bottom increment for that legal level.

3.2.44 Competency levels – Chaplain and Maritime Spiritual Wellbeing Officer

1. A Chaplain or Maritime Spiritual Wellbeing Officer is placed in a competency level by the CDF based on the member's relevant experience, qualifications and skills.

2. A Chaplain or Maritime Spiritual Wellbeing Officer may be placed in or advanced to a higher competency level if the CDF is satisfied that the officer meets the requirements for that competency level.

3. A Chaplain or Maritime Spiritual Wellbeing Officer may advance to competency level 3 if the CDF is satisfied that the officer meets both of the following.

    a. The officer meets the requirements for competency level 3.

    b. The officer is posted to a position that requires competency level 3.

3.2.45 Dental levels – dental officer

1. A dental officer is placed in a higher dental level if the CDF is satisfied it is reasonable after considering the member's relevant experience, qualifications and skills.

2. A dental officer may only advance to a higher dental level if the CDF is satisfied that the officer meets the requirements for that dental level.

3.2.46 Legal levels – legal officer

1. The CDF may approve the qualification, skill and experience requirements for a legal level for legal officers.

2. The CDF may designate a position as requiring a specific legal level.

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3. A legal officer holding legal level 1 or 2 may only advance to a higher legal level if the CDF is satisfied that the legal officer meets the professional requirements for the legal level.

4. A legal officer holding legal level 3 or 4 may only advance to a higher legal level if the officer meets both of the following conditions.

    a. The CDF is satisfied that the legal officer meets the professional requirements for the legal level.

    b. The Chief of the member's Service is satisfied that the legal officer is posted to a position that requires that legal level.

3.2.47 Military medical levels – medical officer

1. A medical officer is placed in a higher military medical level by the CDF based on the member’s relevant experience, qualifications and skills.

2. A medical officer advances to a higher military medical level if the CDF is satisfied that the officer meets the requirements for that military medical level.

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Division 4A: Specialist Officer – Aviation – increment placement, progression and transfer

3.2.47A Purpose

This Division provides for the increment placement, progression and transfer through the Officer Aviation Pay Structure for an Officer Aviation member.

3.2.47B Definitions

In this Division, the following apply.

Aviation specialist has the same meaning as given in Part A Division 1 section A.1.12 of DFRT Determination No. 2 of 2017, *Salaries*.

Maritime Aviation Warfare Officer employment category means any of the following Navy employment categories under Schedule B.3 Part 2 of DFRT Determination No. 2 of 2017, *Salaries*.

a. Maritime Aviation Warfare Officer Competency Progression.

b. Maritime Aviation Warfare Officer Competency Progression ADQUAL.

c. Maritime Aviation Warfare Officer Time Progression.

d. Maritime Aviation Warfare Officer Time Progression ADQUAL.

Officer Aviation member has the same meaning as given in Part A Division 1 section A.1.12 of DFRT Determination No. 2 of 2017, *Salaries*.

Officer Aviation Pay Structure means the salary structure under Part B Division 3 sections B.3.7 to B.3.10 of DFRT Determination No. 2 of 2017, *Salaries*.

Pilot employment category means the following under Schedule B.3 of DFRT Determination No. 2 of 2017, Salaries.

a. For a member of the Navy, any of the following employment categories.

   i. Pilot Competency Progression.

   ii. Pilot Competency Progression ADQUAL.

   iii. Pilot Time Progression.

   iv. Pilot Time Progression ADQUAL.

b. For a member of the Army, any of the following employment categories.

   i. Pilot — Competency Progression.

   ii. Pilot — Time Base Progression.

Promoted means a member promoted under paragraph 13(1)(a) of the Regulation.

Rank means the rank that the member was appointed to or last promoted to under paragraph 13(1)(a) of the Regulation.

Note: Rank does not include a higher rank that the member has been directed to act in under paragraph 13(1)(b) of the Regulation.

Regimental Officers Basic Course – Program (aviation) means the completion on Army's junior officer aviation pilot training program, which includes the following.

a. Conversion to operational type aircraft.

b. Regimental Officer Basic Courses (aviation).

Relevant military service means service that meets all of the following.

a. It was in the ADF or a foreign military force.

b. It is relevant to the work that the officer is appointed to do.

c. It was performed at a rank equivalent to the rank the officer is appointed to, or at a higher rank.

Years in rank means the years in rank under Annex B.3.A to Annex B.3.D of DFRT Determination No. 2 of 2017, *Salaries*, that corresponds to the number of years of experience a member has at their rank, unless otherwise stated.

3.2.47C Member this Division does not apply to

This Division does not apply to a member who meets any of the following.

a. The member is an aviation specialist in the Air Force and has not reached the maximum aviation specialist experience level set out in their aviation specialist agreement.

b. The member is an aviation specialist in the Navy or Army and the member's aviation specialist agreement has not expired or been cancelled for Service reasons.

c. The member holds aviation qualifications but ceases to be an Officer Aviation member.

3.2.47D Entry placement – general

Subject to sections 3.2.47E to 3.2.47M, a member has the minimum Officer Aviation increment for their rank, pathway and competency stream when the member becomes an Officer Aviation member.

3.2.47E Entry placement – member who is an aviation specialist

1. When a member in the Navy or Air Force who is an aviation specialist transfers to the Officer Aviation Pay Structure, the member has an Officer Aviation increment as set out in the conversion table in Annex 3.2.E. The member is placed in the relevant pathway and competency stream.

2. Subsection 3 applies to a member in the Army who is an aviation specialist and one of the following occurs.

   a. The member's aviation specialist agreement expires.

   b. The member's aviation specialist agreement is ceased by Army.

   c. The specialist officer salary structure for aviation officers ceases.

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3. The member is placed in the Officer Aviation Pay Structure in the Rotary Wing Pilot competency stream at an Officer Aviation increment within the increment range for their rank that is decided by the CDF, taking into consideration both of the following.

   a. The member's experience, qualifications and skills.

   b. The member's previous military service.

   Note: Transfer from the salary structure for aviation specialists to the Officer Aviation Pay Structure on the Specialist Pathway does not affect or change the member's increment advancement date.

3.2.47F Entry placement – Other Rank member transfers to the Officer Aviation Pay Structure

1. This section applies to an Other Rank member who transfers to the Officer Aviation Pay Structure and their salary immediately before the transfer is higher than the rate of salary payable for the member's Officer Aviation increment for their rank, pathway and competency stream.

2. The member retains the rate of salary payable immediately before the transfer until the salary payable for the member's Officer Aviation increment for their rank, pathway and competency stream is equal to or greater than the retained rate of salary.

3.2.47G Entry placement – Navy Aviation Officers

1. For the purpose of this section, a member in the Navy who meets the applicable conditions set out in this section is placed in the Command Pathway and one of the following competency streams.

   a. If the member is in a Pilot employment category or is undertaking training as a rotary wing pilot — Rotary Wing Pilot competency stream.

   b. If the member is in a Maritime Aviation Warfare Officer employment category or undertaking training as an aviation warfare officer — Aviation Warfare Officer competency stream.

   c. If the member is undertaking training in a Remote Pilot Warfare Officer employment category — Remote Pilot Warfare Officer competency stream.

2. A member is placed in the Officer Aviation Pay Structure at Officer Aviation increment OA0 on the day they meet either of the following.

   a. The member completes studies at the Australian Defence Force Academy and is promoted to Sub Lieutenant.

   b. The member is a direct entry officer and meets either of the following.

      i. The member has completed the new entry officer course and is promoted to Acting Sub Lieutenant.

      ii. The member has completed officer training and is promoted to Sub Lieutenant.

3. Despite subsection 2, a member is placed in the Officer Aviation Pay Structure at Officer Aviation increment OA1 on the day they meet either of the following.

   a. The member meets all of the following.

      i. The member was undertaking study at the Australian Defence Force Academy on 30 June 2019.

ii. The member has completed officer training.

iii. The member has graduated from the Australian Defence Force Academy.

b. The member meets both of the following.

i. The member was undertaking officer training as a direct entry officer on 30 June 2019.

ii. The member has completed officer training.

4. A member who holds the rank of Sub Lieutenant or Lieutenant has Officer Aviation increment OA9 on the day that they meet all of the following.

a. The member has completed operational flying training as a pilot on a military aircraft.

b. The member has 12 months experience on the aircraft following operational flying training.

c. The member has completed 4 ½ years of service since one of the following.

i. The member graduated from the Australian Defence Force Academy.

ii. The member completed officer training.

5. A member who holds the rank of Sub Lieutenant or Lieutenant has an Officer Aviation increment OA8 on the day that the member meets all of the following.

a. The member has completed operational flying training as an aviation warfare officer on a military aircraft.

b. The member has 12 months experience on the aircraft following operational flying training.

c. The member has completed 4 ½ years of service since one of the following.

i. The member graduated from the Australian Defence Force Academy.

ii. The member completed officer training.

5A. A member who holds the rank of Sub Lieutenant or Lieutenant has an Officer Aviation increment OA6 on the day that the member meets all of the following.

a. The member has completed remote pilot warfare officer training.

b. The member has completed 4 ½ years of service since one of the following.

i. The member graduated from the Australian Defence Force Academy.

ii. The member was a direct entry officer — the member completed officer training.

6. Subsections 7 to 9 apply to a member in the Navy who holds a rank between Lieutenant and Captain and who meets both of the following.

a. The member is in a Pilot or Maritime Aviation Warfare Officer employment category.

b. The Director Navy Career Performance Support decides that this subsection applies to the member.

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7. A member who holds the rank of Lieutenant has an Officer Aviation increment that corresponds to the member's years of experience, after completing 12 months experience after operational flying training, as provided in Annex B.3.A Part 1 of DFRT Determination No. 2 of 2017, *Salaries*.

8. A member who holds the rank of Lieutenant Commander has an Officer Aviation increment that corresponds to the member's years in rank as provided in Annex B.3.A Part 1 of DFRT Determination No. 2 of 2017, *Salaries*.

9. A member who holds the rank of Commander on 1 July 2019 the member has an Officer Aviation increment between OA27 and OA29 that has a corresponding salary that is equal to or next higher than the rate of salary on the day immediately before they enter the Officer Aviation Pay Structure.

10. A member who holds the rank of Captain on 1 July 2019 the member has an Officer Aviation increment between OA35 and OA37 that has a corresponding salary that is equal to or next higher than the rate of salary on the day immediately before they enter the Officer Aviation Pay Structure.

3.2.47H Entry placement – Army Aviation Officers – Generalist pathway

1. If this section applies, the member is placed in the Generalist Pathway and the Rotary Wing Pilot competency stream.

2. A member has an Officer Aviation increment OA1 on the day they meet both of the following.

    a. The member completes the First Appointment Course.

    b. The member is promoted to the rank of Lieutenant or Second Lieutenant.

3. A direct entry member has an Officer Aviation increment OA0 on the day they meet both of the following.

    a. The member completes the First Appointment Course.

    b. The member is promoted to the rank of Lieutenant or Second Lieutenant.

4. A member in the Army Aviation Corps has an Officer Aviation increment between OA1 and OA4, that corresponds to the member's years in rank as a Second Lieutenant, on the day they meet all of the following.

    a. The member is an Army Aviation Specialist Service Officer undertaking the Regimental Officers Basic Course – Program (aviation) on 30 June 2019.

    b. The member is promoted to the rank of Lieutenant.

    c. The member completes the Regimental Officers Basic Course – Program (aviation).

5. Subsection 6 applies to a member in the Army Aviation Corps who meets all of the following on the day immediately before their transfer to the Officer Aviation Pay Structure.

    a. The member is in a Pilot employment category.

    b. The member is in the generalist stream of the Army Aviation Officer Employment Specification.

    c. The member is promoted to the rank of Lieutenant.

    d. The member has completed the Regimental Officers Basic Course – Program (aviation).

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6. The member has the higher of the following Officer Aviation increments.

    a. The Officer Aviation increment that corresponds to the member's years in rank under Annex B.3.D of DFRT Determination No. 2 of 2017, *Salaries*.

    b. The Officer Aviation increment that has a corresponding rate of salary that is equal to the rate payable immediately before the member's transfer into Officer Aviation Pay Structure, or the next above.

7. Subsection 8 applies to a member in the Army Aviation Corps who meets all of the following on the day immediately before their transfer to the Officer Aviation Pay Structure.

    a. The member is promoted to a rank between Captain and Colonel.

    b. The member is in a Pilot employment category.

    c. The member has not held an aviation troop command, sub-unit command or unit command appointment.

    d. The member is in the generalist stream of the Army Aviation Officer Employment Specification.

8. The member has the relevant of the following Officer Aviation increments.

    a. For a member promoted to the rank of Captain — the member has Officer Aviation increment OA8.

    b. For a member promoted to the rank of Major — the member has Officer Aviation increment OA21.

    c. For a member promoted to the rank of Lieutenant Colonel — the member has Officer Aviation increment OA27.

    d. For a member promoted to the rank of Colonel — the member has Officer Aviation increment OA35.

9. Subsections 10, 11 and 12 apply to a member in the Army who meets all of the following on the day immediately before their transfer to the Officer Aviation Pay Structure.

    a. The member holds a rank between Captain and Colonel.

    b. The member is in a Pilot employment category.

    c. The member is in the generalist stream of the Army Aviation Officer Employment Specification.

    d. The member's rate of salary calculated under subsections 10, 11 or 12 is equal to, or higher than, the member's salary immediately before transfer into Officer Aviation Pay Structure.

10. For a member without aviation troop command, sub-unit command or unit command, the member has the relevant of the following Officer Aviation increments.

    a. For a member at the rank of Captain — the member has an Officer Aviation increment that corresponds with the member's years in rank in Annex B.3.D of DFRT Determination No. 2 of 2017, *Salaries,* after the completion of the Regimental Officers Basic Course – Program (aviation), up to a maximum Officer Aviation increment of OA17.

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b. For a member at the rank of Major — the member has an Officer Aviation increment that corresponds to the member's years in rank in Annex B.3.D of DFRT Determination No. 2 of 2017, *Salaries*, up to a maximum of Officer Aviation increment OA23.

c. For a member at the rank of Lieutenant Colonel — the member has an Officer Aviation increment that corresponds to the member's years in rank in Annex B.3.D of DFRT Determination No. 2 of 2017, *Salaries*, up to a maximum of Officer Aviation increment OA28.

11. For a member with aviation troop command, sub-unit command or unit command, the member has the relevant of the following Officer Aviation increments.

a. For a member at the rank of Captain who holds, or has previously held, aviation troop command and who has completed 6 or more years at rank — the member has Officer Aviation increment OA19.

b. For a member at the rank of Major who holds, or has previously held, aviation sub-unit command the member has the relevant of the following Officer Aviation increments.

i. If the member has held, or previously held, the aviation sub-unit command appointment for less than 12 months — the member has Officer Aviation increment OA24.

ii. If the member has held, or previously held, the aviation sub-unit command appointment for 12 months or more — the member has Officer Aviation increment OA25.

c. For a member at the rank of Lieutenant Colonel who holds, or has previously held, Aviation unit command the member has the relevant of the following Officer Aviation increments.

i. If the member has held, or previously held, the aviation unit command appointment for less than 12 months — the member has Officer Aviation increment OA29.

ii. If the member has held, or previously held, the aviation unit command appointment for 12 months or more — the member has Officer Aviation increment OA30.

12. For a member at the rank of Colonel — the member has the Officer Aviation increment that corresponds to the member's years in rank in Annex B.3.D of DFRT Determination No. 2 of 2017, *Salaries*.

3.2.47I Entry placement – Army Aviation Officers – Specialist pathway without previous command appointment

1. If this section applies, the member is placed in the Specialist Pathway and the Rotary Wing Pilot competency stream.

2. This section applies to a member in the Army who meets all of the following.

a. The member meets one of the following.

i. The member is a Captain who has held the rank of Captain for 5 years or more.

ii. The member holds the rank of Major or Lieutenant Colonel.

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b. The member is one of the following.

i. The member is in the Pilot – Competency Progression employment category under Schedule B.3 Part 2 of DFRT Determination No. 2 of 2017, *Salaries*.

ii. The member is in the Pilot – Time Based Progression employment category under Schedule B.3 Part 2 of DFRT Determination No. 2 of 2017, *Salaries*, and agrees to transfer to the Officer Aviation Pay Structure.

c. The member meets either of the following.

i. The member is a qualified test pilot or flight instructor.

ii. The member has been selected by the Personnel Capability Management Board as a regimental pilot.

d. The member meets either of the following.

i. The member has not held a troop command, sub-unit command or unit command appointment.

ii. The member held the rank of Captain for less than 6 years and held a troop command appointment in the generalist stream of the Army Aviation Officer Employment Specification.

e. The member is in the specialist stream of the Army Aviation Officer Employment Specification.

f. The member's rate of salary for the relevant Officer Aviation increment as calculated in the applicable of subsections 3 to 7, is equal to or greater than the member's rate of salary immediately before their transfer into the Officer Aviation Pay Structure.

3. For a member who has held the rank of Captain for 5 years or more, the Officer Aviation increment is either of the following.

a. If the member has less than 12 months experience as a test pilot, flight instructor or regimental pilot — the member has Officer Aviation increment OA17.

b. If the member has 12 months or more experience as a test pilot, flight instructor or regimental pilot — the member will advance one increment from Officer Aviation increment OA17 for each 12 months completed as a Captain after their sixth year, up to a maximum of OA23.

4. For a member who holds the rank of Major and qualified as a test pilot or flight instructor or was selected as a regimental pilot when they held the rank of Captain, the Officer Aviation increment is calculated below, up to the maximum of OA28.

a. The member's Officer Aviation increment calculated under paragraph 3.b.

b. For the member’s promotion to the rank of Major, the relevant of the following applies.

i. If the member’s Officer Aviation increment under paragraph a. is below OA21 — the member's Officer Aviation increment is OA21.

ii. If the member's Officer Aviation increment under paragraph a. is OA21 or above — the member's Officer Aviation increment is increased by one increment.

c. The member's Officer Aviation increment under paragraph b. is increased by one increment, up to the maximum of OA28, for each 12 months completed at the rank of Major.

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5. For a member who holds the rank of Major and who qualified as a test pilot or flight instructor while holding the rank of Major, the member's Officer Aviation increment is calculated using the applicable of the following.

    a. If the member qualified within their first 3 years at the rank of Major — the member's Officer Aviation increment is increased by one increment from OA21, up to the maximum of OA28, for each 12 months completed at the rank of Major.

    b. If the member qualified in or after their fourth year at the rank of Major — the member's Officer Aviation increment is increased by one increment from OA23, up to the maximum of OA28, for each 12 months completed after they qualified.

6. For a member who holds the rank of Lieutenant Colonel and qualified as a test pilot or flight instructor when they held the rank of Captain has the Officer Aviation increment calculated using all of the following.

    a. The member's Officer Aviation increment calculated for a Major under subsection 4.

    b. For the member's promotion to the rank of Lieutenant Colonel, the relevant of the following applies.

        i. If the member's Officer Aviation increment under paragraph a. is below OA27 — the member's Officer Aviation increment is OA27.

        ii. If the member's Officer Aviation increment under paragraph a. is OA27 or above — the member's Officer Aviation increment is increased by one increment.

    c. The member's Officer Aviation increment under paragraph b. is increased by one increment, up to the maximum of OA30, for each 12 months completed at the rank of Lieutenant Colonel.

7. For a member who holds the rank of Lieutenant Colonel and qualified as a test pilot or flight instructor when they held the rank of Major has the Officer Aviation increment calculated using all of the following.

    a. The member's Officer Aviation increment for the rank of Major is the relevant of the following.

        i. If the member qualified within the first 3 years at the rank of Major — the member's Officer Aviation increment is increased by one increment from OA21 for each 12 months completed at the rank of Major, up to the maximum of OA28.

        ii. If the member qualified in or after their fourth year at the rank of Major — the member's Officer Aviation increment is increased by one increment from OA23 for each 12 months completed after they qualified, up to the maximum of OA28.

    b. For the member's promotion to the rank of Lieutenant Colonel, the member's Officer Aviation increment under paragraph a. is increased by one increment.

    c. The member's Officer Aviation increment under paragraph b. is increased by one increment, up to the maximum of OA30, for each 12 months completed at the rank of Lieutenant Colonel.

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3.2.47J Entry placement – Army Aviation Officers – Specialist pathway with previous command appointment

1. For the purpose of this section, anniversary occurs every 12 months after the member's most recent promotion date.

2. If this section applies to a member, the member is placed in the Specialist Pathway and the Rotary Wing Pilot competency stream.

3. This section applies to a member in the Army who meets all of the following on the day immediately before their transfer to the Officer Aviation Pay Structure.

    a. The member holds a rank between Captain and Lieutenant Colonel.

    b. The member is one of the following.

        i. The member is in the Pilot – Competency Progression employment category under Schedule B.3 Part 2 of DFRT Determination No. 2 of 2017, *Salaries*.

        ii. The member is in the Pilot – Time Based Progression employment category under Schedule B.3 Part 2 of DFRT Determination No. 2 of 2017, *Salaries*, and agrees to transfer to the Officer Aviation Pay Structure.

    c. The member meets either of the following.

        i. The member is a qualified test pilot or flight instructor.

        ii. The member has been selected by the Personnel Capability Management Board as a regimental pilot.

    d. The member has held one of the following appointments in the generalist stream of the Army Aviation Officer Employment Specification.

        i. Aviation troop command for 12 months or more.

        ii. Aviation sub-unit command.

        iii. Aviation unit command.

    e. The member is in the specialist stream of the Army Aviation Officer Employment Specification.

    f. The member's rate of salary for the relevant Officer Aviation increment, as calculated in the applicable of subsections 4 to 7, is equal to or greater than the member's rate of salary immediately before their transfer into the Officer Aviation Pay Structure.

4. Subsection 5 applies to a member who meets all of the following conditions.

    a. The member has held the rank of Captain for 6 or more years.

    b. The member has held an aviation troop command appointment.

    c. The member qualified as a test pilot or flight instructor or was selected as a regimental pilot after they met the conditions in paragraphs a. and b.

5. The relevant of the following Officer Aviation increments applies to the member.

    a. If the member has less than 12 months experience as a test pilot, flight instructor or regimental pilot — the member has Officer Aviation increment OA19.

b. If the member has 12 months or more experience as a test pilot, flight instructor or regimental pilot, their Officer Aviation increment increases by one increment from Officer Aviation increment OA19, up to the maximum increment of OA23, each anniversary after qualifying as a test pilot, flying instructor or regimental pilot.

6. For a member who holds the rank of Major the relevant of the following increments applies.

a. If the member has less than 12 months experience as a test pilot or flight instructor — the member has Officer Aviation increment OA24.

b. If the member has 12 months or more experience as a test pilot or flight instructor their Officer Aviation increment increases by one increment from Officer Aviation increment OA24 for each 12 months after the member's anniversary, up to the maximum increment of OA28.

7. For a member who holds the rank of Lieutenant Colonel the relevant of the following increments applies.

a. If the member has less than 12 months experience as a test pilot or flight instructor — the member has Officer Aviation increment OA29.

b. If the member has 12 months or more experience as a test pilot or flight instructor — the member has Officer Aviation increment OA30.

3.2.47K Entry placement – member in the Air Force who is not an aviation specialist

1. This section applies to a member in the Air Force who is not an aviation specialist and any of subsections 3 to 6 applies to them.

2. On the day after the applicable of subsections 3 to 6 applies, the following apply

a. The member is placed in the relevant pathway and competency stream.

b. The member has an Officer Aviation increment in the relevant of the following that has a corresponding salary that is equal to, or greater than, the rate of salary payable to the officer immediately before their placement.

i. For a member of the Permanent Forces — DFRT Determination No. 2 of 2017, *Salaries,* Schedule B.14 Part 3.

ii. For a member of the Reserves — DFRT Determination No. 2 of 2017, *Salaries,* Schedule B.14 Part 4.

3. A member in an air traffic control employment category becomes an Officer Aviation member on the day after they meet both of the following.

a. The member has been promoted under paragraph 13(1)(a) of the Defence Regulation to a rank between Flight Lieutenant and Group Captain.

b. The member has completed their initial minimum period of service or return of service obligation that was applied for their initial air traffic control training.

4. Subsections 5 and 6 apply to a member in any of the following employment categories.

a. Air Battle Management.

b. Airborne Electronics Officer.

c. Air Mobility Officer.

d. Fast Jet Pilot.

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e. Fixed Wing Pilot.

f. Maritime Patrol and Response Officer.

g. Weapons Systems Officer.

5. A member who holds an employment category listed in subsection 4 becomes an Officer Aviation member on the day after they meet both of the following.

a. The member has been promoted under paragraph 13(1)(a) of the Defence Regulation to a rank between Flight Lieutenant and Group Captain.

b. The member meets the conditions for a relevant item in the table below.

Column 1 **Item**	**Column 2** **An officer who is promoted to the rank of**	**Column 3** **and who is paid at this increment in Schedule B.3 of DFRT Determination No. 2 of 2017, Salaries**	**Column 4** **and is in either of the following relevant pay grades in Part 4 of Schedule B.2 of DFRT Determination No. 2 of 2017, Salaries.**
1.	Flight Lieutenant	O3 – 5	a. For legacy employment categories — pay grade 10. b. For competency progression employment categories — between pay grade 5 and pay grade 9, inclusive.
2.	Squadron Leader	O4 – 2	
3.	Wing Commander	O5 – 1	
4.	Group Captain	O6 – 1	

Exception: A member who meets all of the following.

a. The member is not in an air traffic control employment category.

b. The member has been promoted from Flight Lieutenant to Squadron Leader.

c. The member was paid an increment between O3 – 0 and O3 – 4, inclusive, in Schedule B.3 of DFRT Determination No. 2 of 2017, *Salaries*, immediately before being promoted to Squadron Leader.

d. The member is in a competency progression employment category between pay grade 5 and pay grade 9, inclusive, in Part 4 of Schedule B.2 of DFRT Determination No. 2 of 2017, *Salaries.*

6. A member in an employment category listed in subsection 4, or in an air traffic control employment category, who meets either of the following.

a. The member is paid at increment O3 – 3 in Schedule B.4 of DFRT Determination No. 2 of 2017, *Salaries*.

b. The member's rate of salary is administered by table item 1.c, 2.a.ii, or 2.b.ii in section B.2.5 of DFRT Determination No. 2 of 2017, *Salaries*, and the member's salary under Schedule B.14, Part 3 or Part 4, of DFRT Determination No. 2 of 2017, *Salaries*, that corresponds to the member's rank, pathway, competency stream and increment would be equal to or greater than the rate of salary than that determined by any of the table items, as adjusted from time to time.

7. Despite subsection 3 to 6, the CDF may decide to transfer a member to the Officer Aviation Pay Structure at any time before the member meets the relevant conditions.

3.2.47L Entry placement – Officer transferring from other salary structures

1. This section does not apply to a member transferring into Officer Aviation Pay Structure from the salary structure for aviation specialists.

2. An officer of the Navy is placed in the Command Pathway, Rotary Wing Pilot competency stream at Officer Aviation increment OA9 on the day that the member meets both of the following.

    a. The member has completed operational flying training as a pilot on a military aircraft.

    b. The member has 12 months experience on the aircraft following operational flying training.

3. An officer of the Navy is placed in the Command Pathway, Aviation Warfare Officer competency stream at Officer Aviation increment OA8 on the day that the member meets both of the following.

    a. The member has completed operational flying training as an aviation warfare officer on a military aircraft.

    b. The member has 12 months experience on the aircraft following operational flying training.

3A. An officer in the Navy is placed in the Command Pathway, Remote Pilot Warfare Officer competency stream at Officer Aviation increment OA6 on the day the member has completed remote pilot warfare officer training.

4. An officer of the Army who holds the rank of Lieutenant is placed in the Generalist Pathway, Rotary Wing Pilot competency stream at the relevant of the following Officer Aviation increments on the day that the member completes the Regimental Officers Basic Course – Program (aviation).

    a. If the member has less than 12 months experience as a Lieutenant — the member's Officer Aviation increment is OA1.

    b. If the member has 12 months or more experience as a Lieutenant — the member's Officer Aviation increment of OA1 is increased by one for each 12 months completed as Lieutenant, up to a maximum increment of OA4.

5. An officer of the Army who holds the rank of Captain or above is placed in the Generalist Pathway, Rotary Wing Pilot competency stream at the relevant of the following Officer Aviation increments on the day that the member completes the Regimental Officers Basic Course – Program (aviation).

    a. If the member has less than 12 months experience as an aviation officer — the member's Officer Aviation increment is the minimum increment for their rank.

    b. If the member has 12 months or more experience as an aviation officer — the member's Officer Aviation increment is the minimum increment for their rank that is increased by one increment as set out in Annex B.3.D of DFRT Determination No. 2 of 2017, *Salaries,* for each 12 months completed as an aviation officer, up to the maximum increment for their rank but not including the command increment levels.

6. An officer of the Air Force who transfers from an employment category is not specified in section 3.2.47K or from the air traffic control employment category is placed in the Command Pathway, the relevant competency stream for their qualifications and the minimum Officer Aviation increment for their rank on the day they are awarded a Category D qualification or Air Traffic Controller primary endorsement.

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7. Subsection 8 applies to an officer who meets both of the following on the day immediately before their transfer into Officer Aviation Pay Structure.

   a. Their rate of salary was administered by section B.2.5 table item 1.c, 2.a.ii or 2.b.ii of DFRT Determination No. 2 of 2017, *Salaries.*

   b. Their rate of salary immediately before their transfer is higher than the rate of salary payable for the member's Officer Aviation increment for their rank pathway and competency stream

8. The member retains the rate of salary payable immediately before the transfer until the salary payable for the member's Officer Aviation increment for their rank, pathway and competency stream is equal to or greater than the retained rate of salary.

3.2.47M Entry placement – CDF discretions

1. This section does not apply to an Officer Cadet.

2. When a member enters the Officer Aviation Pay Structure the CDF may decide to place the member on an Officer Aviation increment that is between the minimum and maximum Officer Aviation increment for the member's rank, pathway and competency stream.

3. The CDF must consider the following when making a decision under subsection 2.

   a. The member's experience, qualifications and skills.

   b. The member's previous relevant military service.

   c. The Officer Aviation increment the member would otherwise have been placed on in the Officer Aviation Pay Structure.

   d. If an officer is reappointed — whether the qualifications, skills or training requirements for the rank have changed since the member last served.

   e. If a member was reduced in rank — the reason for the reduction in rank.

   f. If a member was reduced in rank and is later promoted to the rank they held previously before the reduction in rank — the periods of the member's service at the higher rank.

   g. Any other matters relevant to the periods of service for increment advancement.

3.2.47N Increment placement – Navy Sub Lieutenant and Lieutenant

1A. This section applies to a member in the Navy at the rank of Sub Lieutenant or Lieutenant.

1. A member in the Rotary Wing Pilot competency stream has Officer Aviation increment OA9 on the day they meet both of the following.

   a. The member has completed operational flying training as a pilot on a military aircraft.

   b. The member has 12 months experience as a pilot on the military aircraft following operational flying training.

2. A member in the Aviation Warfare Officer competency stream has Officer Aviation increment OA8 on the day they meet both of the following.

   a. The member has completed operational flying training as an aviation warfare officer on a military aircraft.

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b. The member has 12 months experience as an aviation warfare officer on the military aircraft following operational flying training.

3. A member in the Remote Pilot Warfare Officer competency stream has an Officer Aviation increment of OA6 on the day they meet both of the following.

a. The member has completed remote pilot warfare officer training.

b. The member has completed 4 ½ years of service since one of the following.

i. The member graduated from the Australian Defence Force Academy.

ii. The member was a direct entry officer — the member completed officer training.

3.2.47O Increment on promotion

1. This section does not apply to the following members.

a. A member in the Navy who is promoted to Acting Sub Lieutenant, Sub Lieutenant or Lieutenant.

b. A member in the Army who is promoted to Second Lieutenant or Lieutenant.

c. A member in the Air Force who is promoted to Pilot Officer or Flying Officer.

2. On the day that an Officer Aviation member is promoted, the member has the lowest Officer Aviation increment for their rank, pathway and competency stream.

3. Despite subsection 2, the member may be placed on a higher Officer Aviation increment for their rank, pathway and competency stream that is decided by the CDF when the member has a period of service that meets all of the following.

a. The service was performed by the member at the rank the member is promoted to, or a higher rank.

b. The service was performed by the member at the standard of competence expected for the member's pathway and competency stream for the rank the member is promoted to, or a higher rank.

c. The service was performed by the member was for either of the following.

i. For a member in the Navy or Air Force — the service is performed for a cumulative period of at least 12 months and the CDF is satisfied it is relevant to the member's ability to contribute to capability at the rank to which the member is promoted.

ii. For a member of the Army— the service was performed at the rank the member is promoted to or at a higher rank for a continuous period of at least 12 months.

4. On the day that a member in the Army Specialist Pathway is promoted, the relevant of the following applies.

a. If the member is promoted to a rank below Colonel and their increment before the promotion is below the lowest increment for their promoted rank — the member has the minimum Officer Aviation increment for their promoted rank.

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b. If the member is promoted to a rank below Colonel and their increment before the promotion is equal to or above the lowest increment for their promoted rank — the member has an Officer Aviation increment that is one above the increment they held before their promotion.

c. If the member is promoted to Colonel — the member is transferred to the Generalist pathway and placed on Officer Aviation increment OA35.

3.2.47P Increment on Command appointment – Navy and Army

1. A member of the Navy in the Rotary Wing Pilot competency stream or the Aviation Warfare Officer competency stream has Officer Aviation increment OA29 on the day that they meet all of the following.

   a. The member holds the rank of Commander.

   b. The member is in the Command Pathway.

   c. The member is Aviation Command qualified.

   d. The member holds a Command appointment.

1A. A member of the Navy in the Remote Pilot Warfare Officer competency stream has Officer Aviation increment OA25 on the day that they meet all of the following.

   a. The member holds the rank of Commander.

   b. The member is in the Command Pathway.

   c. The member is Command qualified.

   d. The member holds a Command appointment.

2. Subsection 3 applies to a member in the Army who meets all of the following.

   a. The member is one of the following.

      i. The member is a Captain and has held the rank 6 or more years.

      ii. The member holds the rank of Major or Lieutenant Colonel.

   b. The member is in the Generalist Pathway.

   c. The member has graduated from the Regimental Officer Basic Course – Program (aviation).

   d. The member holds an aviation troop command, sub-unit command or unit command appointment.

3. The member has the relevant of the following Officer Aviation increments.

   a. A member holding the rank of Captain — the member's Officer Aviation increment is OA19.

   b. A member holding the rank of Major has the Officer Aviation increment OA24.

   c. A member holding the rank of Lieutenant Colonel has the Officer Aviation increment OA29.

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3.2.47Q Increment on rank reduction

1. On the day that an Officer Aviation member is reduced in rank for a reason under the following, the CDF may decide the member's Officer Aviation increment for the lower rank, within the member's pathway and competency stream.

    a. For a member in the Navy or Army — subsection 14(1) of the Defence Regulation.

    b. For a member in the Air Force — paragraph 14(1)(a), (b) or (c) of the Defence Regulation.

2. The CDF must take the following into consideration when making a decision under subsection 1.

    a. The member's previous service at the lower rank.

    b. The member's relevant service in the higher rank.

    c. The circumstances of the reduction in rank.

3. To avoid doubt, if an Officer Aviation member in the Air Force has their rank reduced under paragraph 14(1)(d) of the Defence Regulation, the member continues to hold the Officer Aviation increment the member held immediately before the reduction in rank.

3.2.47R Increment on loss of Command appointment

1. On the day that a Navy or Army Officer Aviation member loses their Command appointment for one of the following reasons, the CDF may decide the member's Officer Aviation increment within the increment range for the member's rank, pathway and competency stream, excluding the command increment levels.

    a. The member was imposed with a censure or formal warning.

    b. The member was convicted of either of the following.

        i. An offence under the *Defence Force Discipline Act 1982.*

        ii. A civilian criminal offence.

    c. The member was suspended from duty.

2. The CDF must take the following into consideration when making a decision under subsection 1.

    a. The member's previous service.

    b. The circumstances of the loss of the command appointment.

3.2.47S Increment advancement

1. For the purposes of subsections 3 and 4, the advancement period is any of the following periods of service.

    a. For a member in the Permanent Forces — 12 months of service.

    b. For a member in the Reserves (providing Reserve service and continuous full-time service) — 20 or more days of Reserve service in a 12 month period.

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c. For a member who served in both the Permanent Forces and the Reserves — 20 days of service in a 12 month period.

Note 1: The advancement period commences on the later of one of the dates set out in paragraph 4.b.

Note 2: A day of Reserve service is calculated based on the proportion of the daily rate the member is paid for the duty under section A.1.5 of DFRT Determination No. 2 of 2017, *Salaries*.

2. For the purpose of calculating the advancement period under subsection 1, the advancement period is extended by any period when the member is on leave without pay or is absent without leave.

3. A member whose Officer Aviation increment is below the top increment for the member's rank, pathway and competency stream will advance to the next Officer Aviation increment within the member's rank, pathway and competency stream at the end of the advancement period when one of the following is met.

a. Unless one of paragraphs b to d applies, the member has performed their duties at the standard of competence for the member's rank, pathway and competency stream for 12 months commencing on the later of the following dates.

i. The day of the member's appointment as an officer.

ii. The day of the member's most recent promotion.

iii. The day of the member's last increment advancement in the Officer Aviation Pay Structure.

b. The member is in the Navy at the rank of Sub Lieutenant or Lieutenant and has completed both of the following on or after 1 July 2019 and has performed their duties for 12 months at the standard of competence for their rank, pathway and competency stream commencing on the day they completed both of the following.

i. Operational flying training on a military aircraft.

ii. 12 months experience on the aircraft following operation training.

ba. The member is in the Navy at the rank of Sub Lieutenant or Lieutenant and performed their duties for 12 months at the standard of competence for their rank, pathway and competency stream commencing on the day they meet both of the following.

i. The member completed remote pilot warfare officer training.

ii. The member has completed 4 ½ years of service since either graduating from the Australian Defence Force Academy or, if the member is a direct entry officer, completing officer training.

c. The member is in the Navy Command pathway or the Army Generalist pathway with a command appointment and has performed their duties at the standard of competence for their rank, pathway and competency stream for 12 months commencing from the date of the member's command appointment.

d. The member is in the Air Force in the Specialist pathway and has performed their duties at the standard of competence for their rank, pathway and competency stream for 12 months commencing from the date of the member's transfer to the Specialist pathway.

e. The member is in the Air Force and holds the rank of either Pilot Officer or Flying Officer and has performed their duties at the standard of competence for their rank, pathway and competency stream for 12 months commencing on either of the following days.

i. The day they entered the Officer Aviation Pay Structure.

ii. The day of their last increment advancement in the Officer Aviation Pay Structure.

Note: Subsections B.3.8.5 and B.3.8.6 of DFRT Determination No. 2 of 2017, *Salaries,* limit the increment range for the following members and must be read in conjunction with these provisions.
a. A member in the Navy in the Command Pathway.
b. A member in the Army in the Generalist Pathway.

4. Despite subsection 3, if the member did not perform their duties at the standard of competence under paragraph 3.b and did not advance to the next Officer Aviation increment the following apply.

a. If the member performed their duties at the standard of competence during the 4 months immediately after the advancement period, the member is eligible for increment advancement for the 12 months under subsection 3.

b. If the member did not perform their duties at the standard of competence during the 4 months immediately after the advancement period both of the following apply.

i. The member is not eligible for increment advancement for the advancement period.

ii. The member's next advancement period commences from when paragraph 3.b would have applied.

5. Despite subsection 3, if a member transferred to the Air Force under section 3.2.47T and their Officer Aviation increment is above the minimum for the member's Air Force rank, pathway and competency stream under paragraph 3.2.47T.3.b, the member is not eligible for increment advancement until the earlier of the following.

a. The member's years of experience at their Air Force rank in the gaining pathway or competency stream corresponds to an Officer Aviation increment that is higher than the member's increment under paragraph 3.2.47T.3.b.

b. The member is promoted.

6. Subsection 7 applies to a member in the Air Force in either of the following.

a. The member transferred between pathways or competency streams under section 3.2.47U and their Officer Aviation increment is above the minimum for the gaining pathway and competency stream under paragraph 3.2.47U.2.b.

b. The member became an Officer Aviation member under section 3.2.47K and the member's Officer Aviation increment under paragraph 3.2.47.2.c is above the minimum for their rank, pathway and competency stream.

7. Despite subsection 3, the member is not eligible for increment advancement until the member's years of experience for the rank, gaining pathway or competency stream corresponds to an Officer Aviation increment that is higher than the member's increment under one of the following.

a. A member in the Air Force who was not an aviation specialist when they transferred into the Officer Aviation Pay Structure under paragraph 3.2.47K.2.b.

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b. The member was one of the following before they transferred into the Officer Aviation Pay Structure under section 3.2.47M.

i. The member was a member of a foreign military force.

ii. The member transferred from another arm of the Defence Force under section 15 of the Regulation and was not an Officer Aviation member before their transfer.

c. The member transferred between pathways or competency streams and has an Officer Aviation increment above the minimum increment under paragraph 3.2.47U.2.b.

8. An Officer Aviation member may not receive more than one increment advancement under this section in any 12 month period.

3.2.47T Increment on transfer between Services

1. This section applies to an Officer Aviation member who transfers to another Service under section 15 of the Regulation as an Officer Aviation member.

2. The member's Officer Aviation increment is the same as they held immediately before they transferred until they have completed the applicable of the following for their gaining Service, pathway and competency stream.

a. For a member transferring to Navy or Army — platform type conversion training.

b. For a member transferring to Air Force — training for Category D qualification or Air Traffic Controller primary endorsement.

3. For a member transferring to Navy or Air Force, on the completion of the applicable training in subsection 2, the following apply.

a. If the member's Officer Aviation increment is below or equal to the minimum increment for their rank, gaining pathway and competency stream, their Officer Aviation increment is the minimum increment for their rank, pathway and competency stream.

b. If the member's Officer Aviation increment before transfer is above the minimum increment for their rank, gaining pathway and competency stream, their Officer Aviation increment remains the same.

c. If the member's Officer Aviation increment is above the maximum increment for their rank, gaining pathway and competency stream, their Officer Aviation increment is the maximum increment for their rank, gaining pathway and competency stream.

4. Despite paragraph 3.a, a member who transfers to Navy or Air Force may have an Officer Aviation increment above the minimum increment for their rank, pathway and competency stream that is decided by the CDF, taking into consideration the following.

a. The member's experience, qualifications and skills.

b. The member's previous relevant military service.

c. Any other matters relevant to the periods of service for increment placement.

5. For a member who transfers to Army, on the completion of type conversion training under paragraph 2.a, the member has an Officer Aviation increment for their pathway and competency stream that is decided by the CDF, having regard to the following.

a. The member's rank.

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b. The number of years the member was in their previous Service.

c. The member's qualifications and experience.

3.2.47U Increment on transfer between pathways and competency streams

1. This section does not apply to a member in the Army to whom section 3.2.47V applies.

2. On the day that an Officer Aviation member transfers to a different pathway or competency stream within their Service either of the following apply.

   a. If the member's Officer Aviation increment is below or equal to the minimum increment for the gaining pathway and competency stream, their Officer Aviation increment is the minimum increment for their rank, pathway and competency stream.

   b. If the member's Officer Aviation increment before transfer is above the minimum increment for the gaining pathway and competency stream, the member continues to hold their Officer Aviation increment.

   c. If the member's Officer Aviation increment is equal to or above the maximum increment for the member's rank, gaining pathway and competency stream, one of the following apply.

      i. For a member in the Navy — the member has the highest Officer Aviation increment for their rank, gaining pathway and competency stream.

      ii. For a member in the Army or Air Force — The member continues to hold their Officer Aviation increment.

3. Despite paragraph 2.a, a member may have an Officer Aviation increment above the minimum increment for their rank, pathway and competency stream that is decided by the CDF, taking into consideration the following.

   a. The member's experience, qualifications and skills.

   b. The member's previous relevant military service.

   c. Any other matters relevant to the periods of service for increment placement.

4. Despite paragraph 2.c, a member in the Navy who meets all of the following continues to hold the Officer Aviation increment they held immediately before the transfer if the increment is equal to or higher than the maximum increment for the member's rank, pathway and Remote Pilot Warfare Officer competency stream.

   a. The member transfers from the Command Pathway of one of the following.

      i. The Rotary Wing Pilot competency stream.

      ii. The Aviation Warfare Officer competency stream.

   b. The member transfers to the Command Pathway of the Remote Pilot Warfare Officer competency stream.

   c. The transfer is for medical reasons.

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3.2.47V Increment on transfer between Army Generalist and Specialist pathways on promotion

1. On the day that a member in the Army transfers from the Generalist Pathway to the Specialist Pathway on promotion, the member has the higher of the following increments.

    a. The minimum Officer Aviation increment for the member's new rank in the Specialist Pathway.

    b. One increment above the member's Officer Aviation increment they held immediately before their transfer.

2. On the day that a member in the Army transfers from the Specialist Pathway to the Generalist Pathway on promotion and appointment to an aviation sub-unit command or a unit command, subsections 3.2.47P.2 and 3.2.47P.3 apply.

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Division 5: Salary non-reduction provisions

3.2.48 Purpose

This Division sets out the way a member's salary rate can be preserved for a period when it would otherwise be reduced.

3.2.49 Definitions

In this Division the following apply.

Relevant employment category means an employment category listed in column B of tables in the following Annexes.

a. Annex 3.2.B – Salary non-reduction – members with the rank of Warrant Officer Class 1 or lower.

b. Annex 3.2.D – Salary non-reduction – Officers.

3.2.50 Member this Division applies to

This Division applies to a member whose salary would be reduced in one of the following circumstances.

a. The member's Service transfers them from one employment category to another employment category.

b. The employment category the member holds is transferred to a lower pay grade by the DFRT.

c. The employment category the member holds is restructured.

d. The specialist career structure that the member is paid under is restructured.

e. The member is promoted from the rank of Colonel to Brigadier, and the member was formerly in any of the following classes.

   i. The member was formerly paid a salary for pay grade 9 or 10, derived from Part 1 or 2 of Schedule B.3 of DFRT Determination No. 2 of 2017, *Salaries*.

   ii. The member's salary was formerly derived from Schedule B.6 of DFRT Determination No. 2 of 2017, *Salaries*.

   iii. The member's salary was formerly derived from Schedule B.7 of DFRT Determination No. 2 of 2017, *Salaries*.

   iv. The member's salary was formerly derived from Schedule B.8 of DFRT Determination No. 2 of 2017, *Salaries*.

3.2.51 Member this Division does not apply to

This Division does not apply to a member whose salary would reduce in any of the following circumstances.

a. The member's performance of duty is not satisfactory.

b. The member is subject to disciplinary action.

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c. The member is subject to administrative sanction.

d. The member chooses to transfer to another employment category.

e. The member is reduced in rank.

f. The member ceases to hold a competency that exists under the specialist career structure, for which salary was previously payable to the member.

g. The Defence Force Remuneration Tribunal has determined a transitional salary structure for the member that would provide salary non-reduction for the member.

h. An Other Rank member on appointment and commissioning.

3.2.52 Salary non-reduction period

1. Salary is payable to a member at the rate of salary payable to them immediately before they became eligible under this Division, for a period set out in subsection 3. This is known as a salary non-reduction period.

2. A member's non-reduction salary rate may be adjusted in accordance with the following conditions if applicable.

   a. The member may continue to be paid an annual increment of salary. The incremental rate is payable as if the pay grade or specialist career structure for which the member's salary non-reduction is payable had continued to operate.

   b. The preserved rate (if applicable) payable to the member is adjusted in the same proportion as any general salary increase determined from time to time for the ADF by the Defence Force Remuneration Tribunal.

   c. A specialist officer may be taken to continue to hold a salary under a scale of rates that has previously been preserved for the specialty, if express transition or conversion arrangements are not made for the officer.

3. For subsection 1, the salary non-reduction period applies to a member who meets the conditions in column A of the following table for the period starting on the date in column B and ending on the date in column C.

Item	Column A Conditions	Column B Start date	Column C End date
1.	A Warrant Officer Class 1 or lower who is in a pay grade in column A of Part 1 or Part 2 of Annex 3.2.B and holds a relevant employment category and meets any conditions specified for that category in column B.	The date listed in column C of the relevant Part of Annex 3.2.B.	The earlier of the following. a. The date listed in column D of the relevant Part of Annex 3.2.B. b. The day the member ceases to meet a condition specified for the relevant category.
3.	An officer who is in a pay grade in column A of Annex 3.2.D and holds a relevant employment category in column B.	The date listed in column C of Annex 3.2.D.	The date listed in column D of Annex 3.2.D.

4.	Not described in table item 1, 2 or 3.	The day the member becomes eligible under section 3.2.50.	The later of the following days. a. After 18 months. b. A day later than 18 months decided by the CDF.

4. A member's salary non-reduction period ends if the salary payable to the member under schedule B.3, B.10 or B.12 of DFRT Determination No. 2 of 2017, *Salaries*, increases to a rate higher than the rate that is payable to the member under subsection 1.

3.2.52A Salary non-reduction – Air Force Flight Test Engineer

1. A member of the Air Force who was in pay grade 7 on 3 May 2006 is eligible for the rate of salary that was payable to them immediately before this Division applied to them if they meet all of the following.

   a. The member holds the rank of Squadron Leader.

   b. They are an Aeronautical Engineer with Flight Test Engineer qualifications.

   c. They are posted to or are in a designated flying position or flying-related position.

2. The member's salary non-reduction period ends on the earlier of the following.

   a. Three years after the day the member ceases to be employed as a Flight Test Engineer in a designated flying position or flying-related position.

   b. The day the member ceases to be qualified for a designated flying position or flying-related position.

   c. The day the member's liability to fly has been withdrawn.

   d. The day the earlier of any of the following occurs.

      i. The member is promoted to Wing Commander.

      ii. The member's service in the Permanent Forces ends.

3.2.53 Service during salary non-reduction period to count for certain purposes

1. The member's service during a period of salary non-reduction is to be treated as service for determining rank and incremental advancement.

2. This section does not apply if the member's rank or pay grade has been reduced for reasons other than those listed in section 3.2.50.

3.2.55 Retention of pay grade

A member who ceases to be eligible for a pay grade may continue to be paid, at the rate applicable for the member's rank and increment in that pay grade, if all of the following circumstances are met.

a. The CDF determines the member remains liable to serve in the employment category and (if relevant) the classification that the pay grade related to.

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b. The CDF approves the payment at that pay grade if it is reasonable having regard to the following.

i. For an other rank member – whether the member holds qualifications otherwise required for payment at that pay grade, for a period of up to 3 years.

ii. For a Warrant Officer Class 1 – any relevant instruction or direction made under sections 9 and 10 of the *Defence Act 1903*.

iii. For an officer – any relevant instruction or direction made under sections 9 and 10 of the *Defence Act 1903*.

3.2.56 Non-reduction supplement for Other Rank members

1. A non-reduction supplement is to be paid to a member who meets both the following conditions.

   a. On any day after 23 December 2008 and before 1 July 2009, the member is paid salary at a rate higher than that payable under schedule B.10 or B.12 of DFRT Determination No. 2 of 2017, *Salaries*, as amended from time to time.

   b. The higher rate represents a rank increment or pay grade and employment category combination that ceased to exist in DFRT Determination No. 2 of 2017, *Salaries*, on 24 December 2008.

2. The rate of non-reduction supplement is the difference between the rate described in paragraph 1.a and the rate payable to the member under DFRT Determination No. 2 of 2017, *Salaries*, paid to the member as both the following amounts.

   a. A one-off payment for the period 24 December 2008 to 27 February 2009.

   b. A fortnightly payment.

3. This section ceases to apply to a member from the earliest of the following days.

   a. The day that the rate of salary payable to the member under DFRT Determination No. 2 of 2017, *Salaries*, as amended from time to time, is equal to or higher than the rate of salary payable under this section.

   b. The day that there is a subsequent change of circumstances of the member that would end or vary the entitlement to the rank and pay grade on which the non-reduction supplement was based.

   c. The day the amount is replaced under a new Workplace Remuneration Arrangement by determination of the DFRT.

3.2.57 Non-reduction supplement for Other Rank members of the Reserves

1. A non-reduction supplement is to be paid to a member of the Reserves who meets both the following conditions.

   a. On any day after 23 December 2008 and before 30 September 2009, the member is paid salary at a daily rate higher than that payable to the member under schedule B.10 or B.12 of DFRT Determination No. 2 of 2017, *Salaries*, as amended from time to time.

   b. The higher rate represents a rank increment or pay grade and employment category combination that ceased to exist in DFRT Determination No. 2 of 2017, *Salaries*, on 24 December 2008.

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2. The rate of non-reduction supplement is the difference between the daily rate described in paragraph 1.a and the daily rate payable to the member under DFRT Determination No. 2 of 2017, *Salaries*.

3. This section ceases to apply to a member from the earliest of the following days.

   a. The day that the rate of salary payable to the member under DFRT Determination No. 2 of 2017, *Salaries*, as amended from time to time, is equal to or higher than the rate of salary payable under this section.

   b. The day that there is a subsequent change of circumstances of the member that would end or vary the entitlement to the rank and pay grade on which the non-reduction supplement was based.

   c. The day the amount is replaced under a new Workplace Remuneration Arrangement by determination of the DFRT.

3.2.58 Movements between Reserve service and continuous full-time service

1. This section applies to a member in receipt of a non-reduction supplement who moves between Reserve service and continuous full-time service.

2. For a period of continuous full-time service the member is to be paid the non-reduction supplement at the same rate payable under section 3.2.56.

3. For the period of Reserve service, the member is to be paid the non-reduction supplement at a daily rate worked out under section 3.2.57.

3.2.59 Member on salary non-reduction or salary preservation on 13 May 2021

1. This section applies to a member if all of the following apply on 13 May 2021.

   a. The member was on one of the following.

      i. A salary non-reduction provision under this Division.

      ii. A salary preservation provision under Part C of DFRT Determination No. 2 of 2017, *Salaries*.

   b. The member's salary on 13 May 2021 is less than the sum of the following on 12 May 2021.

      i. The member's salary payable under the non-reduction or salary preservation provision.

      ii. Service allowance payable under Division B.2 of DFRT Determination No. 11 of 2013, *ADF allowances*, on 12 May 2021.

      iii. Uniform allowance payable to the member under Chapter 10 Part 1, on 12 May 2021.

2. The member is to be paid a fortnightly allowance calculated using the following.

$$\boldsymbol{allowance\ payable} = (\boldsymbol{A} + \boldsymbol{B} + \boldsymbol{C}) - \boldsymbol{D}$$

Where:

A is the member's fortnightly salary payable under the non-reduction or salary preservation provision, on 12 May 2021.

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B is the member's fortnightly Service allowance payable on 12 May 2021.

C is the fortnightly amount of uniform allowance payable to the member on 12 May 2021.

D is the fortnightly salary payable to the member from 13 May 2021.

3. The salary and service allowance rates under paragraph 1.b and subsection 2 are adjusted by the same proportion as any general salary increase applicable to members of the ADF.

4. This section ceases to apply on the day the member ceases to be eligible for salary non-reduction or salary preservation.

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Annex 3.2.B: Salary non-reduction – members with the rank of Warrant Officer Class 1 or lower

Part 1: Members with the rank of Warrant Officer Class 1

Item	Column A Pay Grade	Column B Employment category and conditions (if any)	Column C Start date	Column D End date
	NAVY			
1AA.	Pay grade 6	Communications and Information Systems — Communications Grade 5 — Tier A	1 July 2021	1 July 2026
	ARMY			
1.	Pay grade 4	Musician Grade 2	7 March 2019	7 March 2025
1A.	Pay grade 5	Examiner Psychological Tier A	1 July 2021	30 June 2026
2.	Pay grade 5	Musician Grade 3	7 March 2019	7 March 2024
3.	Pay grade 5	Pipe Major	7 March 2019	7 March 2024
4.	Pay grade 6	Examiner Psychological Tier B	1 July 2021	30 June 2026
5.	Pay grade 6	Musician Grade 3	7 March 2019	7 March 2024
8.	Pay grade 8	Musician Grade 3	7 March 2019	7 March 2024
	AIR FORCE			
9.	Pay Grade 5	Flight Engineer on pay grade 5 the day prior to remuster to another Airmen Aircrew mustering.	Date of remuster to another Airmen Aircrew mustering.	The day 5 years from the date of remuster to another Airmen Aircrew mustering.
10.	Pay grade 5	Network Technician employment category remustered from a Communications and Information Systems Controller employment category on pay grade 5 between 25 June 2020 to 24 June 2025.	The day of remuster to the Network Technician employment category.	The day 5 years after the day of remuster the Network Technician employment category.
11.	Pay Grade 6	Flight engineer on pay grade 6 the day prior to remuster to another Airmen Aircrew mustering.	Date of remuster to another Airmen Aircrew mustering.	The day 5 years from the date of remuster to another Airmen Aircrew mustering.
12.	Pay grade 6	Network Technician employment category remustered from a Communications and Information Systems Controller employment category on pay grade 6 between 25 June 2020 to 24 June 2025.	The day of remuster to the Network Technician employment category.	The day 5 years after the day of remuster to the Network Technician employment category.

13.	Pay grade 6	Network Technician employment category remustered from a Communications Electronic employment category on pay grade 6 between 25 June 2020 to 24 June 2025.	The day of remuster to the Network Technician employment category.	The day 5 years after the day of remuster to the Network Technician employment category.
13A.	Pay grade 7	Airborne Electronics Analyst – Competency Progression Grade 3 – Tier A	18 January 2024	17 January 2029
13B.	Pay Grade 7	Airborne Electronics Analyst – Competency Progression Grade 4 – Tier A	18 January 2024	17 January 2029
14.	Pay Grade 7	Flight Engineer on pay grade 7 the day prior to remuster to another Airmen Aircrew mustering.	Date of remuster to another Airmen Aircrew mustering.	The day 5 years from the date of remuster to another Airmen Aircrew mustering.
15.	Pay grade 7	Network Technician employment category remustered from a Communications Electronic employment category on pay grade 7 between 25 June 2020 to 24 June 2025.	The day of remuster to the Network Technician employment category.	The day 5 years after the day of remuster to the Network Technician employment category.
16.	Pay Grade 8	Flight Engineer on pay grade 8 the day prior to remuster to another Airmen Aircrew mustering.	Date of remuster to another Airmen Aircrew mustering.	The day 5 years from the date of remuster to another Airmen Aircrew mustering.
17.	Pay grade 8	Network Technician employment category remustered from a Communications Electronic employment category on pay grade 8 between 25 June 2020 to 24 June 2025.	The day of remuster to the Network Technician employment category.	The day 5 years after the day of remuster to the Network Technician employment category.

Part 2: Members with the rank of Warrant Officer Class 2 or lower

Item	Column A Pay grade	Column B Employment category and conditions (if any)	Column C Start date	Column D End date
	NAVY			
1.	Pay grade 3	Maritime Logistics Personnel Operations – Grade 2	8 March 2018	7 March 2023
1A.	Pay grade 5	Communications and Information Systems — Communications Grade 4	1 July 2021	1 July 2026
1B.	Pay grade 5	Communications and Information Systems — Information Grade 4	1 July 2021	1 July 2026
1C.	Pay grade 6	Communications and Information Systems — Communications Grade 5	1 July 2021	1 July 2026

1D.	Pay grade 6	Communications and Information Systems — Information Grade 5	1 July 2021	1 July 2026
2.	Pay grade 8	Electronic Warfare Submarines – SM Skill Grade 2	24 January 2019	23 January 2024
	ARMY			
4.	Pay grade 3	Musician Grade 1	7 March 2019	7 March 2024
8.	Pay grade 3	Piper Drummer and Bugler Grade 1	7 March 2019	7 March 2024
8A.	Pay grade 3	Supervisor Section Supply Chain (Privates who are not yet Private (Proficient)), and have not completed the 40M Driver course, including tactical component	7 January 2021	6 January 2023
8B.	Pay grade 3	Supervisor Section Supply Chain (Corporal) who have not completed the Mounted Leader Course	7 January 2021	20 January 2025
8C.	Pay grade 3	Unit Quartermaster Advanced (Privates who are not yet Private (Proficient)), and have not completed the 40M Driver course, including tactical component	7 January 2021	6 January 2023
8D.	Pay grade 3	Unit Quartermaster Advanced (Corporal) who have not completed the Mounted Leader Course	7 January 2021	20 January 2025
9.	Pay grade 4	Carpenter Grade 2	28 November 2019	27 November 2024
10.	Pay grade 4	Electrician Grade 2	28 November 2019	27 November 2024
11.	Pay grade 4	Geomatic Technician Grade 2	1 July 2018	31 January 2024
12.	Pay grade 4	Musician Grade 2	7 March 2019	7 March 2024
13.	Pay grade 4	Operator Plant Grade 2	20 January 2022	19 January 2026
15.	Pay grade 4	Piper Drummer and Bugler Grade 2	7 March 2019	7 March 2024
16.	Pay grade 4	Plumber	28 November 2019	27 November 2024
17.	Pay grade 5	Drum Major	7 March 2019	7 March 2024
17A.	Pay grade 5	Examiner Psychological	1 July 2021	30 June 2026
18.	Pay grade 5	Geomatic Technician Grade 4	1 July 2018	31 January 2024
19.	Pay grade 5	Musician Grade 3	7 March 2019	7 March 2024
22.	Pay grade 5	Pipe Major	7 March 2019	7 March 2024
23.	Pay grade 6	Geomatic Technician Grade 6	1 July 2018	31 January 2024
	AIR FORCE			
28.	Pay grade 2	Network Technician employment category remustered from a Communications Electronic employment category on pay grade 2 between 25 June 2020 to 24 June 2025.	The day of remuster to the Network Technician employment category.	The day 5 years after the day of remuster the Network Technician employment category.

29.	Pay grade 3	Network Technician employment category remustered from a Communications and Information Systems Controller employment category on pay grade 3 between 25 June 2020 to 24 June 2025.	The day of remuster to the Network Technician employment category.	The day 5 years after the day of remuster the Network Technician employment category.
30.	Pay grade 3	Network Technician employment category remustered from a Communications Electronic employment category on pay grade 3 between 25 June 2020 to 24 June 2025.	The day of remuster to the Network Technician employment category.	The day 5 years after the day of remuster to the Network Technician employment category.
31.	Pay grade 4	Network Technician employment category remustered from a Communications and Information Systems Controller employment category on pay grade 4 between 25 June 2020 to 24 June 2025.	The day of remuster to the Network Technician employment category.	The day 5 years after the day of remuster to the Network Technician employment category.
32.	Pay grade 4	Network Technician employment category remustered from a Communications Electronic employment category on pay grade 4 between 25 June 2020 to 24 June 2025.	The day of remuster to the Network Technician employment category.	The day 5 years after the day of remuster to the Network Technician employment category.
33.	Pay grade 5	Flight Engineer on pay grade 5 the day prior to remuster to another Airmen Aircrew mustering.	Date of remuster to another Airmen Aircrew mustering.	The day 5 years from the date of remuster to another Airmen Aircrew mustering.
34.	Pay grade 5	Network Technician employment category remustered from a Communications and Information Systems Controller employment category on pay grade 5 between 25 June 2020 to 24 June 2025.	The day of remuster to the Network Technician employment category.	The day 5 years after the day of remuster to the Network Technician employment category.
35.	Pay grade 5	Network Technician employment category remustered from a Communications Electronic employment category on pay grade 5 between 25 June 2020 to 24 June 2025.	The day of remuster to the Network Technician employment category.	The day 5 years after the day of remuster to the Network Technician employment category.
36.	Pay grade 6	Flight Engineer on pay grade 6 the day prior to remuster to another Airmen Aircrew mustering.	Date of remuster to another Airmen Aircrew mustering.	The day 5 years from the date of remuster to another Airmen Aircrew mustering.

37.	Pay grade 6	Network Technician employment category remustered from a Communications and Information Systems Controller employment category on pay grade 6 between 25 June 2020 to 24 June 2025.	The day of remuster to the Network Technician employment category.	The day 5 years after the day of remuster to the Network Technician employment category.
38.	Pay grade 6	Network Technician employment category remustered from a Communications Electronic employment category on pay grade 6 between 25 June 2020 to 24 June 2025.	The day of remuster to the Network Technician employment category.	The day 5 years after the day of remuster to the Network Technician employment category.
38A.	Pay Grade 7	Airborne Electronics Analyst – Competency Progression Grade 3	18 January 2024	17 January 2029
38B.	Pay Grade 7	Airborne Electronics Analyst – Competency Progression Grade 4	18 January 2024	17 January 2029
39.	Pay grade 7	Flight Engineer on pay grade 7 the day prior to remuster to another Airmen Aircrew mustering.	Date of remuster to another Airmen Aircrew mustering.	The day 5 years from the date of remuster to another Airmen Aircrew mustering.
40.	Pay grade 7	Network Technician employment category remustered from a Communications Electronic employment category on pay grade 7 between 25 June 2020 to 24 June 2025.	The day of remuster to the Network Technician employment category.	The day 5 years after the day of remuster to the Network Technician employment category.
41.	Pay grade 8	Flight Engineer on pay grade 8 the day prior to remuster to another Airmen Aircrew mustering.	Date of remuster to another Airmen Aircrew mustering	The day 5 years from the date of remuster to another Airmen Aircrew mustering.

Annex 3.2.D: Salary non-reduction – Officers

Item	Column A Pay grade	Column B Specialist employment category, level, and conditions (if any)	Column C Start date	Column D End date
3.	Pay grade 4	Management Executive Tier 1 – Specialist	30 June 2020	29 June 2025
5.	Pay grade 5	Management Executive Tier 2 – Strategic Specialist	30 June 2020	29 June 2025
7.	Pay grade 6	Management Executive Tier 3 – Senior Strategic Specialist	30 June 2020	29 June 2025
9.	Pay grade 8	Management Executive Shore Command	30 June 2020	29 June 2025
10.	–	Medical Officer ML2-5	29 April 2021	28 April 2026
11.	–	Medical Officer ML2-6	29 April 2021	28 April 2026
12.	–	Medical Officer ML2-7	29 April 2021	28 April 2026

Annex 3.2.E: Officer Aviation Specialist Structure to Officer Aviation Pay Structure — conversion table

Column 1 Item	Column 2 Aviation Specialist experience level	Column 3 Officer Aviation increment equivalent
1.	AS 0	OA 8
2.	AS 1	OA 9
3.	AS 2	OA 10
4.	AS 3	OA 11
5.	AS 4	OA 12
6.	AS 5	OA 13
7.	AS 6	OA 14
8.	AS 7	OA 15
9.	AS 8	OA 16
10.	AS 9	OA 17
11.	AS 10	OA 18
12.	AS 11	OA 19
13.	AS 12	OA 20
14.	AS 13	OA 21
15.	AS 14	OA 22
16.	AS 15	OA 23
17.	AS 16	OA 24
18.	AS 17	OA 25
19.	AS 18	OA 26
20.	AS 19	OA 27
21.	AS 20	OA 28
22.	AS 21	OA 29
23.	AS 22	OA 30
24.	AS 23	OA 31
25.	AS 24	OA 32
26.	AS 25	OA 33
27.	AS 26	OA 34
28.	AS 27	OA 35
29.	AS 28	OA 36
30.	AS 29	OA 37

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Part 3: Bonuses

Division 1: General provisions

Subdivision 1: Interpretation

3.3.1 Purpose

This Part provides bonuses to attract and retain members who are capability critical to the ADF.

3.3.2 Definitions

In this Part the following apply.

Agreed period of service means the number of days of effective service the member agrees to serve in connection with a bonus under this Chapter.

Bonus amount means the amount of money specified in a valid offer.

Bonus condition means one of the following

a. If the bonus is a category A bonus, a condition specified in section 3.3.14.

b. If the bonus is a category B bonus, a condition specified in section 3.3.18.

Call out order means continuous full-time service under a call out order under Division 3 of Part III of the Act.

Commencement day of an agreed period of service has the meaning given in section 3.3.3.

Effective service has the meaning given in subdivision 2.

Valid acceptance has the meaning given in section 3.3.5.

Valid offer has the meaning given in section 3.3.4.

3.3.3 Commencement day of an agreed period of service

The **commencement day of a member's agreed period of service** is the latter of the following days.

a. The day specified in the offer.

b. If a member is under any of the following service obligations, the day after the service obligation ends.

i. An initial minimum period of service.

ii. A return of service obligation.

iii. An undertaking for further service under another bonus.

Note: This includes an undertaking for further service under Part 8 of the *Military Superannuation and Benefits Act 1991*, as preserved by item 4 of Schedule 4 *Defence Legislation Amendment Act (No. 1) 2005*.

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3.3.4 Valid offer

A **valid offer** of a bonus is an offer that meets all of the following.

a. It is made on the approved form.

b. It specifies that the bonus is one of the following.

i. A retention bonus.

ii. A completion bonus.

c. It specifies the bonus condition.

Note 1: The bonus condition for a category A bonus is specified in section 3.3.14.

Note 2: The bonus condition for a category B bonus is specified in section 3.3.18.

d. It specifies a bonus amount that does not exceed the amount payable that applies to the bonus category.

Note 1: The maximum bonus amount for a category A bonus is specified in section 3.3.12.

Note 2: The maximum bonus amount for a category B bonus is specified in section 3.3.16.

e. It specifies an agreed period of service that is within the period that applies to the bonus category.

Note 1: The agreed period of service limits for a category A bonus is specified in section 3.3.13.

Note 2: The agreed period of service limits for a category B bonus is specified in section 3.3.17.

f. It specifies an indicative day on which the member will commence serving the agreed period of service.

Note: The commencement date may be altered if the member is completing an undertaking for further service in relation to another benefit, however described.

g. If it is being made to a member of the Reserves for Reserve service, it specifies the member's pattern of reserve service.

h. It specifies the date that the offer must be accepted by.

3.3.5 Valid acceptance

A **valid acceptance** of an offer means an acceptance that meets all of the following.

a. It is made on the approved form.

b. It is made on or before a day specified in the valid offer.

c It includes an election on how the bonus is to be paid.

Subdivision 2: Effective service

3.3.6 Effective service – member on continuous full time service

1. This section applies to a member who meets all of the following.

a. They are on continuous full-time service, other than a member of the reserves performing continuous full-time service solely for the purpose of a call out order.

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b. They are not subject to a flexible service determination.

2. A member provides effective service on all of the following days.

a. A day for which the member is paid salary.

Note: This includes a day of paid leave.

b. A day on which the member is on unpaid leave that is before the 22nd day in a period of unpaid leave.

3. Despite subsection 2, a member does not provide effective service on a day in which any of the following apply.

a. They are in custody.

b. They are in detention.

c. They are imprisoned.

4. Effective service is calculated in accordance with the following.

a. A day for which the member receives full pay — 1 day.

b. A day on which the member receives half pay — half a day.

c. A day on which the member is on unpaid leave — 1 day.

Note: A member ceases to provide effective service on the 21st day of unpaid leave.

3.3.7 Effective service – member subject to a flexible service determination

1. This section applies to a member who is subject to a flexible service determination.

2. A member provides effective service on any of the following days.

a. A day in the member's pattern of service for which the member is paid salary.

Note: This includes a day of paid leave.

b. A day on which the member is on unpaid leave that is before the 22nd day in a period of unpaid leave.

3. Despite subsection 2, a member does not provide effective service on a day in which any of the following apply.

a. They are in custody.

b. They are in detention.

c. They are imprisoned.

4. The number of days of effective service a member performs in a fortnight is calculated using the following formula and must not exceed 14 days.

$$effective\ service = A \times 1.4$$

Where:

A is the sum of the following.

i. Each full day of duty in the member's pattern of service in the fortnight.

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ii. Each combination of part days of duty in the member's pattern of service in the fortnight that add up to 8 hours.

3.3.8 Effective service – member on Reserve service

1. This section applies to a member of the Reserves not on continuous full-time service, other than under a call out order.

2. A member provides effective service on any of the following days.

   a. A day on which the member provides Reserve service.

   b. A day on which the member is on call out order.

3. Despite subsection 2, a member does not provide effective service on a day in which any of the following apply.

   a. They are in custody.

   b. They are in detention.

   c. They are imprisoned.

4. A day on which the member provides effective service is 1 day of effective service.

   Note: This section applies regardless of the number of hours the member serves on the day.

Subdivision 3: Application

3.4.9 Member this Part does not apply to

This Part does not apply to a member who meets any of the following.

a. On the member's date of eligibility, they have a Military Employment Classification of J5.

b. On the day the member commences their service obligation, they have less than 3 years to serve until the end of their fixed period of service.

   Note: A member's existing return of service obligation may affect the date their service obligation commences.

c. On the day the member commences their service obligation, they have less than 3 years to serve before any of the following days.

   i. The day they reach retirement age.

   ii. The last day that they have been given a direction allowing them to serve beyond their retirement age.

   Note: A direction allowing a member to serve beyond their retirement age is made under section 23 of the Defence Regulation.

d. On the day the offer for the continuation bonus is made, they are a lateral recruit.

e. They have received a bonus under this Part before.

f. They are re-joining the ADF and they meet all of the following.

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i. Their last period of service in the Permanent Forces ended because of the member separating from the ADF.

ii. The member completed their initial entry during a previous period of service in the ADF.

3.3.10 Member this Part does not apply to

This part does not apply to a member who meets any of the following on the day the offer of a bonus is made to the member.

a. The member has a Military Employment Classification of J5.

b. The member has less than 1 year to serve until the end of the member's fixed period of service.

c. The member has less than 1 year to serve until the later of the following days.

i. The day the member reaches retirement age.

ii. The last day that the member has been given a direction allowing them to serve beyond their retirement age.

Note: A direction allowing a member to serve beyond their retirement age is made under section 23 of the Defence Regulation.

d. The member has been given a notice for the purpose of involuntary separation under one of the following and a decision on that notice has not been made.

i. Section 101 of the Act.

ii. Section 24 of the Defence Regulation.

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Division 2: Category A Bonus

3.3.11 Eligibility for a category A bonus

1. A member is eligible for a category A bonus if all of the following apply.

    a. The CDF does all of the following.

        i. They believe the member is critical to capability.

        ii. If making an offer to a member of the Reserves not on continuous full-time service, they are satisfied that the requirements of subsection 2 are satisfied.

        iii. They make a valid offer for a category A bonus to the member.

        iv. If the offer must be accepted on a date other than 28 days after the offer was made or 28 days after the day the member returns to Australia after a deployment, set a day the offer must be accepted by.

    b. The member makes a valid acceptance of the offer.

    c. On the day of accepting the offer, the member is expected to be able to complete the agreed period of service for the bonus before any of the following.

        i. The last day of their fixed period of service.

        ii. If the member has not been given a direction allowing them to work beyond their retirement age, the day they reach their retirement age.

        iii. The last day they are allowed to serve beyond the member's retirement age.

        Note: A direction allowing a member to serve beyond their retirement age is made under section 23 of the Defence Regulation.

2. If the member is a member of the Reserves, all of the following apply.

    a. The member is able to complete the agreed period of service before the end of their period of service in the Reserve.

    b. The capability cannot be reasonably met by any of the following.

        i. A member of the Permanent Forces.

        ii. A member of the Reserves on continuous full-time service.

        iii. A member of the Reserves on Reserve service without an offer of a bonus.

3.3.12 Category A bonus – bonus amount

The bonus amount for a category A bonus must not exceed $200,000.

3.3.13 Category A bonus – agreed period of service

The agreed period of service for a category A bonus must be one of the following.

a. If the member is in the Permanent Forces — a specified number of days of effective service between 1 and 5 years.

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b. If the member is in the Reserves — a minimum of 20 days of effective service each year for between 1 and 5 years.

3.3.14 Category A bonus – bonus condition

The bonus condition for a category A bonus means one of the following.

a. The specified position or specified role in which the member is to complete their agreed period of service.

b. The primary skill the member must maintain during their agreed period of service.

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Division 3: Category B Bonus

3.3.15 Eligibility for a category B bonus

1. A member is eligible for a category B bonus if all of the following apply.

    a. The CDF does all of the following.

        i. They believe the member is in a workgroup that is critical, or at risk of being critical, to capability.

        ii. They are satisfied that there are no inconsistencies in the application of the bonus for similar workgroups across the ADF.

        iii. If making an offer to a member of the Reserves not on continuous full-time service, they are satisfied that the requirements of subsection 2 are satisfied.

        iv. They make a valid offer for a category B bonus to the member.

        v. If the offer must be accepted on a date other than 28 days after the offer was made or 28 days after the day the member returns to Australia after a deployment, set a date the offer must be accepted by.

    b. The member makes a valid acceptance of the offer.

    c. On the day of accepting the offer, the member is expected to be able to complete the agreed period of service for the bonus before any of the following.

        i. The last day of their fixed period of service.

        ii. If the member has not been given a direction allowing them to work beyond their retirement age, the day they reach their retirement age.

        iii. The last day they are allowed to serve beyond the member's retirement age.

            Note: A direction allowing a member to serve beyond their retirement age is made under section 23 of the Defence Regulation.

2. If the member is a member of the Reserves, all of the following apply.

    a. The member is able to complete the period of duty required before the end of their period of service in the Reserve.

    b. The member is the most qualified available person to fulfil the required capability need.

3.3.16 Category B bonus – bonus amount

The bonus amount for a category B bonus must not exceed $100,000.

3.3.17 Category B bonus – agreed period of service

The agreed period of service for a category B bonus must be one of the following.

a. If the member is in the Permanent Forces — a specified number of days of effective service between 1 and 3 years.

b. If the member is in the Reserves — a minimum of 20 days of effective service each year for between 1 and 3 years.

3.3.18 Category B bonus – bonus condition

The bonus condition for a category B bonus means one of the following.

a. The employment category in which the member is to complete their agreed period of service.

b. The primary skill the member must maintain during their agreed period of service.

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Division 4: Payment, recovery and cessation of a bonus

3.3.19 Payment of a retention bonus

1. This section applies to a bonus that is a retention bonus.

2. The bonus amount is payable to a member in accordance with the following.

    a. If the member has chosen to receive the bonus amount in 1 payment — from the first pay day after the member has made a valid acceptance of the valid offer.

    b. If the member chooses to receive the bonus amount in 2 payments the payments are made at the following times.

        i. The first payment, being 50% of the bonus amount — from the first pay day after the member has made a valid acceptance of the valid offer.

        ii. The second payment, being 50% of the bonus amount — from the first pay day a year after the first payment is made.

3. If a member chose to receive the bonus amount in 2 payments and ceases to be a member before the second payment becomes payable, the second payment is payable from the day the member ceases to be a member.

    Note: If the member ceases to be eligible for the bonus, the second payment may not be payable.

3.3.20 Payment of a completion bonus

1. This section applies to a bonus that is a completion bonus.

2. The bonus amount is payable to a member at one of the following times.

    a. If the member has chosen to receive the bonus amount in 1 payment — from the first pay day after the completion of the agreed period of service.

    b. If the member chooses to receive the bonus amount in 2 payments the payments are made at the following times.

        i. The first payment, being 50% of the bonus amount — from the first pay day after the completion of the agreed period of service.

        ii. The second payment, being 50% of the bonus amount — from the first pay day a year after the first payment is made.

3. If a member chose to receive the bonus amount in 2 payments and ceases to be a member before the second payment becomes payable, the second payment is payable from the day the member ceases to be a member.

3.3.21 Repayment and cessation of a retention bonus

1. This section applies to a member who has received a retention bonus and does not complete their agreed period of service for any of the following reasons.

    a. They voluntarily leave the position, employment category, or primary skill for which the bonus was offered.

    b. They voluntarily transfer to another Service of the Defence Force.

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c. If the member is in the Permanent Forces, they do any of the following.

i. Voluntarily transfer to the Reserves.

ii. Apply to change their period of service for the purpose of ending their service in the Permanent Forces before the completion of their agreed period of service.

d. If the member is in the Reserves, they do all of the following.

i. Complete the agreed period of service in a specified position as a condition of their bonus.

ii. Voluntarily transfer to the Permanent Forces.

e. They are subject to involuntary separation under any of the following.

i. Section 101 of the Act relating to a prohibited substance test returning a positive result.

ii. Paragraph 24(1)(c) of the Defence Regulation for a reason not in the interest of the Defence Force relating to performance or behaviour.

f. They are dismissed under the *Defence Force Discipline Act 1982*.

2. The member must repay one of the following amounts.

a. If the member has completed 3 years or less of their agreed period of service — the bonus amount.

b. If the member has completed more than 3 years of their agreed period of service — an amount calculated using the following formula.

$$repayment = \frac{A}{B} \times C$$

Where:

A is the bonus amount paid.

B is the number of days in the agreed period of service.

C is the number of days between the following.

a. The day after the event in subsection 1 occurred.

b. The last day of the member's agreed period of service.

3. The member ceases to be eligible for any unpaid part of the bonus amount.

3.3.22 Cessation of eligibility for a completion bonus

1. This section applies to a member who is eligible for a completion bonus and does not complete their agreed period of service for any of the following reasons.

a. They voluntarily leave the employment category for which the bonus was offered.

b. They voluntarily transfer to another Service of the Defence Force.

c. If the member is in the Permanent Forces, they do any of the following.

i. Voluntarily transfer to the Reserves.

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ii. Apply to change their period of service for the purpose of ending their service in the Permanent Forces before the completion of their agreed period of service.

d. If the member is in the Reserves, they do all of the following.

i. Complete the agreed period of service in a specified position as a condition of their bonus.

ii. Voluntarily transfer to the Permanent Forces.

e. They are subject to involuntary separation under any of the following.

i. Section 101 of the Act relating to a prohibited substance test returning a positive result.

ii. Paragraph 24(1)(c) of the Defence Regulation for a reason not in the interest of the Defence Force relating to performance or behaviour.

f. They are dismissed under the *Defence Force Discipline Act 1982*.

2. A member ceases to be eligible for the bonus amount.

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Part 4: Continuation bonus

Division 1: General provisions

Subdivision 1: Interpretation

3.4.1 Purpose

The continuation bonus is to provide an incentive to members who have completed all of the following to commit to providing a further 3 years of service in the Permanent Forces.

a. At least 4 years of continuous full-time service.

b. Any service obligation imposed on them on their initial entry into the Permanent Forces.

3.4.2 Definitions

In this Part, the following apply.

Agreed period of service means one of the following.

a. 1095 days of effective service.

b. If the member's commencement day of an agreed period of service falls between 1 July 2023 and 31 March 2024 — 1095 days of effective service less 1 day for each day of effective service between the following.

i. Commencement day of an agreed period of service.

ii. The day they made a valid acceptance.

Note: This only includes continuous full-time service provided in the Permanent Forces.

Approving authority means a person in the central bonus administration team who holds one of the following.

a. A minimum rank of Lieutenant Colonel.

b. A minimum APS classification of EL1.

Commencement day of an agreed period of service has the meaning given in section 3.4.5.

Continuation bonus is $50,000.

Date of eligibility means the date the member completes all of the following after their initial entry.

a. 4 years of continuous full time service.

b. Any service obligation imposed on them on initial entry into the ADF.

Effective service has the meaning given in subdivision 2.

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Initial entry means the first time a member becomes a member of the Permanent Forces for a period of at least 90 days.

Note: To avoid doubt, this includes a member who enters as a GAP year participant.

Lateral recruit means a member who entered Australia on one of the following visa subclasses that is sponsored by the Department of Defence for the purpose of becoming a member of the ADF.

a. Visa subclass 186.

b. Visa subclass 189.

c. Visa subclass 482.

Recommending Authority means a member who meets all of the following.

a. They are the commander, manager or supervisor of the member being made the offer.

b. They are at least one rank higher than the member being made the offer.

c. They hold a minimum rank of Major.

Service obligation means any of the following.

a. An initial minimum period of service.

b. A return of service obligation.

c. For a member who is an Air Force Officer Aviation member and joined the ADF as an Air Force Direct Entry Officer Aviation Candidate — the return of service obligation outlined in the member's letter of offer that commences during the member's officer aviation specialist employment training.

Valid acceptance has the meaning given in section 3.4.4.

Valid offer has the meaning given in section 3.4.3.

3.4.3 Valid offer

A **valid offer** for a bonus is an offer that meets all of the following.

a. It is made on the approved form.

b. It specifies an indicative day on which the member will commence serving the agreed period of service.

Note: This is only an indicative day of commencement and may change as a consequence of section 3.4.5.

c It specifies the date the offer must be accepted by.

Note: The approving authority may extend the acceptance date outside of the valid offer under subparagraph 3.4.4.c.ii.

d. The approving authority is satisfied that all of the following apply.

i. The member is a fit and proper person to perform duties as a member of the ADF.

ii. The recommending authority has had a conversation with the member about the member's continued service in the ADF.

3.4.4 Valid acceptance

A **valid acceptance** of a valid offer means an acceptance that meets all of the following.

a. It is made by a member who is eligible to accept a valid offer for a continuation bonus.

b. It is made on the approved form.

c. It is made on or before one of the following.

i. The day specified in the valid offer.

ii. A later day set by the approving authority that is not greater than 6 months after the date specified in the offer.

d. It includes an election on how the continuation bonus is to be paid.

3.4.5 Commencement day of an agreed period of service

1. The **commencement day of a member's agreed period of service** is the later of the following days.

a. The day after the member has completed 4 consecutive years of effective service.

Note: This may include a period of continuous full-time service as a member of the Reserves provided there is no break in service.

b. The first day the member is no longer subject to a service obligation.

c. The first day the member is no longer subject to an undertaking for further service in connection with a bonus or payment, however described.

d. The first day the member is no longer subject to a service milestone under the Navy retention incentive payment.

Note: The Navy retention incentive payment is provided under Division D.2 of DFRT Determination No. 11 of 2013 and only applies to certain members of the Navy.

e. The day after the member makes a valid acceptance of a valid offer.

2. Paragraph 1.c does not apply to an undertaking under any of the following.

a. Officer Aviation Remuneration Structure Allowance.

b. Submarine Capability Payment.

Subdivision 2: Effective service

3.4.6 Effective service – member not subject to a flexible service determination

1. This section applies to a member who meets all of the following.

a. They are a member of the Permanent Forces.

b. They are not subject to a flexible service determination.

2. A member provides effective service on all of the following days.

a. One of the following.

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i. For effective service for calculating the agreed period of service — a day for which they are a member of the Permanent Forces and are paid the annual rate of salary.

Note: This includes a day of paid leave.

ii. For effective service for any other matter — a day for which they are paid the annual rate of salary.

Note: This includes a day of paid leave.

b. A day on which the member is on unpaid leave that is before the 22nd day of the period of unpaid leave

3. Despite subsection 2, a member does not provide effective service on a day on which any of the following apply.

a. They are in custody.

b. They are in detention.

c. They are imprisoned.

4. Effective service is calculated in accordance with the following.

a. A day for which the member receives full pay — 1 day.

b. A day on which the member receives half pay — half a day.

c. A day on which the member is on unpaid leave — 1 day.

Note: A member ceases to provide effective service on the 22nd day of unpaid leave.

3.4.7 Effective service – member subject to a flexible service determination

1. This section applies to a member who is subject to a flexible service determination.

2. A member provides effective service on any of the following days.

a. A day in the member's pattern of service for which the member is paid salary.

Note: This includes a day of paid leave.

b. A day on which the member is on unpaid leave that is before the 22nd day in a period of unpaid leave.

3. Despite subsection 2, a member does not provide effective service on a day on which any of the following apply.

a. They are in custody.

b. They are in detention.

c. They are imprisoned.

4. The number of days of effective service a member performs in a fortnight is calculated using the following formula and must not exceed 14 days.

$$effective\ service = A \times 1.4$$

Where:

A is the sum of the following.

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i. Each full day of duty in the member's pattern of service in the fortnight.

ii. Each combination of part days of duty in the member's pattern of service in the fortnight that add up to 8 hours.

Subdivision 3: Application

3.4.8 Member this Part applies to

This Part applies to a member in the Permanent Forces.

3.4.9 Member this Part does not apply to

This Part does not apply to a member who meets any of the following.

a. On the member's date of eligibility, they have a Military Employment Classification of J5.

b. On the day the member commences their service obligation, they have less than 3 years to serve until the end of their fixed period of service.

Note: A member's existing return of service obligation may affect the date their service obligation commences.

c. On the day the member commences their service obligation, they have less than 3 years to serve before any of the following days.

i. The day they reach retirement age.

ii. The last day that they have been given a direction allowing them to serve beyond their retirement age.

Note: A direction allowing a member to serve beyond their retirement age is made under section 23 of the Defence Regulation.

d. On the day the offer for the continuation bonus is made, they are a lateral recruit.

e. They have received a bonus under this Part before.

f. They are re-joining the ADF and they meet all of the following.

i. Their last period of service in the Permanent Forces ended because of the member separating from the ADF.

ii. The member completed their initial entry during a previous period of service in the ADF.

Division 2: Eligibility for the continuation bonus

3.4.10 Eligibility to be offered a continuation bonus

1. A member is eligible to be offered a continuation bonus from the later of the following days.

    a. The day that is 90 days before they complete 4 years of continuous effective service.

    Note: This may include a period of continuous full-time service as a member of the Reserves provided there is no break in service.

    b. The day that is 90 days before they cease to be subject to a service obligation imposed on initial entry into the Permanent Forces.

2. The member ceases to be eligible to be offered a continuation bonus on one of the following days.

    a. If paragraph 1.a applies, the day they complete 4 years of continuous effective service.

    b. If paragraph 1.b applies, the day they complete the service obligation imposed on initial entry into the Permanent Forces.

    c. If paragraph a. or b. occur between 1 July 2023 and 29 February 2024 — 31 March 2024.

3.4.11 Eligibility to accept a continuation bonus

1. A member who has received a valid offer is eligible to accept a continuation bonus unless they have been given a notice for the purpose of involuntary separation under one of the following and a decision on that notice has not been made.

    a. Section 101 of the Act.

    b. Subsection 24 of the Defence Regulation.

2. A member is not eligible to accept a valid offer after 30 June 2025.

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Division 3: Payment, recovery and cessation of the continuation bonus

3.4.12 Payment of the continuation bonus

1. This section applies to a member who has made a valid acceptance on a valid offer for the continuation bonus.

2. The continuation bonus is payable to a member who has made a valid acceptance of the continuation bonus in accordance with the following.

    a. If the member has chosen to receive the bonus in 1 payment — from the first payday after the commencement day of the agreed period of service specified in the valid offer.

        Note: If the commencement of the agreed period of service is changed as a consequence of subsection 3.4.5.1, payment remains payable on the commencement day specified in the offer.

    b. If the member chooses to receive the bonus in 2 payments, the payments are made at the following times.

        i. The first payment, being 50% of the bonus — from the first payday after the commencement day of the agreed period of service specified in the valid offer.

            Note: If the commencement of the agreed period of service is changed as a consequence of subsection 3.4.5.1, payment remains payable on the commencement day specified in the offer.

        ii. The second payment, being 50% of the bonus — from the first payday a year after the first payment is made.

3. Despite subsection 1, if the commencement day of the agreed period of service specified in the valid offer is between 1 July 2023 and 31 December 2023, the following apply.

    a. If the member has chosen to receive the bonus amount in 1 payment, the continuation bonus is payable from 1 January 2024.

    b. If the member chooses to receive the bonus amount in 2 payments, the first payment of the continuation bonus is payable from 1 January 2024.

4. If a member chose to receive the bonus amount in 2 payments and they are subject to involuntary separation under one of the following, the second payment is payable from the day the member ceases to be a member.

    a. Paragraph 24(1)(a) of the Defence Regulation because of medical unfitness.

    b. Paragraph 24(1)(b) of the Defence Regulation because of redundancy.

3.4.13 Cessation of eligibility for the continuation bonus

A member who ceases to be a member of the Permanent Forces for a reason other than one of the following, ceases to be eligible for the continuation bonus.

a. Involuntary separation under paragraph 24(1)(a) of the Defence Regulation because of medical unfitness.

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b. Redundancy under paragraph 24(1)(b) of the Defence Regulation.

Note 1: If a member ceases to be eligible for the continuation bonus, any unpaid amounts of the bonus are not payable to the member.

Note 2: The member is not required to repay any amount of the bonus received unless section 3.4.14 applies.

3.4.13A Payment of the continuation bonus in specific circumstances

1. The continuation bonus is payable to a member if the decision maker is satisfied it is reasonable in the circumstances after considering all of the following.

    a. The reason the member was offered the continuation bonus.

    b. The reason the member is ineligible for the payment of the continuation bonus.

    c. If the payment of the continuation bonus meets all of the following.

        i. It is in the interests of the ADF.

        ii. It meets the intent of the policy.

2. In this section, **decision maker** means Head Military Personnel.

3.4.14 Repayment of the continuation bonus

1. This section applies to a member who has received the continuation bonus and does not complete their agreed period of service for any of the following reasons.

    a. They do any of the following.

        i. Voluntarily transfers to the Reserves.

        ii. Applies to change their period of service for the purpose of ending their service in the Permanent Forces before they complete their agreed period of service.

    b. Their service ends due to involuntary separation under any of the following.

        i. Section 101 of the Act relating to a prohibited substance test returning a positive result.

        ii. Paragraph 24(1)(c) of the Defence Regulation for a reason not in the interest of the Defence Force relating to performance or behaviour.

    c. They are dismissed under the *Defence Force Discipline Act 1982*.

2. The member must repay the amount of the continuation bonus paid to them.

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Part 5: Reserve capability at short-notice

Division 2B: Reserve capability completion bonus – capability at short-notice

3.5.14G Purpose

The purpose of this Division is to provide a payment to select members of the Reserves as an incentive to provide capability at short-notice.

3.5.14H Member eligible for Reserve capability completion bonus

A member of the Reserves who meets all of the following.

a. The member has made a written undertaking to provide capability at short-notice.

b. The member is assigned as service category 4 by their Service.

3.5.14I Payment of the bonus

1. A member is eligible to receive a payment of $5,000 each time they satisfy all of the following criteria.

   a. The member has performed service for the minimum number of days specified in their service category 4 undertaking within 12 months.

   b. The member has completed 12 months in service category 4.

      Exception: The CDF has extended the period under subsection 2.

   c. The member has satisfied all of the conditions specified by their service category 4 undertaking.

2. The CDF may extend the period under paragraph 1.b up to a maximum of 1 year if all of the following apply.

   a. The member has not met the criteria under paragraph 1.a or paragraph 1.c.

   b. The member has not completed the period specified under paragraph 1.b.

3. For the purpose of subsection 2, the CDF must consider the reasons that have prevented the member from meeting their obligations when extending the period.

4. A member may not receive more than one payment in a 12-month period.

3.5.14IA Recognised service

For the purpose of paragraph 3.5.14I.1.a, all of the following days served while the member is in service category 4 count towards the number of days specified in a member's service category 4 undertaking.

a. A day on which the member provided Reserve service.

b. A day on which the member is on continuous full-time service performed as a requirement of a call out order under Division 3 of Part III of the Act after 27 November 2019.

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c. A day in a pattern of Reserve service that the member was unable to provide because of restriction or limitation imposed by or under a law of a State or Territory, however described from 27 March 2020.

d. A day in a pattern of Reserve service the member would have provided if it had not been cancelled for the purposes of controlling an infectious disease from 27 March 2020.

3.5.14J Reduced payment of bonus

1. The CDF may approve a reduced payment of the bonus if a member fails to satisfy the criteria under paragraph 3.5.14I.1.b due to one of the following circumstances.

   a. The member is transferred to the Permanent Forces.

   b. The member dies.

   c. The member ceases service at the end of a period of service.

   d. The member reaches their retirement age, and the CDF has not allowed them to continue serving beyond that age.

   e. The CDF considers it reasonable to make the reduced payment.

2. The payment under subsection 1 is calculated using the following formula.

$$payment = \frac{D}{365} \times \$5,000$$

Where:

D Is the number of days between the following two days.

   a. The day the member's undertaking under paragraph 3.5.14H.a commenced.

   b. The day the member ceased service in service category.

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Part 6: Deliberately differentiated offer for members

3.6.1 Purpose

1. This Part has the following purposes.

    a. To facilitate the following outcomes.

        i. The member who is critical to capability is retained.

        ii. A position critical to capability is no longer at risk.

        iii. The Defence factors that influenced the member to consider leaving the ADF are weakened.

        iv. A succession plan to address the workforce capability gap is implemented.

        v. A critical workforce capability gap is resolved.

    b. To provide a selection of incentives that may be used to retain a member.

2. The deliberately differentiated offer is a management-initiated retention measure. Members may not apply for a deliberately differentiated offer.

3. This Part is not intended to be used as a talent or career management tool. It should not be used to address issues of equity and flexible work arrangements as targeted special measures are already available for these issues.

3.6.2 Definitions

In this Part the following apply.

Member critical to capability means a member for whom the CDF decides all the following circumstances exist.

a. The loss of that member would significantly impact on ADF strategic or operational capability.

b. The member's skills, knowledge or qualifications cannot be readily replaced in the immediate future.

c. The member has demonstrated consistent high performance.

Position critical to capability means a position that is essential to strategic or operational capability of the ADF and requires a particular set of skills, knowledge or qualification. Failure to fill the position impacts negatively on delivery of Service capability.

Agreed period of service means the period the member has agreed to serve in the position for which the deliberately differentiated offer is made using the form at Annex 3.6.A.

Workforce capability gap means the gap between the current and required capability of the workforce.

3.6.3 Member this Part applies to

For this Part, the member must meet all of the following conditions.

a. The member is either of the following.

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i. A member of the Permanent Forces.

ii. A member of the Reserves on continuous full-time service.

b. The member is a member critical to capability.

3.6.4 Situations that delay service

A member who is offered a deliberately differentiated offer under this Part cannot start their agreed period of service if any of the following circumstances apply to them.

a. The member is not on paid service.

b. The member is subject to an undertaking for further service under Part 8 of the *Military Superannuation and Benefits Act 1991* (as preserved by item 4 of Schedule 4 *Defence Legislation Amendment Act (No. 1) 2005*).

c. The member has any of the following liabilities.

i. An initial minimum period of service.

ii. A return of service obligation.

iii. The member is on Reserve service.

Exception: Reserve member on continuous full-time service.

3.6.5 Considerations before an offer is made

1. Before deciding that a member is to be given a deliberately differentiated offer, the CDF must have regard to the following circumstances.

a. Whether the member has applied, or is expecting to apply, to change their period of service that has the effect of bringing forward the end of the member's service in the Permanent Forces.

b. Whether the member has undertaken, or is expected to undertake, a further period of continuous full-time service in the position.

c. Whether the member has indicated that they are unwilling to remain in or move to a position critical to capability.

2. Before deciding which benefits in this Part to include in the deliberately differentiated offer made to the member, the CDF must consider the following matters, if relevant.

a. Any evidence that failure to retain the member will cause a workforce capability gap.

b. The manner in which the current and future duties of the member support capability.

c. Whether the member holds skills, knowledge or qualifications that are essential to the delivery of Service capability.

d. The required period of service to assist succession in the position.

e. The anticipated timeframe to backfill the position if the member were to leave the Permanent Forces or resign from the ADF.

f. The potential for the succession plan developed by the Service career management agency to address the position critical to capability or workforce capability gap within the agreed period of service of the deliberately differentiated offer.

g. Any factors that could reduce the negative impact to capability.

h. The member's professional and personal situation, and what types of incentives would encourage the member to continue serving in the position for the agreed period of service.

i. Any external organisation's offer of employment to the member.

j. The flexible working arrangements that the member may wish to access in the position.

k. Any other relevant matter.

3.6.6 Deliberately differentiated offer

1. The benefits in an individual member's deliberately differentiated offer are worked out in accordance with this section.

2. The deliberately differentiated offer may include any of the benefits outlined in the table below.

Item	The following benefit	may be made available from	until
1.	Home purchase and sale assistance may be provided after the normal time period for eligibility has expired. a. Reimbursement of the costs of **sale** of a home may be considered after the 2-year time period in subsection 7.3.23.1 has lapsed. b. Reimbursement of costs of **purchasing** a home may be considered after the 4-year time period in paragraph 7.3.23.5.b has lapsed.	a date specified by CDF	the expiry of the ***agreed period of service***.
2.	Removal assistance which may include a removal and associated benefits to a personal location where benefits are provided, or to another residence within location, outside the normal limits on assistance. a. In circumstances other than compassionate circumstances. b. Above normal cost limits.	a date specified by CDF	either of the following dates. a. The expiry of the agreed period of service. b. A date specified by CDF.
3.	Allocation of a Service Residence or rent band choice home, at or above the member's rank and bedroom entitlement. The following conditions apply. a. The higher contribution scheme at section 7.6.43 does not apply to this benefit. b. The approved rent band or additional bedroom is to be specified as part of the offer.	a date specified by CDF	the earlier of the following dates. a. The date the member vacates the residence. b. A date specified by CDF.

4.	An increased rent ceiling. The following conditions apply. a. Increased rent ceiling may be provided for reasons not specified in section 7.8.12. b. The ceiling may be increased up to an amount approved by CDF. c. The approved rent ceiling is to be specified as part of the offer.	a date specified by CDF	the earlier of the following dates. a. The date the member vacates the residence. b. A date specified by CDF.
5.	An additional number of trips in any of the following types of travel for which the member is currently eligible. a. Reunion travel under Chapter 9 Part 3 Division 4. b. Student reunion travel under Chapter 9 Part 3 Division 5. c. Recreation leave travel under Chapter 9 Part 4 Division 1. d. Remote location leave travel under Chapter 9 Part 4 Division 4.	the date the agreed period of service begins	either of the following dates. a. The expiry of the agreed period of service. b. An earlier date specified by CDF.
6.	A specified number of days of additional paid leave. The following conditions apply. a. Leave may be granted for up to 20 days for each 12-month period of the agreed period of service. b. The leave days are in addition to the member's normal leave accrual. c. The leave is non-accruable and expires at the end of each 12-month period. d. The leave is to be recorded as if it were short absence, but is not short leave from duty. Payment instead of leave is not available for this leave.	the date the agreed period of service begins	either of the following dates. a. The expiry of the agreed period of service. b. An earlier date specified by CDF.

3. CDF may choose which of the benefits listed in subsection 2 are to be offered to an individual member after considering the circumstances and matters listed in section 3.6.5.

4. The period of each benefit is worked out using the relevant guidance in column 3 and 4 of the table in subsection 2.

5. A retention bonus may also be offered under Part 5 Division 2, Bonus Framework, at the same time as the deliberately differentiated offer.

6. The deliberately differentiated offer may set out flexible working arrangements provided by Defence.

7. CDF must notify the member of the deliberately differentiated offer using the form at Annex 3.6.A. The form must set out the benefits and the detailed dates of duration for each benefit.

3.6.7 How the offer is accepted

1. The member may accept the offer under this Part any time after they receive it, until the latest of the following dates.

    a. Twenty-eight days after the day the offer is made.

    b. A longer period that the CDF decides is reasonable, having regard to the member's circumstances.

2. An acceptance made under this subsection must be on the form at Annex 3.6.A.

3. The acceptance must include an undertaking to serve for the period of the agreed period of service, using the form at Annex 3.6.A.

3.6.8 Member does not complete the period of agreed service

1. On a day that a member ceases to complete their agreed period of service, they cease to be eligible for benefits under this Part.

2. The member is not required to repay the benefits in their deliberately differentiated offer if the member fails to complete the agreed period of service.

3. Despite subsection 2, if the member does not complete agreed period of service in relation to a retention bonus under Chapter 3 Part 5, they may be required to repay all or part of the retention bonus.

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Annex 3.6.A: Deliberately differentiated offer form

Note: This form is an approved form for the purposes of Chapter 1 Part 3 section 1.3.1, definition of approved form.

This form provides information about the offer.

It also provides for your formal acceptance of the offer and your agreement to serve until the end of the agreed period of service for which the benefits are paid. Please keep a copy and return the signed original.

Offer and information

This Part provides information about the deliberately differentiated offer being made to you, and is for you to keep.

If you fill in and sign the acceptance form, you are accepting the deliberately differentiated offer made to you and authorised under Chapter 3 Part 6 of *Defence Determination 2016/19, Conditions of service*, made under section 58B of the *Defence Act 1903*.

Offer

The offer made is as follows:

[*member's name*] is hereby offered the following package of benefits by Chief of the Defence Force/ Director General Navy People/ Director General Army People Capability /Director General Personnel – Air Force [*delete whichever is irrelevant*] for the agreed period of service starting on

..[*day/month/year*] and ending on [*day/month/year*].

The offer is made in relation to the following position that has been identified as a position critical to capability**:** [*delete if offer not directly associated with a position critical to capability*]

The offer is made in relation to the skills, knowledge and qualifications required to address the following workforce capability gap: [*delete if offer is directly associated with a position critical to capability*]

This deliberately differentiated offer has been approved by the CDF or his authorised person. The package of benefits provided in this offer includes the following:
[*Delete all rows or dot points that do not form a part of this offer.*]
[*Complete all details as required. Delete any terms that do not apply.*]

Item	Description of Benefit	Benefit available from	until
1.	Home purchase and sale assistance that includes the following: • Reimbursement of the costs of **sale** of a home after the 2-year time period in subsection 7.3.23.1 has lapsed. • Reimbursement of costs of **purchasing** a home after the 4-year time period in paragraph 7.3.23.5.b has lapsed.	[*insert date specified by CDF*.]	[*insert date of expiry of the* agreed period of service.]
2.	Removal assistance that includes the following: • A removal and associated benefits to [a personal location/another residence within location] • It is not limited to compassionate circumstances. • It is not cost limited.	[*insert date specified by CDF*.]	[*insert date of expiry of the* agreed period of service *or a date specified by CDF*.]
3.	Allocation of a [service residence*/rent band choice home*] that [*is/has*] [*insert the approved rent band or additional bedroom(s*)]. **Note:** The higher contribution scheme set out in section 7.6.43 will not apply.	[*insert date specified by CDF*.]	the earlier of the following dates. a. The date the member vacates the residence. b. [*insert date specified by CDF*].
4.	Increased rent ceiling to the amount of $*[insert monetary amount]*	[*insert date specified by CDF*.]	the earlier of the following dates. a. The date the member vacates the residence. b. [*insert date specified by CDF*].
5.	Additional number of travel trips for the following types of travel: *[delete types of travel to which the member is currently not eligible for or not included as part of this offer]* • [*Insert number*] of additional reunion travel under Chapter 9 Part 3 Division 4. • [*Insert number*] of additional student reunion travel under Chapter 9 Part 3 Division 5. • [*Insert number*] of additional recreation leave travel under Chapter 9 Part 4 Division 1. • [*Insert number*] of additional remote location leave travel under Chapter 9 Part 4 Division 4.	[*insert date that the* agreed period of service *begins*].	the earlier of the following dates. a. [*insert date that is the expiry of the* agreed period of service] b. [*insert date specified by CDF*].

Item	Description of Benefit	Benefit available from	until
6.	[*Insert number*] days of paid leave per calendar year in addition to the member's normal leave accrual. **Note:** This leave is not accruable and expires at the end of each 12-month period. It will not be paid in lieu.	[*insert date that the* agreed period of service *begins*].	the earlier of the following dates. a. [*insert date that is the expiry of the* agreed period of service] b. [*insert date specified by CDF*].
7.	Flexible working arrangements provided by Defence. [*Insert specific details of agreed flexible working arrangements*]	[*insert date that the* agreed period of service *begins*].	the earlier of the following dates. a. [*insert date that is the expiry of the* agreed period of service] b. [*insert date specified by CDF*].

A retention bonus may also be offered under Chapter 3 Part 3, Bonuses, at the same time as this deliberately differentiated offer. A retention bonus is separate from this offer. [*delete as appropriate*]

Signed by:

Name: Rank:

Date: .

Chief of the Defence Force/ Director General Navy People/ Director General Army People Capability /Director General Personnel – Air Force [*delete whichever is irrelevant*].

Information about the deliberately differentiated offer

I understand that my acceptance of this offer is subject to the following terms and conditions.

1. If I accept the deliberately differentiated offer under this Part, I agree to serve for the period specified in this offer. This period is called my 'agreed period of service'. The agreed period of service could be for either of the following circumstances:

    a. In a specified position critical to capability.

    b. In relation to an identified workforce capability gap, where retention of my skills, knowledge and qualifications is essential to ADF strategic or operational capability.

2. I am entitled to the benefits listed in deliberately differentiated offer that was offered to me, until the day I cease serving toward my agreed period of service. This could happen when I complete it or if I leave before I complete it.

3. I am aware that Defence will treat the information in this acceptance form as my personal information covered by the *Privacy Act 1988* and I consent to Defence using it in de-identified form for reporting and statistical purposes. I am aware that if I publish this information to others, I may make the protections provided to me by the Privacy Act ineffective.

Full details of the deliberately differentiated offer framework can be found in Chapter 3 Part 6 of *Defence Determination 2016/19, Conditions of service*.

This acceptance form, and the related parts of Defence Determination 2016/19, is the whole agreement between us about the nature of this framework. It overrides any other prior understanding or agreement about the framework. This would include, for instance, things I may have been told about the framework or things I may have read elsewhere.

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Acceptance of offer and undertaking to serve an agreed period

I, …… …… ……

(Rank) (Last name) (Given name)

…… …… ,

.

(Service number) (Employee ID)

accept the deliberately differentiated offer and undertake to serve for the agreed period of service starting on

. [*day/month/year*] and ending on ..[*day/month/year*].

I acknowledge that the provisions of Chapter 3 Part 6 of *Defence Determination 2016/19, Conditions of service*, have been brought to my notice.

Please tick the boxes that apply below.

I have read and understood this form.	Yes [ ]	No [ ]
I have sought independent legal advice in relation to this undertaking.	Yes [ ]	No [ ]
I have sought independent financial advice in relation to this undertaking.	Yes [ ]	No [ ]

Dated this day of 20

Signed Printed name

Witness

(This person must be above the applicant in the chain of command)

Signed Printed name and rank

I,

…… …… …… ……

(Rank) (Last name) (Given name) (Employee ID)

verify that the member has met all requirements of the deliberately differentiated offer.

Approved

Administrator authorised for and on behalf of the member's Service

Chapter 4: ADF allowances and reimbursements

Part 1: Higher duties allowance

Division 1: General provisions

4.1.1 Purpose

Higher duties allowance may be paid to recognise a member directed to perform duties attributed to a higher rank or higher position.

4.1.2 Definitions

In this Part, the following apply.

Approver for a person described in column A in the following table means a member described in column B or a Defence APS employee described in column C of the same item.

Item	Column A Member performing higher duties	Column B Defence member	Column C Defence APS employee
1.	A member holding a rank of Colonel or lower who meets all of the following. a. The member has been directed to perform the primary duties of a position at higher rank. b. The primary duties of that position are not being undertaken by another person.	A member holding a rank of Sergeant or higher and meets all of the following. a. The member is at least one rank higher than the position in which the duty is to be performed. b. The person who has been directed is in the member's chain of command.	A Defence APS employee holding a classification of APS 4 or higher who has managerial or supervisory responsibility for the position in which the duty is to be performed.
2.	A member holding a rank of Brigadier or higher who meets all of the following. a. The member has been directed to perform the primary duties of a position at higher rank. b. The primary duties of that position are not being undertaken by another person.	A member who has responsibility for the position in which the duty is to be performed.	A Defence APS employee who has managerial or supervisory responsibility for the position in which the duty is to be performed.
3.	A member of the Permanent Forces who is directed to perform the primary duties of a Reserve position of a higher rank.	A member holding the rank of Brigadier or higher who has command over the member.	A Defence APS Senior Executive Service Band 1 employee or higher who has managerial or supervisory responsibility for the position in which the duty is to be performed.
4.	A member in all other circumstances.		

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Higher rank includes an APS position or a Foreign Service rank which the duties are assessed as being equivalent to a rank higher than that held by the member directed to perform duties at a higher rank.

A **salary non-reduction arrangement** means one of the following.

a. The member's salary rate has been preserved under Division 5 of Part 2 of Chapter 3.

Note: Division 5 of Part 2 of Chapter 3 provides the way a member's salary rate can be preserved for a period when it would otherwise be reduced.

b. The member's salary rate has been set under Division 4A of Part 2 of Chapter 3.

Note: Division 4A of Part 2 of Chapter 3 provides the increment placement, progression and transfer through the Officer Aviation Pay Structure for an Officer Aviation member.

c. The member's salary rate has been set under section B.2.5 of DFRT Determination 2 of 2017.

Note: Section B.2.5 sets the salary rate for an officer who held an enlisted rank immediately before becoming an officer.

4.1.3 Member this Part applies to

This Part applies to a member, including a member of the Reserves, who meets all of the following criteria.

a. The member is performing duties attributed to a higher rank.

b. The member has been directed to perform the higher duties.

4.1.4 Member this Part does not apply to

A member who is any of the following is not eligible for higher duties allowance.

a. A trainee or member undergoing recategorisation training.

b. A member who is paid salary under the Officer Aviation Specialist Structure.

ba. An Air Force member in the Specialist Pathway or Stream of the Officer Aviation Pay Structure.

Note: All of the following may be eligible for higher duties allowance under this Part.

a. Officer aviation member in another pathway/non-specialist pathway.

b. Officer aviation member in the Army or Navy.

c. A statutory office holder.

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d. A member holding the rank in an item of Column A of the following table, who has been directed to perform the duties at the rank or salary proficiency point described in column B of the same item.

Item	Column A Member's rank	Column B Rank or salary proficiency point of the higher duties
1.	Seaman	Able Seaman
2.	Private	Private Proficient
3.	Aircraftman	Leading Aircraftman
4.	Acting Sub Lieutenant	Sub Lieutenant
6.	Second Lieutenant	Lieutenant
7.	Pilot Officer	Flying Officer

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Division 2: Eligibility

4.1.5 Eligibility for higher duties allowance

1. Subject to subsection 2, a member is eligible for higher duties allowance if the approver is satisfied of all the following.

    a. The member is capable of performing the required duties attributed to the higher rank.

    b. The duties being performed are duties that would ordinarily be performed by a person holding a higher rank than the member.

    c. The member is not on leave, a medical absence, or short absence on the day the payment of higher duties allowance would commence.

    d. There is a capability reason to pay higher duties other than the position or role being temporarily unfilled.

    e. If the member is in the Reserves, that they are performing the majority of their work in the higher duties role.

2. An approver must not approve higher duties allowance for any of the following.

    a. A period where a member has been directed to perform higher duties for less than 10 consecutive days.

    b. A period that exceeds one of the following.

        i. If the member has been posted to the position in which the higher duties is being performed — the duration of the member's posting to that position.

        ii. If subparagraph i does not apply — 12 months.

3. For the purpose of subsection 2.a, consecutive days are not broken by any of the following.

    a. A day a member of the Reserves or Permanent Forces is not required to attend for duty.

    b. If a member is on a flexible service determination, a nonworking period that is 14 days or less.

4.1.6 Rate of higher duties allowance

1. The rate of higher duties allowance that applies to the member is the rate set out in Division 3.

2. If a member is eligible for more than one rate of higher duties allowance on a day, the member is to be paid the higher rate for that day.

4.1.7 End of higher duties allowance

A member ceases to be eligible for higher duties allowance on the earlier of the following days.

a. The day the approval to be paid higher duties allowance ends.

b. The day on which the member is directed to cease performing the higher duties.

c. If the member is posted to a position for which they have been approved higher duties allowance, the day they cease to be posted to that position.

d. The day the member commences unpaid leave.

e. The day that is 2 months after the commencement of any of the following.

i. The member commences paid leave that continues for more than 2 months.

ii. The member commences another duty that causes them to be unable to fulfil the primary duties that they have been directed to do for which higher duties allowance is payable.

f. The day the member is promoted.

Division 3: Rate of higher duties allowance

4.1.8 Higher duties position within member's pay schedule

1. This section applies to a member who meets all of the following.

   a. They are not eligible for a rate of higher duties allowance set under another section in this Division.

   b. They are directed to perform duties of a position that is normally performed by a member at a higher rank that attracts a salary from within the same schedule that applies to the member under DFRT Determination 2 of 2017.

2. The rate of higher duties allowance is the difference between the following rates of salary.

   a. The salary payable to the member.

   b. The lowest rate of salary payable to a member holding one rank higher than the member in the same pay grade.

4.1.9 Higher duties position outside member's pay schedule

1. This section applies to a member who meets all of the following.

   a. They are not eligible for a rate of higher duties allowance set under another section in this Division.

   b. They are directed to perform duties of a position that is normally performed by a member at a higher rank that attracts a salary from outside the pay schedule that applies to the member under DFRT Determination 2 of 2017.

2. The rate of higher duties allowance is 5% of the salary payable to the member.

4.1.10 Higher duties within the Officer Aviation Pay Structure

1. This section applies to an officer aviation member who is directed to perform higher duties.

   Note: Section 4.1.4 provides that all of the following are not eligible for higher duties allowance.

   a. Aviation specialists.

   b. Air Force officer aviation members in the specialist pathway or Stream.

2. The rate of higher duties allowance is one of the following.

a. If the member's salary, inclusive of any non-reduction arrangement, is less than the lowest rate of salary payable under DFRT Determination 2 of 2017 to a member holding one rank higher than a member in the same pathway or competency stream — the difference between the following.

i. The current salary payable to the member.

ii. The lowest rate of salary payable under DFRT Determination 2 of 2017 for the member's competency stream within one of the pathways that would apply if the member were to be promoted to one rank above their current rank.

b. If the member's salary, inclusive of any non-reduction arrangement, is more than the lowest rate of salary payable under DFRT Determination 2 of 2017 to a member holding one rank higher than a member in the same pathway or competency stream — 5% of the current salary payable to the member.

4.1.11 Higher duties within the specialist career structure

1. This section applies to a member who is paid a salary under schedules B.5, B.6, B.7 or B.8 of DFRT Determination 2 of 2017 and is directed to perform higher duties.

2. The rate of higher duties allowance is one of the following.

a. If the higher duties are within the member's specialisation — the difference between the following rates.

i. The salary payable to the member.

ii. The lowest rate of salary for the member's competency level at the next rank.

b. If the higher duties are outside the member's specialisation — 5% of the salary payable to the member.

4.1.12 Member performing duties of a Warrant Officer Class 1

1. This section applies to a member who holds the rank of a Warrant Officer Class 2 and is directed to perform the duties of a Warrant Officer Class 1.

2. The rate of higher duties allowance is the difference between the following.

a. The salary payable to the member.

b. The lowest rate of salary for a Warrant Officer Class 1 for the member's pay grade.

4.1.13 Member to which salary non-reduction applies

1. This section applies to a member who a salary non-reduction arrangements apply to.

2. This section does not apply to a member who meets one of the following.

a. They are an officer aviation member.

Note: Section 4.1.10 applies to an officer aviation member.

b. They are an officer who held an enlisted rank immediately before becoming an officer.

Note: Section 4.1.14 applies to an officer who held an enlisted rank immediately before becoming an officer.

3. The rate of higher duties allowance is 5% of the salary payable to the member.

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4.1.14 Member who held an enlisted rank immediately before becoming an officer

1. This section applies to a member who held an enlisted rank immediately before becoming an officer.

2. The rate of higher duties allowance is one of the following.

    a. If the member's salary, inclusive of any non-reduction arrangement, is less than the lowest rate of salary payable under DFRT Determination 2 of 2017 to a member holding one rank higher than a member in the same pay grade or transitional salary rate — the difference between the following.

        i. The salary payable to the member.

        ii. The lowest rate of salary payable to a member holding one rank higher than the member in the same pay grade.

    b. If the member meets one of the following — 5% of the salary payable to the member.

        i. Their salary, inclusive of any non-reduction arrangement, is more than the lowest rate of salary payable under DFRT Determination 2 of 2017 to a member holding one rank higher than a member in the same pay grade or transitional salary rate.

        ii. They hold the rank of Captain and are paid under Schedule B.4 of DFRT Determination 2 of 2017.

            Note: Schedule B.4 applies to other rank members who held the rank of Sergeant or above immediately before becoming an officer on or before 30 June 2015.

4.1.15 Member performing duties of a corporal – Army

1. This section applies to a member who is directed to perform the duties at the rank of corporal and meets all of the following.

    a. They are in the Army.

    b. One of the following applies.

        i. They hold the rank of private.

        ii. They hold the proficiency of private proficient.

2. The rate higher duties allowance is the difference between the following.

    a. The salary payable to the member.

    b. The lowest rate of salary payable to a member holding the rank of corporal at their same paygrade.

4.1.16 Member performing duties of a Brigadier or higher

1. This section applies to a member who is directed to perform the duties of a position normally performed by a member holding the rank of Brigadier or higher.

2. The rate of higher duties allowance for a member holding the rank of Colonel directed to perform the duties of a Brigadier or a member at the rank of Brigadier directed to perform the duties of a Major General is the difference between the following.

    a. The salary payable to the member.

b. The lowest rate of salary payable to the member under section 3.2.20 if promoted one rank higher.

3. The rate of higher duties allowance for a member holding the rank of Major General acting as a Lieutenant General is the difference between the following.

a. The salary payable to the member.

b. The base salary component of pay point 1 in Schedule B.1 Part 3 of DFRT Determination No. 2 of 2017.

4.1.17 Member performing duties of an APS employee or foreign military force position

1. This section applies to a member directed to perform one of the following.

a. The duties of an APS position which has been assessed as higher duties.

b. The duties of a position that is normally performed by a higher rank in a position in a foreign military force.

2. The rate of higher duties allowance for a member performing the duties of an SES Band 1, 2 or 3 position is the difference between the following.

a. The salary payable to the member.

b. One of the following.

i. If the member is performing the duties of an SES Band 1 position — the lowest rate of salary payable to a member holding the rank of Brigadier.

ii. If the member is performing the duties of an SES Band 2 position — the lowest rate of salary payable to a member holding the rank of Major General.

iii. If the member is performing the duties of an SES Band 3 position — the base salary component of pay point 1 in Schedule B.1 Part 3 of DFRT Determination No. 2 of 2017.

3. The rate of higher duties allowance for a member performing the duties of an APS position not described in subsection 2 or a position in a military force is the difference between the following.

a. The salary payable to the member.

b. The rate of salary that would apply to the member if they were one rank higher than their rank in the ADF.

4. In this section, **SES** means Senior Executive Service.

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Part 4: Location allowances

Division 1: ADF district allowance – general and rates

4.4.3 Purpose

District allowance compensates for service in a location in Australia that involves hardship. The hardship must be caused by remoteness, harsh climate and cost of living.

4.4.4 Definitions

In this Division the following apply.

Continuous period means the period that the member stays in the remote location, including any period they leave the remote location while any of the following apply.

a. They are not required for duty.

b. They are on a nonworking period.

Grade, for a remote location, means the grade specified for it in Annex 4.4.A.

Harbour craft means a vessel that is not liable, in the ordinary course of duty with the ADF, to be ordered to sea.

Remote location means a location mentioned in Annex 4.4.A.

4.4.5 Members who are eligible

1. A member is eligible for ADF district allowance if they meet any of these conditions.

    a. Their primary service location is a remote location.

    b. They serve on temporary duty at a remote location for a continuous period of more than 21 days.

    c. They are posted for service in a seagoing ship based at a remote location.

    d. The CDF recognises the member meets all of the following conditions.

        i. They are performing duty at a location that is not listed in Annex 4.4.A.

        ii. They serve at an isolated location.

        iii. Their duty is for a continuous period of more than 21 days.

2. A member on Reserve service is eligible for ADF district allowance if they meet both these conditions.

    a. They serve on temporary duty at a remote location.

    b. Their temporary duty is for a continuous period of more than 21 days.

4.4.6 Members who are not eligible

A member is not eligible for ADF district allowance for any period they are eligible for Antarctic allowance under Division 6.

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4.4.7 Period of benefit

1. Subject to subsection 2, the member is eligible to receive ADF district allowance for one of the following periods.

   a. If the member's primary service location is a remote location — the following period.

      i. Starting on the later of the day the member commences duty in the location or the day the member arrives in the location.

      ii. Ending on the day before they leave the location.

   b. If the member is serving on temporary duty at a remote location for a continuous period of more than 21 days — the following period.

      i. Starting on the day the member begins the period of temporary duty.

      ii. Ending on the day before they leave the location.

2. A member on a flexible service determination is not eligible for the allowance for any continuous nonworking period of more than 28 days.

Note: The period for which a member who is away from the remote location on temporary duty or is posted for service in a seagoing ship or submarine that is away from its remote location may be paid the allowance is set out in section 4.4.11.

4.4.8 Grading of locations

1. Remote locations are graded A, B, C, D and E according to how difficult they are. Annex 4.4.A contains a list of currently approved locations and grades.

2. Members who are eligible under paragraph 4.4.5.1.d are paid at the grade of the remote location in Annex 4.4.A that the CDF decides is in the general area of the isolated location of duty. The CDF must have regard to the conditions expressed in section 4.4.3.

4.4.9 Rate of allowance

1. Subject to subsection 2, the annual rate of allowance for a member who meets the condition in column A and is living at a location with a grade in column B is the rate in column C.

Item	Column A Condition	Column B Location grade	Column C Rate ($)
1.	A member who occupies living-in accommodation.	A	1,130
		B	3,220
		C	4,030
		D	5,645
		E	6,450
2.	A member who meets all of the following.	A	3,225

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	a. They have accompanied resident family. b. They live out. c. Item 3 paragraph a of this table does not apply.	B	9,205
		C	11,515
		D	16,125
		E	18,430
3.	Any of the following. a. A member who has accompanied resident family who lives out and at least one of their accompanied resident family meet all of these conditions. i. They are an ADF member or an APS employee in Defence. ii. They are paid ADF district allowance or district allowance under *Defence Enterprise Collective Agreement 2024* as in force on 14 March 2024. b. A member who meets all of the following. i. They have unaccompanied resident family. ii. They have no accompanied resident family. iii. They live out. c. A member with no resident family who lives out. d. A member of the Reserves who is undertaking Reserve Service and who is required to live out.	A	1,615
		B	4,605
		C	5,760
		D	8,065
		E	9,215

2. A member who lives out and must occupy living-in accommodation in for Service reasons is eligible for the rate of ADF district allowance that applies to a member who lives out for the following periods.

   a. The period they live in, up to 30 days.

   b. Any further part of the period they occupy living-in accommodation while any of their resident family remain at the remote location.

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Division 2: ADF district allowance – movement to or from remote location

4.4.11 Absence for temporary duty

1. This section applies if a member on ADF district allowance is away from a remote location for any of the following reasons.

   a. They are serving a period of temporary duty.

   b. They are serving in a harbour craft temporarily commissioned as a seagoing ship.

   c. They are serving in a seagoing ship or submarine.

   d. They have an approved alternate located work agreement and they are required to attend for duty in the location to which they are posted for duty.

2. The following table sets out the circumstances where a member may be eligible for district allowance under this section.

Item	If the member	then they may be paid ADF district allowance for an absence from location that is for a period of
1.	returns to the remote location immediately after the absence	30 days or less.
2.	meets both of the following: a. They have accompanied resident family. b. The accompanied resident family stays at the remote location for the duration of the member's absence.	more than 30 days.
3.	meets both of the following: a. one of the following applies: i. they have unaccompanied resident family ii. they have no resident family living at the remote location b. they perform temporary duty in another remote location	more than 30 days.
4.	is posted to another location (away from the remote location) while on temporary duty	the period of temporary duty, up to the day the posting begins in the location that is not remote.

Exceptions: This subsection does not apply if any of the following sections apply: 4.4.12, 4.4.13, 4.4.14 or 4.4.15.

4.4.12 On leave and returning to duty

This table sets out a member's eligibility for ADF district allowance if they go on leave while they are getting the allowance.

Item	If the member goes on a period of	then they are to be paid the allowance for
1.	long service leave	the period of the leave in which the member, or at least one of their resident family, continues to live at the remote location. The remote location must be the location that the member was paid the allowance for prior to taking the leave.
1A.	unpaid maternity leave	
1B.	unpaid parental leave	
2.	recreation leave	the whole period of the leave, if they are to return to duty at a remote location at the end of that period.
3.	personal leave for a compassionate reason or carer's leave	
4.	medical absence from duty	
5.	paid maternity leave	
6.	paid parental leave	
7.	leave without pay	no time during the leave period.

4.4.13 Payment when not on duty

1. This section applies to a member to whom any of the following apply during or immediately after the end of a period of duty at a remote location.

    a. They take a period of recreation leave, including any short absence for travelling.

    b. They are absent from duty for illness.

    c. They are hospitalised.

    d. They are unable to use the number of recreation leave credits they accrued in the remote location for Service reasons.

2. The member is eligible for ADF district allowance for one of the following periods.

    a. If paragraph 1.a applies — the period of recreation leave up to what the member accrued for service in the remote location.

    b. If paragraph 1.b or c applies — the period of absence or hospitalisation.

    c. If paragraph 1.d applies — the period that is equal to the leave they accrued in the remote location but did not take while at the remote location.

3. If subparagraph 2.c applies, the member may be paid a lump sum.

4.4.14 Primary service location changes from one remote location to another

1. This subsection applies if a member’s primary service location changes from one remote location to another remote location.

2. This section does not apply to a member who meets all of the following.

    a. The member is approved an alternate located work agreement to a remote location.

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b. One of the following apply.

i. The member's resident family join the member in the remote location.

ii. The member's resident family already live in the remote location and the location is a location where benefits are not provided.

c. The member’s primary service location changes, and their resident family remain in the remote location.

3. The member is eligible for ADF district allowance at the rate for the previous primary service location until the beginning of their period at the new primary service location.

4. Despite subsection 3, subsection 5 applies if a member meets all of the following.

a. Their primary service location changes from one remote location to another remote location.

b. They have unaccompanied resident family because their resident family remain in the first remote location.

5. The member is eligible for ADF District allowance at the rate that is the greater of the following.

a. The rate the member received at the remote location that was the member’s primary service location before they were posted.

b. The rate the member would receive at the remote location which is their new primary service location if they were a member who had accompanied resident family at that that location.

4.4.15 Primary service location changes from a remote location to non-remote location

1. This section applies if a member meets all these conditions.

a. The member’s primary service location changes from a remote location to another location that is not a remote location.

b. They have unaccompanied resident family because their resident family remain in the remote location.

2. This section does not apply to a member who meets all of the following.

a. The member is approved an alternate located work agreement to a remote location.

b. One of the following apply.

i. The member's resident family join the member in the remote location.

ii. The member's resident family already live in the remote location and the location is a location where benefits are not provided.

c. The member’s primary service location changes, and their resident family remain in the remote location.

3. The member is eligible for ADF district allowance for the period their resident family stay at the remote location.

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4.4.16 Member serving a period of detentions

1. This section applies to a member who has accompanied resident family and no unaccompanied resident family who is serving a period of detention under Service law.

2. The member is eligible for the allowance they would have been paid if they meet all these conditions.

    a. The allowance was payable to them immediately before they began to serve a period of detention.

    b. At that time, they were eligible for the allowance at the full rate under section 4.4.9 table item 2.

    c. Their resident family continue to live in the location that the allowance was payable for.

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Division 3: Port Wakefield allowance

4.4.17 Purpose

Port Wakefield allowance compensates a member for the isolation, harsh climate and cost of living involved in serving at the Port Wakefield establishment.

4.4.19 Benefit

1. Subject to subsection 1A, a member is eligible for Port Wakefield allowance if the member is posted to the Proof and Experimental Establishment at Port Wakefield and must live there.

1A. Port Wakefield allowance is not payable during a nonworking period that exceeds 28 days under a member's flexible service determination.

2. The rate of allowance for a member who meets the condition in column A is the rate in column B.

Item	Column A Condition	Column B Annual rate ($)
1.	The member has at least one of their resident family living at the establishment.	3,225
2.	Any other member.	1,615

3. Port Wakefield allowance is paid from the date the member takes up residence at the Proof and Experimental Establishment at Port Wakefield and ends when they leave it.

4.4.20 Member not eligible

A member serving at the Proof and Experimental Establishment at Port Wakefield on temporary duty is not eligible for the allowance.

4.4.21 Absence from the Proof and Experimental Establishment at Port Wakefield

The conditions for absence from a remote location under Division 2 apply to a member's absence from the Proof and Experimental Establishment at Port Wakefield.

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Division 4: Scherger allowance

4.4.22 Purpose

Scherger allowance recognises hardship at RAAF Scherger. This is caused by the generally poor state of the unsealed road to Weipa.

4.4.23 Member who is eligible

A member is eligible for Scherger allowance if they meet all these conditions.

a. They are posted in a caretaker role to RAAF Scherger for at least 12 months.

b. They are required for operational reasons to live on the base.

c. They live on the base for the period of the posting.

4.4.23A Member not eligible

A member on a flexible service determination is not eligible for the allowance for any continuous nonworking period of more than 28 days.

4.4.24 Rate of allowance

The rate of Scherger allowance is $7,165 a year.

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Division 5: Allowances for services in Antarctica – general provisions

4.4.25 Definitions

In Division 5, 6, 7 and 8 the following apply.

Antarctica means the area south of the Antarctic Convergence, and includes Macquarie Island.

Antarctic Convergence has the same meaning as in the Convention on the Conservation of Antarctic Marine Living Resources, as set out in the Schedule to the *Antarctic Marine Living Resources Conservation Act 1981.*

Day of embarkation means one of the following.

a. If the ship sails from a port at or before 1200 — the day of embarkation is the day the ship sails.

b. If the ship sails from a port after 1200 — the day of embarkation is the day after the ship sails.

Day of disembarkation means one of the following.

a. If the ship docks in a port at or before 1200 — the day of disembarkation is the day before the ship docks.

b. If the ship docks in a port after 1200 — the day of disembarkation is the day the ship docks.

Expedition mean an Australian National Antarctic Research Expedition to Antarctica.

Port means the port specified in the expedition itinerary as the port of embarkation or disembarkation of the expedition.

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Division 6: Allowances for services in Antarctica – Antarctic allowance

4.4.29 Purpose

Antarctic allowance compensates a member for the demands of service in Antarctica.

4.4.30 Member this Division applies to

This Division applies to a member posted for duty or serving in Antarctica who meets either of these conditions.

a. They are directed to undertake duties as an integral part of an expedition. It must be intended that they remain on duty with, or support, that expedition during the summer or winter season in Antarctica.

b. They travel to Antarctica with an expedition but are not part of the expedition.

4.4.31 Rate of allowance

The rate of allowance for a member who the paragraph in an item in column A is the rate in column B of the same item.

Item	Column A Paragraph	Column B Annual rate ($)
1.	Paragraph 4.4.30.a	15,844
2.	Paragraph 4.4.30.b	8,729

4.4.32 Period of eligibility

1. Subject to subsection 1A, a member is eligible for Antarctic allowance from 0001 on the day of embarkation until 2359 on the day of disembarkation.

1A. Antarctic allowance is not payable during a nonworking period that exceeds 28 days under a member's flexible service determination.

2. If a member does not return directly to Australia immediately after service in Antarctica, payment of the allowance ends at 2359 on the last day they serve in Antarctica.

Exception: If section 4.4.35 applies.

4.4.33 Effect of receiving other allowances

1. This section applies to a member for the period that they are eligible for both Antarctic allowance and maritime disability allowance.

2. The member is paid only the higher of the two allowances.

4.4.34 Member on long service leave

The allowance is not included in a member’s salary during a period of long service leave unless they remain in Antarctica during the period.

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4.4.35 Recreation leave after duty in Antarctica

1. This section applies to a member who completes service in Antarctica and is granted a period of recreation leave before beginning duty in Australia.

2. The member is eligible for Antarctic allowance for the number of days of recreation leave they accrued for service in Antarctica. The rate of allowance is the rate that applies under section 4.4.31.

3. Subsection 1 applies to recreation leave granted immediately after any of these periods.

   b. A period of hospitalisation or absence from duty for an illness that began on or before the day the member completed service in Antarctica.

   c. A period of duty that meets both these criteria.

      i. It must be performed by the member before recreation leave can be granted.

      ii. It is performed immediately after the member's period of service in Antarctica.

4. This section does not apply to Antarctic parity allowance under Division 8.

   Note: Short absence for travel provided under this Division may be available under Chapter 5 Part 11 Division 6.

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Division 7: Allowances for service in the Antarctic – Common duties allowance

4.4.36 Eligibility

1. This Division applies to a member who meets all these conditions.

    a. They are eligible for Antarctic allowance.

    b. The officer-in-charge of an expedition directs them to perform duties that are additional and unrelated to their ordinary duties.

    c. They perform the duties for a period.

2. The member is eligible for common duties allowance for the period at the rate of $8,729 a year.

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Division 8: Allowances for service in the Antarctic – Antarctic parity allowance

4.4.37 Purpose

Antarctic parity allowance provides for payment to a member who volunteers for service in Antarctica in an APS position as a member of an expedition.

4.4.38 Definitions

In this Division the following apply.

ADF amount means the sum of the amounts of salary and maritime disability allowance that the member would be eligible for if the duty was for an ADF posting.

APS amount means the sum of the amounts of salary and allowance instead of overtime that the member would be eligible for in the APS position.

Note: If the member is not an APS employee, this amount will always be zero.

4.4.39 Member this Division applies to

This Division applies to a member who meets all these conditions.

a. They are serving with an expedition in a voluntary capacity in an established APS position.

b. They are not entitled to the full APS salary and allowances that apply to the position.

c. They are not posted to a ship or establishment.

d. They are not on leave without pay.

4.4.40 Eligibility for allowance

1. A member is eligible for Antarctic parity allowance during the same period they are eligible for Antarctic allowance under section 4.4.32.

2. Antarctic parity allowance is equal to the difference between the APS amount and the ADF amount payable in a pay period.

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Annex 4.4.A: Remote locations for ADF district allowance

This table sets out the grades of ADF district allowance at remote locations.

Remote location	Grade
New South Wales	
Bogan Gate	A
Broken Hill	A
Northern Territory	
Alice Springs	C
Darwin	B
Jabiru	E
Katherine	D
Nhulunbuy	E
Tennant Creek	E
Tindal	D
Queensland	
Atherton	A
Ayr	A
Bowen	A
Cairns	A
Charters Towers	A
Ingham	A
Innisfail	A
Macrossan	A
Mount Isa	C
Palm Island	E
RAAF Scherger	E
Roma	A
Shoalwater Bay training area	A
Thursday Island	E
Townsville	A
Tully	A
Weipa	E
South Australia	
Woomera	E
Western Australia	
Broome	E
Carnarvon	E
Dampier	E
Derby	E
Exmouth	E
Kalgoorlie	A
Karratha	E
Kununurra	E
Newman	E

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Port Hedland	E
RAAF Curtin	E
RAAF Learmonth	E
Tom Price	E
Other Territories	
Christmas Island	E
Cocos Island	E

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Part 5: Meal allowance

4.5.2 Purpose

Meal allowance assists a member to buy a meal if a Service-provided meal is not available.

4.5.2A Definitions

In this Part the following apply.

Meal period for a member who occupies living-in accommodation means a period that the mess at the location of their living-in accommodation provides meals for them.

4.5.3 Member this Part applies to

This Part applies to a member who meets either of these conditions, unless section 4.5.4 applies.

a. They are serving in Australia. This includes a member on Reserve service.

b. They are an applicant for entry into the ADF and section 2.1.4 applies to them.

4.5.4 Meal allowance not paid

Meal allowance is not paid for a meal period when any of these conditions are met.

a. The member is eligible for travelling allowance or use of the travel card.

b. The Commonwealth makes a meal available to the member.

c. A meal is included in the fare for a journey.

d. A transport operator makes a meal available to the member.

Exception: An in-flight meal on a commercial aircraft does not count as a meal for this Part. Meal allowance is still payable to a member who gets an in-flight meal.

4.5.6 Member who occupies living-in accommodation

1. This section applies to a member who occupies living-in accommodation and pays a contribution for meals under Chapter 7 Part 9 Division 1. The member must meet one of these conditions.

a. They are on duty away from their service location during a meal period.

b. They are performing duty at their service location during a meal period.

c. They perform extra duty before or after normal duty and one of these conditions is met.

i. They get a meal break between the normal duty and the extra duty.

ii. They do not get a meal break after the normal duty. The extra duty runs until after the next meal period.

d. Their service location is in a capital city. This applies for lunch only.

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2. The member is eligible for a meal allowance for the meal period. This is only if it is not reasonably practical for them to do one of the following.

    a. Return to their normal mess during the meal period.

    b. Get a meal at Commonwealth expense during the meal period.

4.5.7 Member who lives out

1. This section applies to a member who lives out and buys a meal during a meal period.

2. The member is eligible for a meal allowance for the meal period if they cannot go home for the meal for any of these reasons.

    a. They perform extra duty before or after normal duty and one of the following happens.

        i. They get a meal break between the normal duty and the extra duty.

        ii. They do not get a meal break and the extra duty extends through the next meal period after the normal hours of duty.

    b. They are on duty at a place where the Commonwealth does not provide a meal and the duty meets one of these conditions.

        i. It starts 3 or more hours before their rostered time for starting duty.

        ii. It finishes 3 or more hours after their rostered time for finishing duty.

    c. All of these circumstances prevent the member going home for lunch.

        i. They begin normal duty after a period of extra duty overnight.

        ii. They cannot go home before starting the normal duty.

        iii. They finish the normal duty at or after 1400 hours.

4.5.9 Rates of allowance

The rate of meal allowance for each meal period in column A is the rate in column B.

Item	Column A Meal period	Column B Rate ($)
1.	breakfast	28.75
2.	lunch under paragraph 4.5.6.1.d	13.20
3.	any other lunch	32.80
4.	dinner	56.60

Part 6: Additional benefits for star rank officers

4.6.1 Purpose

The purpose of this Part is threefold.

a. To recognise and reward the professional contribution of star rank officers in meeting the greater internal and external demands involved in giving effect to the Government's Defence policy.

b. To provide employment conditions that reflect contemporary management practices.

c. To retain highly skilled star rank officers.

4.6.2 Member this Part applies to

1. This Part applies to a member who holds a rank of Brigadier or higher.

2. Sections 4.6.4 and 4.6.5 apply to a member of the Reserves who holds a rank of Brigadier or higher.

4.6.4 Membership of airline club

A member is eligible for the basic membership of an airline club of a government-contracted carrier.

4.6.5 Mobile telephones and hand held devices

1. The member is eligible for a mobile telephone or other handheld device.

2. The Department of Defence will meet the cost of providing and operating the telephone or device, including limited personal use.

3. A member of the Reserves is only eligible under this section when both the following apply.

   a. The member has 100 days of expected liability to serve in the financial year.

   b. The member's commanding officer or manager approves that the benefit be made available, having regard to the duties that the member is required to perform.

4.6.7 Parking space or permit

1. A member is eligible for either of the following.

   a. A parking space at or near their service location.

   b. A parking permit.

2. The member may be required to make a contribution towards the parking space or permit under Part 11.

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Part 7: Victoria Cross for Australia representational duties

4.7.1 Purpose

This Part has two purposes.

a. To recognise and reward the contribution of Victoria Cross for Australia recipients.

b. To provide a package of benefits for Victoria Cross for Australia recipients to allow them to perform the representational duties associated with the award.

4.7.2 Persons this Part applies to

This Part applies to any of the following persons.

a. A member who has been awarded the Victoria Cross for Australia.

b. A member who has been approved to perform escort duties for a Victoria Cross for Australia holder.

c. The family of a member posthumously awarded the Victoria Cross for Australia.

4.7.3 Nominated family of member posthumously awarded

Assistance may be provided to the family of a member posthumously awarded the Victoria Cross for Australia, to attend representational activities. All the following limits apply.

a. The CDF must decide that it is reasonable in the circumstances for family to represent the Victoria Cross recipient, having regard to the advice of the relevant Service Chief.

b. The Victoria Cross recipient's family may nominate a maximum of 2 family members to attend an activity.

c. Benefits may only be provided up to 5 years from the date of investiture of the Victoria Cross for Australia.

4.7.4 Expenses related to representational duties

1. For the purposes of this section the term member also applies to a family member of a posthumously awarded Victoria Cross recipient, who has been nominated under section 4.7.3.

2. The CDF may approve the payment or reimbursement of costs for the following expenses that are directly related to the member's representational duties.

    a. The purchase of civilian clothing for the member or the member's resident family.

    b. The hire of civilian clothing for the member or the member's resident family.

    c. Laundry and dry cleaning costs.

    d. Babysitting costs for a child who is the member’s resident family, if any of the following are attending a representational activity.

        i. The member and their partner.

ii. If the member does not have a partner, the member.

2A. The CDF must only approve a payment or reimbursement under subsection 2 if satisfied that the costs and the frequency of the payment or reimbursement are reasonable for the member's representational duties.

3. The CDF may approve any additional costs not listed in subsection 2 that relate directly to the member's representational duties.

4. The CDF may approve reimbursement of the cost of clothing hire for the escort personnel who must attend representational events with the Victoria Cross for Australia recipient.

4.7.5 Business class travel

1. The CDF may approve travel for the member and their escort for travel to and from Victoria Cross for Australia representational activities.

2. The CDF may approve business class travel for the following people for travel to and from Victoria Cross for Australia representational activities.

   a. The member's partner.

   b. The member's resident family.

   c. The family of a member posthumously awarded the Victoria Cross for Australia, nominated under section 4.7.3.

4.7.6 Travel allowance

Travel costs or travel allowance rates, specified in Annex 9.5.A Part 1 column B and Part 4, are payable to the member and the following people for travel on Victoria Cross for Australia representational activities.

a. The member's resident family.

b. Escort personnel.

c. Up to 2 nominated family members of a member posthumously awarded the Victoria Cross for Australia.

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Part 8: Training payments

Division 1: General provisions

4.8.1 Definitions

In this Part the following apply.

Dental officer has the same meaning given in section A.1.12 of DFRT Determination No. 2 of 2017, *Salaries.*

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Division 1A: Trainee’s dependant allowance

4.8.3 Purpose

Trainee's dependant allowance supplements a trainee's salary when they are supporting one or more eligible dependants.

4.8.5 Member this Division applies to

This Division applies to a trainee in the Permanent Forces whose salary is less than the salary of a Private in Pay Grade 1.

4.8.6 When this Division does not apply

1. This Division does not apply if any of the following criteria are met.

    a. If any of the trainee’s eligible dependants has an expected income of $45,905.60 or more in the current financial year.

    b. The trainee is not entitled to salary.

    c. The member is on Reserve service.

2. In this section, **eligible dependant** means one of the following.

    a. The trainee’s resident family.

    b. A person who meets all of the following.

        i. They are under 16 years of age.

        ii. They are living with the trainee.

        iii. They are wholly or substantially dependant on the trainee.

4.8.6A Applying for trainee’s dependant allowance and notification of change in expected income

A member must use the approved form to do any of the following.

a. Apply for the trainee’s dependant allowance under this Division.

b. Notify of any change in an eligible dependant’s expected income.

4.8.7 Rate of benefit

1. The rate of trainee's dependant allowance is the difference between their rate of salary and the annual rate of salary for a Private in Pay Grade 1.

2. Trainee's dependant allowance is paid fortnightly based on the annual amount.

3. If the trainee is on a flexible service determination, the trainee is to be paid trainee's dependant allowance on a pro rata basis as calculated under section 3.2.7A.

4.8.8 Dual entitlement

If the trainee's partner is a member and is also eligible for the trainee's dependant allowance, the rate for each member is one of the following.

a. If the trainee and their partner have the same rate of salary — half the difference between their individual rate and the salary of a Private in Pay Grade 1.

b. If the trainee and their partner have different rates of salary — half the difference between the lower individual rate and the salary of a Private in Pay Grade 1.

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Division 2: Medical residency – additional salary

4.8.9 Purpose

1. This Division supplements the salary for a member who works as a resident medical officer at a civilian hospital.

2. A member is paid additional salary to equal the salary and allowances they would have received if they had been a civilian resident medical officer at the hospital.

4.8.10 Members this Division applies to

This Division applies to a member who undertakes a period of compulsory residency at a civilian hospital with the approval of the CDF.

4.8.11 Rate of additional payment

A member is eligible for an additional payment at the end of each 3-month period calculated using the following formula.

$$additional\ payment = \frac{A - (B + C)}{4}$$

Where:

A The annual salary the member would have received if they were paid by the hospital.

B The member's annual salary.

C The annual rate of district allowance payable to the member, if applicable.

4.8.12 Payment for accrued leave

The member is eligible for payment for any leave accrued but not granted during their period of compulsory residency, less any payment instead of leave made by the hospital.

4.8.13 Conditions of entitlement

1. The sponsored member works full-time at the hospital providing the training.

2. The member remains in ADF service. They work under an arrangement agreed between the hospital and the Commonwealth. The member will not become an employee of the hospital.

3. The member retains all the conditions of service of full-time members.

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Division 3: Former medical or dental officer – refresher training

4.8.14 Purpose

Refresher training assistance assists a former member who served as a medical or dental officer with the costs of training to better equip them for civilian practice or employment.

4.8.15 Definition

In this Division, the following apply.

Refresher training course means an approved course of study to be undertaken by a former member in aspects of medical or dental practice that are not normally found in the ADF.

4.8.16 Members this Division applies to

This Division applies to a former member who served on a fixed-term appointment as a medical or dental officer, if they meet all of these criteria.

a. They were appointed before graduation or within 2 years after first registration as a medical or dental practitioner.

b. They completed at least 4 years' continuous full-time service as a medical or dental officer before ceasing to be a member.

c. They begin a refresher training course within 12 months of ceasing service.

d. They have not, on the day they begin the training course, been appointed as an officer on an indefinite appointment.

4.8.17 Conditions for refresher training payment

1. The former member is eligible for a payment for the refresher training course if the CDF considers it reasonable for them to undertake it.

2. For the purpose of subsection 1, the CDF must consider the following.

   a. How much the length and nature of the former member's service has impaired their ability to undertake civilian medical or dental practice or employment.

   b. How much the former member's completion of the refresher training course would remedy any impairment.

   c. Any other factor relevant to the former member's ability to undertake such practice or employment.

3. Payment is available for the period of a refresher training course to a maximum of 90 days.

4. Only one payment can be made to a member under this Division.

4.8.18 Amount of payment

The former member is eligible for a daily payment calculated using the following formula.

$$payment = \frac{A - B}{C}$$

Where:

A is the rate of salary the former member would have received, including any higher duties allowance, on the day the refresher training course begins at the rank they held on the day before they left the ADF.

B is the salary, excluding overtime or penalty rates, a civilian employer would pay them on the day the refresher training course begins.

C is the period of the refresher training course up to a maximum of 90 days.

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Division 4: Australian Defence Force Academy learning materials

4.8.19 Purpose

This Division provides members who are trainees and undertaking undergraduate studies at the Australian Defence Force Academy with a benefit to cover the costs of certain learning materials required for their studies.

4.8.20 Member this Part applies to

This Part applies to a trainee who is an undergraduate posted to the Australian Defence Force Academy.

4.8.21 Learning materials

A member is eligible to be reimbursed the costs of compulsory learning material purchased by the member if all of the following apply.

a. The compulsory learning materials have not been provided to the member.

b. The compulsory learning materials have been approved by the Commandant Australian Defence Force Academy.

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Division 5: In-service medical officers – refresher training

4.8.22 Purpose

In-service training assistance is provided to serving medical officers to allow them to undertake refresher training or experience, except where the training is a Service requirement.

4.8.23 Members this Division applies to

This Division applies to a medical officer serving on an indefinite appointment.

4.8.24 Conditions of training

1. The CDF may approve the member to undertake refresher training for a maximum of 12 months on full salary after each completed 6 years of service.

2. The CDF may approve the member to do the training in one or more periods over the member's service, subject to Service requirements.

4.8.25 Refresher training allowance

1. A member is eligible for an allowance payable at the end of each 3-month period if all of the following are met.

   a. The member's refresher training takes place at a civilian hospital.

   b. The member's salary is less than the salary the member would have received if they were paid by the hospital.

2. The allowance payable under subsection 1 is calculated using the following formula.

$$allowance = \frac{A - B}{4}$$

Where:

A The annual salary the member would have received if they were paid by the hospital.

B The member's annual salary.

4.8.26 Expenses associated with training

1. The member is to be reimbursed for these costs.

   a. Compulsory fees for the training.

   b. The cost of textbooks prescribed for a course.

2. The ADF may make available, for the duration of the training, medical instruments the member must use in the training.

3. The member is responsible for costs of any travel or removal needed to complete the training.

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Division 6: Army dental officer professional development scheme

4.8.27 Purpose

The Division sets out the reimbursement a dental officer may get when they participate in approved professional development activities.

4.8.29 Member this Division applies to

1. This Division applies to a member who meets all of the following conditions.

    a. The member is an Army dental officer who provides a clinical dental capability.

    b. The member is on either continuous full-time service or Reserve service.

    c. The member is Army Individual Readiness Notice (AIRN) compliant on the day the expense is incurred.

        Exception: The member does not have to be fit for operational deployment.

2. This Division ceases to apply to all members on 30 June 2026.

4.8.30 Payment

1. A member may be reimbursed the cost of approved professional development activities up to a maximum amount.

    a. Professional development activities are described in section 4.8.31.

    b. The process for calculating the maximum amount of reimbursement for a member is set out in section 4.8.32.

2. Costs for professional development activities must be paid in full before reimbursement may be paid.

3. The maximum under section 4.8.32 applies to a single financial year. Unused funds cannot be paid to the member or carried over to future financial years. If the costs reimbursed are less than the maximum, the member is not eligible for the difference.

4. Incurred costs must be paid for and reimbursed in the same financial year.

5. A member can be provided financial support under this Division by direct payment to a supplier for an approved professional development activity. Any amount paid directly is counted as part of the costs that may be reimbursed within the maximum under section 4.8.32.

6. Travel costs for professional development activities are included as part of the costs that may be reimbursed within the maximum under section 4.8.32.

7. A member may use their Defence travel card for travel associated with an approved professional development activity.

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4.8.31 Professional development activities

1. The CDF may approve activities, travel or the purchase of equipment as professional development activities. The CDF must consider all the following criteria.

    a. Whether the activity will enhance the member's clinical and professional skills.

    b. Whether the activity could be funded by other means.

    c. The cost of the activity.

    d. The interests of the Commonwealth.

    e. Any other factors relevant to the member's personal development.

2. The following activities cannot be approved as professional development activities under this Division.

    a. Membership of groups that have a primary purpose that is political in nature.

    b. Activities associated with Specialist officer career structure competency-based training.

    c. Activities that can be accessed through the Defence Assisted Study Scheme.

    d. The purchase of non-dental specific computer hardware, software or internet access.

4.8.32 Calculation of the maximum

1. This section sets out how to calculate the maximum reimbursement that may be paid to a member under section 4.8.30.

2. The maximum for a member of the Permanent Forces is $10,000 in a financial year.

3. This subsection applies to a member of the Army Reserve on continuous full-time service. The member's maximum claim is as follows.

    a. The maximum is $833.33 for each period of 30 consecutive days of service in a financial year.

    b. The financial year reimbursement may not exceed $10,000.

    c. Any period of less than 30 consecutive days of service in a financial year does not count towards the maximum.

    d. Unused days of service not claimed in a financial year cannot be carried over to the next financial year.

    e. A member who has worked both permanent service and Reserve service cannot claim more than $10 000 in a financial year.

4. This subsection applies to a member of the Reserves on Reserve service. The member's maximum is calculated as follows.

    a. The maximum is $27.39 for each day of service. The days do not need to be consecutive. A day of service is a minimum of 6 hours of duty on a day.

    b. The financial year reimbursement may not exceed $10,000.

    c. Twenty days or more of Reserve service must be served within a financial year before a claim can be made.

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d. Any total of less than 20 days of Reserve service in a financial year does not count towards the maximum.

e. Unused days of service not claimed in a financial year cannot be carried over to the next financial year.

5. This subsection applies to a Reserve member who has worked both continuous full-time service and Reserve service in a financial year.

a. The member's maximum is the sum of the limits as calculated under each type of service.

b. The member cannot combine unused days from continuous full-time service and Reserve service to be eligible for a claim.

Part 9: Reserves

Division 1: Legal officer sessional fee

4.9.3 Purpose

Legal officer sessional fee compensates Reserve legal officers for the following.

a. For certain professional work they perform for the ADF.

b. For practice costs associated with the duties in paragraph a.

4.9.4 Definitions

The definitions apply in this Division.

Commission of Inquiry means an inquiry made under the *Defence (Inquiry) Regulations 2018.*

4.9.5 Members this Division applies to

This Division applies to a legal officer who is a member of the Reserves.

4.9.6 Duties attracting a sessional fee

1. A legal officer is eligible for a sessional fee if all the following conditions are met.

a. The legal officer performs legal duties in the ADF when they would otherwise be working in a private professional capacity as a barrister or solicitor.

b. Any of the following persons approves a period of the duty described in the table at paragraph c, before it is performed.

i. CDF.

ii. Director General Australian Defence Force Legal Services.

c. The ***legal officer*** performs one or more of the duties described in the following table.

Item	Duties
1.	Military duty as a counsel or assistant counsel performing any of the following duties. a. Appearing before a summary authority. b. Any of the following duties performed in relation to a Court Martial or Defence Force Magistrate proceeding. i. Appearing in the proceeding. ii. Participating in a pre-trial directions hearing. iii. Participating in a case management conference. iv. Participating in a stay application in relation to a punishment or order. c. Providing legal services related to paragraphs a and b. d. Providing legal services relating to a petition or request for review to a reviewing authority, including a punishment review pursuant to the *Military Justice (interim Measures) Act No. 2 2009*.

2.	Military duty as a Judge Advocate or Defence Force Magistrate in a disciplinary proceeding.
3.	Providing legal services relating to the preparation or provision of a report under section 154 of the *Defence Force Discipline Act 1982*.
4.	Military duty as a legal officer assisting a Commission of Inquiry.
5.	Military duty as a legal officer representing or assisting in the representation of a person, including a person who has died, before a Commission of Inquiry.
6.	Providing legal services to an ADF commander if all of the following requirements are met. a. The services are of any of the following types. i. Providing legal advice. ii. Providing dispute resolution services. iii. Acting as an inquiry officer or as an inquiry assistance under section 11 of the *Defence (Inquiry) Regulations 2018.* b. The services require legal skills. c. The services relate to duties and responsibilities of a member in that command.
7.	Giving legal advice to a member on matters arising from their service in the ADF. Preparation time is not paid for this duty.
8.	Giving legal advice to a defence civilian or former member in either of the following circumstances. a. The defence civilian or former member is being investigated in connection with disciplinary action or possible disciplinary action under the *Defence Force Discipline Act 1982.* b. The defence civilian or former member has been charged with an offence under the *Defence Force Discipline Act 1982.* In this item, defence civilian has the same meaning as in the *Defence Force Discipline Act 1982.* Preparation time is not paid for this duty.

2. Items in the table in paragraph 1.c include preparation time spent on legal tasks.

Exceptions:

Preparation time will not be paid in association with the following duties.

1. Duties in subparagraph a.i of item 6 of the table in paragraph 1.c.

2. Duties in item 7 of the table in paragraph 1.c.

3. Duties in item 8 of the table in paragraph 1.c.

4.9.7 Sessional fee and Reserve salary

1. This section applies in any period for which a legal officer is entitled to pay as a Reserve member and also performs duties that meet conditions for payment of the sessional fee set out in section 4.9.6.

2. If the member's Reserve salary for the period is less that the amount of sessional fee that would be payable for the same period, the member may elect in writing to be paid the higher amount of sessional fee under this Division instead of the salary.

Note 1: To avoid doubt, a member may be paid a combination of salary and sessional fee for a day, but is not entitled to payment for more than 6 hours' duty in total for that day.

Note 2: If the member is approved to perform a period of duty for Reserve salary and not also given an express approval for that period of duty for the purpose of this Division, the member cannot later elect to be paid legal officer sessional fee under this section.

4.9.8 Amount of sessional fee

1. A legal officer who performs duty in a matter described in the following table is eligible for a sessional fee, calculated at the rate set out in the table, for a period of up to 5 days.

Item	If the member performs	for	the member is to be paid
1.	Any of the following duties described in any of the following parts of the table in paragraph 4.9.6.1.c a. Paragraph a of table item 1. b. Paragraph b of table item 1. c. Table item 2. d. Table item 4. e. Table item 5.	less than 3 hours in a day	$202.50 an hour.
		3 or more hours in a day	$1215 a day.
2.	Any of the following duties. a. Duties described in any of the following parts of the table in paragraph 4.9.6.1.c. i. Paragraph c of table item 1. ii. Paragraph d of table item 1. iii. Table item 3. iv. Table item 6. v. Table item 7. vi. Table item 8.	less than 6 hours in a day	$202.50 an hour.
	b. Preparation time associated with duties described in any of the following parts of the table in paragraph 4.9.6.1.c. i. Any of table items 1, 4 or 5. ii. Table item 6. **Exception:** Subparagraph a.i of table item 6.	6 or more hours in a day	$1215 a day.

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2. The following arrangements apply to a member who performs a particular duty described in subsection 1 for more than 5 days. The days do not have to be consecutive.

Item	Day	Rate
1.	Days 1 to 5	In accordance with subsection 1.
2.	Day 6 and beyond	A daily rate of sessional fee for the sixth and subsequent days that CDF or the Director General Australian Defence Force Legal Services consider reasonable, having regard to the advice of the Attorney-General's Department. For periods of less than a day, the hourly rate of sessional fee is one-sixth of the determined daily fee. Sessional fee may also be paid for periods that are less than whole hours on a pro rata basis.

3. Duties performed by member who is a Senior Counsel or Queen's Counsel are to be paid at 1.5 times the amount that would otherwise be payable.

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Division 2: Airfield Defence Guards (annual proficiency bonus)

4.9.9 Purpose

The ADF provides an annual proficiency bonus to certain members of the Air Force Reserve Ground Defence Reserve Group (Operations) who do more than the minimum required training.

4.9.10 Members this Division applies to

This Division applies to a member who meets both of these criteria.

a. Volunteers to serve for 5 years in the Air Force Reserve as a Ground Defence Officer or Airfield Defence Guard in the Ground Defence Reserve Group (Operations), and

b. Undertakes duty (other than continuous full-time service) for up to 18 days more than the minimum 32 days' annual training they are required to do in any one year.

4.9.11 Conditions of eligibility

1. The member must meet all of these criteria.

   a. They must volunteer to do the additional duty before the start of each 12-month period of service.

   b. They must actually do the additional duty within that 12-month period or within an extra period that the officer-in-charge approves in writing.

   c. They must meet the medical fitness standards for operational duty as a Ground Defence Officer or Airfield Defence Guard.

   d. They must meet their service obligations.

   e. They must demonstrate proficiency in the skills needed by a Ground Defence Officer or Airfield Defence Guard.

2. Duty undertaken for more than the additional 18 days in any year does not attract a bonus payment.

4.9.12 Rate and date of eligibility

1. The member is eligible for the bonus at the following rates.

   a. $50 a day from the 1st to the 4th day (inclusive) of additional duty.

   b. $75 a day from the 5th to the 8th day (inclusive).

   c. $100 a day from the 9th to the 18th day (inclusive).

2. The bonus cannot be more than $1,500 in any one year.

3. The bonus is for duty performed in the 12 months before each anniversary of the member's appointment or enlistment. It is payable on the later of these days.

   a. The anniversary of the member’s appointment or enlistment.

   b. The last day of the extra period approved in writing by the officer-in-charge.

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4.9.13 Preservation of eligibility on transfer

A member is eligible for a bonus under this Division if they meet all of the following.

a. They have been transferred from the Ground Defence Reserve Group (Operations) before the day the bonus would have been paid without a break in their continuity of service.

b. They are a member of the ADF on the day the bonus would have been paid.

c. They meet the eligibility conditions in section 4.9.11.

Division 3: Health support allowance – Reserves

4.9.14 Purpose

This Division provides allowances to help Reserve members keep their health levels at required standards.

4.9.16 Health support allowance – Capability at short-notice

1. This section applies to a member of the Reserves who meets all of the following conditions.

   a. They have an undertaking with their Service to provide capability at short notice.

   b. They have been assigned a service category 4 by their Service.

2. To be eligible for the allowance a member must meet all of the following conditions.

   a. A member must use the approved form to apply for health support allowance.

   b. The member must be insured under a health insurance policy that meets all of the following requirements.

      i. The policy is with a private health insurer under the *Private Health Insurance (Prudential Supervision) Act 2015*.

      ii. The policy has the highest level of hospital cover that the health insurer provides.

      iii. The policy includes optical and dental cover.

3. The allowance is paid at the rate that applies to the member's situation.

   a. The member has received a payment under section 4.9.17 for the same financial year — $1,900 a year.

   b. The member has not received a payment under section 4.9.17 for the same financial year — $2,500 a year.

4. The member is eligible to receive the allowance once in a 12-month period commencing the day the member became eligible for the allowance.

5. A member must repay a part of the allowance they received under paragraph 3.a or b if they cease to be insured at any time between the following days, unless the CDF decides it is reasonable for the member to not repay the allowance.

   a. The day they became eligible to receive the bonus.

   b. The day ending 12 months after receiving the bonus.

6. The amount the member must repay under subsection 5 is calculated using the following formula.

$$\textit{repayment amount} = \frac{A}{365} \times B$$

Where:

A is the number of days in the following period.

   a. Starting when the member stops being insured under a health insurance policy.

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b. Ending 1 year after the member became eligible for their last health support allowance payment.

B is the amount of the member's last payment under this Division.

7. An amount that must be repaid under this section is a debt to the Commonwealth.

4.9.17 Health support allowance – Members on Reserve service

1. A member of the Reserves is eligible for a payment of $600.00 if they meet all of the following in a financial year.

   a. They provide a minimum of 20 days' service made up of any combination of the following.

      i. A day on which the member provides Reserve service.

      ii. A day on which the member is on continuous full-time service performed as a requirement of a call out order under Division 3 of Part III of the Act.

      iii. A day in a pattern of Reserve service that the member was unable to provide because of restriction or limitation imposed by or under a law of a State of Territory, however described.

      iv. A day in a pattern of Reserve service the member would have provided if it had not been cancelled for the purposes of controlling an infectious disease.

   b. They have not received an allowance under paragraph 4.9.16.3.b in the same financial year.

2. To be eligible for the payment, the member must complete and submit the approved form before 30 January after the financial year in which the Reserve service was performed.

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Division 4: Reserve service payment – infectious diseases

4.9.19 Member this Division applies to

This section applies to a member of the Reserves not on continuous full-time service.

4.9.20 Payments for periods of isolation associated with military service

1. Subject to section 4.9.24, a member of the Reserves is eligible for a Reserve service payment if all of the following apply.

   a. Their Commanding Officer reasonably believes the member was exposed to an infectious disease in the course of their service.

   b. They are required to isolate themselves.

   Note 1: Commanding Officers should work with members to establish work from home arrangements if possible.

   Note 2: A member who subsequently becomes ill may be eligible for a payment of salary under section 3.2.13.

2. The rate of the Reserve service payment is equal to the salary the member would receive if they rendered service on each day of the isolation period.

3. A member must not receive more than the equivalent of 10 days' salary for a pay period.

   Note: This may consist of a combination of salary and a Reserve service payment.

4.9.21 Payment following a Defence activity

1. Subject to section 4.9.24, a member is eligible for a Reserve service payment if all of the following apply.

   a. They have completed a Defence activity.

   b. They are required to isolate themself at the end of the Defence activity.

2. The rate of the Reserve service payment is equal to the salary the member would receive if they rendered service on each day of the isolation period.

3. A member must not receive more than the equivalent of 10 days' salary for a pay period.

   Note: This may consist of a combination of salary and a Reserve service payment.

4.9.22 Payment for an inability to work a pattern of Reserve service

1. Subject to section 4.9.24, a member is eligible for a Reserve service payment if their Commanding Officer reasonably believes the member is unable to work their pattern of Reserve service for a reason relating to the control of COVID-19.

   Note 1: Commanding Officers should work with members to establish work from home arrangements if possible.

   Note 2: A member who is subsequently diagnosed with COVID-19 may be eligible for a Reserve service payment under section 4.9.23.

2. The rate of Reserve service payment is equal to the salary they would receive for the pattern of Reserve service.

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4.9.23 Payment for COVID-19

1. Subject to section 4.9.24, a member is eligible for a Reserve service payment if all of the following apply.

    a. They are diagnosed with COVID-19.

    b. The member is not receiving a payment as a consequence of section 3.2.13.

        Note: A member may be eligible for Reserve salary under section 3.2.13 as a result of an injury or illness acquired in the course of Reserve service.

2. The payment is equal to the amount of salary the member would receive for the pattern of Reserve service.

4.9.24 Periods of non-payment

1. A member is not eligible for a Reserve service payment for the same period that any of the following apply.

    a. The member is receiving income by way of salary or wages.

        Note: Salary includes salary payable under DFRT Determination 2017 No. 2, *Salaries.*

    b. The member is on a medical absence.

2. A member is only eligible for one payment under this Division at a time.

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Part 10: Life insurance – additional risk insurance

4.10.1 Purpose

A member may be reimbursed the part of a life insurance policy premium they pay because of the additional risk involved in doing their duties. This includes a member on Reserve service. This additional risk premium is the difference between these two amounts.

a. The premium the member would pay for life insurance if their duties did not involve additional risk.

b. The premium they pay because of the nature of their duties.

4.10.2 Members eligible

A member may be reimbursed their additional risk insurance costs if they do either of the following.

a. They pay more than a normal yearly life insurance policy premium because of the nature of their duties.

b. They pay a higher premium on a life insurance policy they take out on their resident family because of the nature of their duties.

4.10.3 Members not eligible

A member will not be reimbursed their additional risk insurance costs if they pay additional premiums only because of the location they are serving in.

4.10.4 Amount of reimbursement

1. The member is eligible to be reimbursed the cost of an additional risk premium for a life insurance policy.

1A. The maximum amount of the reimbursement is a combined total of $2,868 paid in a financial year.

Note: The member may have more than one life insurance policy, but the combined total must not exceed the maximum amount.

2. The CDF may grant an additional reimbursement, up to the amount of the additional risk premium. The CDF must consider all these criteria.

a. The member's rank and duties.

b. The nature of the policy and the commencement and maturity dates of the policy.

c. The value of the policy.

d. The reason for the additional risk premium.

e. The additional risk premium offered by other insurers.

f. Any other factor relevant to the member’s life insurance.

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4.10.5 Timing of reimbursement

1. A member is eligible for reimbursement once a year.

2. The premium for the additional risk insurance must be paid in full before reimbursement can be made.

Note: The member must provide evidence of the payment. It is the member's responsibility to provide enough detail to allow the benefit to be verified.

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Part 11: Parking

4.11.1 Purpose

This Part sets out the contribution for a parking space, or a parking permit, if one is allocated to a member at a specified location.

4.11.2 Contributions for parking and parking permits

1. This section applies to a member when all of the following conditions are met.

    a. The member is allocated either of the following.

        i. A parking space at or near their primary service location.

        ii. A parking permit instead of a specific parking space.

    b. The member chooses to take the parking space or permit.

    c. The posting location is a location for which the CDF decides that a contribution is payable for a parking space or permit.

2. The member must make a fortnightly contribution of $60.00 for the parking space or parking permit the member is allocated.

3. If a member is absent from the location for a period of 4 weeks or longer, all of the following apply.

    a. The member must submit the approved form.

    b. The member's contribution ceases on the first payday after the commencement of the member's absence.

    c. The contribution resumes on the first payday after the member returns to the location, this will be a full contribution.

4. Subsection 1 may apply to a member because they are performing temporary duty or acting rank in a position. In that case, the following limits apply to the member's contribution.

    a. The contribution only commences on the first payday after the member has been in the temporary or acting position.

    b. The contribution ceases on the first payday after the member ceases to hold the temporary or acting rank position.

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Part 12: Operation COVID-19 ASSIST allowance

4.12.1 Purpose

This Part provides an allowance to members who are force assigned to Operation COVID-19 ASSIST in Australia, recognising the increased risk of exposure to the COVID-19 virus and the disruption to usual working patterns, the uncertainty and duration of the commitment, and additional unique pressures faced while duties are being undertaken by members during the operation.

4.12.2 Member this Part applies to

1. This Part applies to a member, including a member of the Reserves, who meets all of the following.

    a. They are named on the operational staffing document for Operation COVID-19 ASSIST.

    b. They have been issued a Headquarters Joint Operations Command deployment order for Operation COVID-19 ASSIST.

    c. They have an operations log entry for Operation COVID-19 ASSIST in PMKeyS.

2. For the purpose of subsection 1, **member** includes any of the following.

    a. A former member.

    b. A deceased member.

    Note: A benefit payable to a deceased member is paid to their estate.

4.12.3 Operation COVID-19 ASSIST allowance

1. A member is eligible for $25.62 for each day they meet one of the following on, or after, 25 March 2020.

    a. They are on continuous full-time service and meet all of the following.

        i. They are recorded as being within the specified area for Operation COVID-19 ASSIST.

        ii. They are not on a type of leave.

    b. They are a member of the Reserves on Reserve service and all of the following apply.

        i. They are recorded as being within the specified area for Operation COVID-19 ASSIST.

        ii. The Reserve service is being paid under the Operation COVID-19 ASSIST Activity Account Code.

4.12.4 Allowance payable from

An allowance under this Part is payable from the day set by a notifiable instrument made by the Director Drafting and Engagement in the Department of Defence.

Note: The notifiable instrument may specify different days for different classes of members.

Chapter 5: Leave and absences

Part 1: General provisions

5.1.1 Purpose

This Part gives a general outline of leave for ADF members and describes the various kinds of leave available.

5.1.1A Definitions

In this Chapter the following apply.

Senior officer who transitioned means a member who meets all of the following.

a. They hold a rank specified in items 2 or 3 in Schedule 1 of the Act.

b. They have been transferred to a pool position.

c. They are required to undertake activities that support their resignation, retirement or transfer to the Reserves.

Start date means the first day of the member's absence.

Transition period means the period for a senior officer that is between the following two days.

a. The day after the senior officer ceases to hold one of the following appointments or positions.

   i. Chief of the Defence Force.

   ii. Vice Chief of the Defence Force.

   iii. Service Chief.

   iv. Chief of Joint Operations.

b. The day before the senior officer becomes a senior officer who transitioned.

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Part 2: Leave for travel to restricted destinations

5.2.1 Purpose

This Part specifies the restrictions on the granting of leave for members who travel to restricted destinations and the consequences of travelling to a restricted destination while on approved leave.

5.2.2 Member this Part applies to

This Part applies to members who have applied, or have been approved, for any of the following types of leave.

a. Recreation leave.

b. Long service leave.

c. War service leave.

d. Personal leave for compassionate reasons.

e. Leave without pay.

f. Maternity leave.

5.2.3 Definitions

In this Part the following apply.

Transiting through a restricted destination means the member enters a restricted destination and all of the following apply.

a. The member remains in the port or airport.

b. The member does not pass through any customs or immigration process.

5.2.4 Restriction on the grant of leave

A member must not be granted leave to travel to a restricted destination unless either of the following apply.

a. The member has been granted a leave travel waiver for that restricted destination.

b. The member will only transit through the restricted destination.

5.2.5 Cancellation of leave in a restricted destination

If a member is on leave and travels to a restricted destination, the member's leave is cancelled unless one of the following applies.

a. The member has been granted a leave travel waiver for that restricted destination.

b. The member is only transiting through the restricted destination.

c. The member's presence in the restricted destination is beyond their control.

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d. The member was in transit in the restricted destination and required to leave the port or airport for a reason beyond their control.

Note: A member's leave is not restored once the member leaves the restricted destination.

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Part 3: Medical absence from duty

5.3.1 Purpose

This Part provides a member with paid time away from duty when they are unfit for health reasons. For a member on continuous service, this time away from duty is a type of leave.

5.3.2 Member this Part applies to

This Part applies to the following members.

a. A member of the Permanent Forces.

Exception: A member on a flexible service determination during their nonworking period.

b. A member of the Reserves on a period of continuous full-time service.

c. Subject to the conditions in section 3.2.13, a member of the Reserves who is unable to work due to an illness or injury arising out of their Reserve duty may be provided with benefits in accordance with section 5.3.5.

Note: A Reservist not on a period of continuous full-time service can access the arrangements in this Part only if they meet the additional conditions for eligibility in section 3.2.13. In some cases, the Reservist may be eligible for payment under section 3.2.13.

5.3.2A Member this Part does not apply to

This Part does not apply to a member who is on a form of unpaid leave.

5.3.3 How to apply for a medical absence

A member must use the approved form to apply for leave to be absent from duty under this Part unless the supervisor is satisfied the member is unable to apply for leave on the approved form due to their illness or injury.

5.3.4 Medical absence without recommendation from a health professional

1. For the purpose of this section, a supervisor must be at one of these ranks or higher.

   a. Warrant Officer Class 2.

   b. APS 4.

2. A member may apply to take a day of leave to be absent from duty as a medical absence without providing a medical certificate for that day, if they provide a statement that they are unfit to work on that day for health reasons.

3. A supervisor may grant a day of medical absence under this section to the member on a day-to-day basis for a maximum of 3 consecutive days, for a period of illness or injury.

   Note: Each day must be granted separately by the supervisor. An aggregated period of several days of medical absence can only be granted under section 5.3.5.

4. In relation to the decision under subsection 3, the supervisor may take any of the following actions.

a. The supervisor may make the decision without the advice of an authorised health professional.

b. The supervisor may seek advice from an authorised health professional before making the decision.

Note: Personal or health information directly related to the member must not to be provided without the consent of the member.

c. The supervisor may at any time direct the member to seek assessment by a health professional, in relation to the reason for the leave.

Note 1: If medical absence is granted under this section, the direction is to be taken as a condition on the grant of the medical absence.

Note 2: If medical absence is refused under this section, the direction ensures that the member seeks prompt advice from a health professional, who may recommend a medical absence for the purpose of section 5.3.5.

d. The supervisor may decide not to approve the leave.

5. If the member is being treated under a crisis management plan, the supervisor must only approve leave as recommended by a health professional under section 5.3.5.

5.3.5 Medical absence on recommendation from a health professional

1. A supervisor may approve a member's application to be absent from duty for a period of 1 day or more, having regard to all of the following circumstances.

   a. The period of leave that the member has applied for.

   b. Any recommendation of a health professional. This could include recommendations as to the member's care, remaining in a health facility or undertaking follow-up treatment. The supervisor may make the grant of leave conditional on these recommendations being followed.

   c. Any other relevant matter.

2. The supervisor may direct the member to seek further assessment by a Defence health professional, in relation to the reason for the leave. The direction may be given at any time in relation to the grant of medical absence.

3. Up to 3 days of absence can be recommended by a health professional who does not provide services for Defence. If the application relates to an absence of more than 3 days, then the recommendation of a Defence health professional is required to support the application.

Note 1: Regulation 35 of the Work Health and Safety Regulations 2011 requires Defence to identify risks and hazards and to eliminate or minimise any risks to health and safety.

Note 2: A Defence member may provide written consent for health information to be released to specific individuals in their chain of command.

Note 3: If the member's consent is not provided, then information can only be disclosed in accordance with the exemptions to the Privacy Act 1988.

5.3.6 Refusal to grant a medical absence

1. If a health professional has recommended that a member is unfit for duty, the supervisor may only refuse to grant the member a medical absence for the period of unfitness in either of the following circumstances.

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a. There are alternate duties available that a health professional has confirmed that the member is fit to perform.

b. There are no alternate duties that the member is fit to perform and the supervisor has performed a written risk assessment setting out how the risks related to the member's attending for duty can be eliminated or minimised, having regard to all of the following.

i. The risk to the health of the member.

ii. The risk to any other people.

iii. The risk to operational requirements of the mission for which the member is performing duty.

iv. Any relevant requirement to provide medical or dental treatment to the member.

Note: The risk assessment in paragraph 1.b would require operational imperatives to be weighed against any adverse outcomes to the member or other members resulting from the sick or injured member continuing to work, rather than being placed on medical absence.

2. A risk assessment made under paragraph 1.b must document all the following matters.

a. The reasons the recommendation for leave was made.

b. Any risks to health and safety that may foreseeably arise if the leave is not granted as recommended.

c. The work-related activities that may involve an increased risk to health and safety in relation to each of subparagraphs 1.b.i to 1.b.iv.

d. Consultation between the supervisor and the health professional who has recommended the member's leave, or with a Defence medical officer.

3. A copy of a risk assessment made under paragraph 1.b must be provided to the supervisor's Commanding Officer as soon as practicable after it has been made.

5.3.7 Granting a medical absence without an application form

1. A supervisor may grant a period of leave under section 5.3.4 or section 5.3.5 for a member who has not made a formal application, if both the following conditions are met.

a. The supervisor has regard to any statement from the member, a person who is responsible to care for the member while they are unfit for duty, or a health professional.

Note: An absence of more than 3 days should only be approved with the recommendation of a Defence health professional.

b. The supervisor is satisfied that the member is unable to formally apply for leave to be absent under this Part within a reasonable period due to their unfitness for duty.

5.3.9 Payment of salary and allowances on a medical absence

1. Any salary, allowance or benefit for which a member was eligible for immediately before a medical absence may continue to be paid during the medical absence as long as the member continues to meet conditions required for eligibility, other than attending for duty.

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2. To avoid doubt, if the rates of a benefit or contribution that the member is eligible for while on a medical absence change, that change applies in relation to the member.

3. A member may cease to be eligible for an allowance or benefit during a period of medical absence if they cease to meet a condition required for eligibility, other than attending for duty.

4. A member's medical absence is conditional on the member only engaging in paid work outside the ADF (as an employee, under a contract or otherwise) if that external work is part of an ADF-approved convalescence or career transition activity.

5. An absence ceases to be a medical absence if the condition in subsection 4 is not met by the member. No salary or allowances are payable under this Part for the absence and the absence may be an absence without leave.

5.3.10 Interaction between medical absence and other forms of leave

1. A member who could reasonably apply for a medical absence because they are unfit for duty must apply for that type of leave and not another form of leave.

2. A member who is being actively managed on a crisis management plan may access leave under this Part only and must not be required to access their recreation leave or other accrued leave credit while the crisis continues.

3. A member may apply for a medical absence if they become unfit for duty while on a period of recreation leave or long service leave.

Note: Sections 5.4.35 and 5.5.12 provide that a member who has been approved a medical absence while on recreation leave or long service leave will be re-credited their leave if specific criteria are met.

5.3.11 Travel for medical purposes

Travel costs may be provided in the following circumstances, to assist with medical needs.

a. If a member must travel to an appointment relating to a medical or dental condition for which treatment is provided under section 49 of the Defence Regulation, they may be provided with assistance to pay the travel costs. The costs are payable as if the trip was duty travel and any means of travel recommended by a health professional were the most economical means of travel.

b. If a member leaves hospital to recover or waits to return to hospital, they may be provided with travel costs under section 9.2.25 if a Defence health professional considers that the travel is necessary to assist the member's recovery.

c. The CDF may approve other travel costs if satisfied that the senior medical advisor in the member's region recommends the travel as in the best interests of the member's recovery.

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Part 4: Recreation leave

Division 1: General provisions

5.4.3 Purpose

Recreation leave allows a member time to rest for a substantial period each year or to attend to personal matters. A period of leave should help them remain efficient and effective in their duties.

5.4.4 Members this Part applies to

1. This Part applies to a member on continuous full-time service, and includes the CDF.

2. Despite subsection 1, in any period when a person holds one of the following statutory offices, only the rules about leave in Divisions 7 and 8 apply.

    a. The Vice Chief of the Defence Force.

    b. A Service Chief.

5.4.5 Members this Part does not apply to

This Part does not apply to a member who meets any of these criteria.

a. They are undertaking a term of medical residency or a postgraduate internship at a hospital.

b. They are on Reserve service.

c. They are on non-effective service.

5.4.6 Definitions

In this Part the following apply.

Field service means service during which the member is required to undertake duty and live in the field including during any of the following.

a. Peacetime training

b. Periods of warlike service

c. Periods of non-warlike service

d. Field exercises

e. Field operations

f. Activities similar to the above

Flight duties means duties performed aboard a Service aircraft for the purposes of an operation on which the aircraft is engaged that are not parachute duties.

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Non-effective service means a period of more than 24 hours when one of the following applies.

a. The member is on unpaid leave.

b. The member is absent without leave.

c. The member is suspended from duty, on detention, in prison or in custody immediately before a conviction.

d. The member is on detention or in prison after a conviction.

Special service means service performed in either of the following circumstances.

a. For the purpose of Division B.12 in DFRT Determination No. 11 of 2013, *ADF allowances.*

b. For the purpose of Division B.14 in DFRT Determination No. 11 of 2013, *ADF allowances.*

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Division 2: Basic recreation leave

5.4.7 Purpose

This Division sets out basic recreation leave entitlements and conditions.

5.4.8 Basic recreation leave credit

1. A member may accrue up to a maximum credit of 25 days basic recreation leave a year.

2. Leave credit accrues fortnightly and is credited on each payday.

3. Fortnightly leave credits for a member not subject to a flexible service determination are calculated using the following formula.

$$\textbf{\textit{Fortnightly leave credits}} = \frac{\mathbf{25}}{\mathbf{365}} \times (\mathbf{14} - \boldsymbol{A})$$

Where:

A is the number of calendar days in a fortnight of non-effective service.

4. Fortnightly leave credits for a member subject to a flexible service determination are calculated using the following formula.

$$\textbf{\textit{Fortnightly leave credits}} = \left(\mathbf{14} \times \frac{\mathbf{25}}{\mathbf{365}}\right) \times \left(\frac{\boldsymbol{A} - \boldsymbol{B}}{\mathbf{80}}\right)$$

Where:

A is the number of hours in a fortnight in the member's pattern of service.

B is the number of hours in a fortnight of non-effective service.

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Division 3: Additional recreation leave

5.4.9 Purpose

A member may be credited with additional recreation leave to compensate for the effects of service over time, in any of these situations.

a. When serving at sea.

b. In the field.

c. In military flying and flight duties.

d. In special activities.

e. In a remote location.

f. Force assigned to a non-warlike deployment.

5.4.11 How additional leave accrues

1. Sections 5.4.13, 5.4.14, 5.4.15 and 5.4.16 set out how additional recreation leave for sea service, field service, flying duty and special service accrues.

2. Additional recreation leave credit that a member accrues under section 17.7.19 is subject to the general administration and payment rules set out in Division 7 of this Part. It is not subject to the limit set out in subsection 4 of this section.

3. A member may not be credited with a rate of additional recreation leave until they are eligible for the allowance that the leave is conditional upon.

4. If a member would be entitled to accrue credit for more than one type of additional recreation leave for sea service, field service, flight duties or special service on the same day, then they are taken to accrue only the highest of the accrual rates that would apply to them that day.

5. An item in this Division that refers to an allowance determined under section 58H of the *Defence Act 1903* is taken to include any predecessor (however described) to that allowance.

5.4.12 Maximum annual credit for sea service, field service, flight duties and special service

1. This section applies to a member who accrues an additional recreation leave credit under sections 5.4.13, 5.4.14, 5.4.15 and 5.4.16.

2. A member must not accrue more than 10 days additional leave credit in a financial year.

5.4.13 Sea service

1. This section applies to a member who meets the eligibility conditions for a rate of maritime disability allowance under Division B.9 of DFRT Determination No. 11 of 2013, *ADF allowances.*

2. If a member is eligible for a daily rate of maritime disability allowance, the member accrues a credit of 0.1 of a day of additional recreation leave for each day.

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3. If a member is eligible for an annual rate of maritime disability allowance, the member's fortnightly additional leave credit is calculated using the following formula.

$$fortnightly\ additional\ leave\ credit = (10 - NEF) \times \frac{Max}{260}$$

Where:

NEF is the number days of non-effective service that occurs on a weekday in the fortnight.

Max is the maximum annual additional recreation leave credit under section 5.4.12.

Note 1: Section 5.4.12 limits the amount of additional recreation leave credit that can be accrued under this Part.

Note 2: Special rules apply to a member who is eligible for two or more allowances. See subsection 5.4.11.4.

5.4.14 Field service

1. This section applies to a member who meets the eligibility conditions for a rate of field allowance under Division B.13 of DFRT Determination No. 11 of 2013, *ADF allowances.*

2. If the member meets the eligibility conditions for a rate of field allowance, then for each day on which they are eligible they accrue a credit of 0.1 of a day of additional recreation leave.

Note 1: Section 5.4.12 limits the amount of additional recreation leave credit that can be accrued under this section.

Note 2: Special rules apply to a member who is eligible for two or more allowances. See subsection 5.4.11.4.

5.4.15 Flight duties

1. This section applies to a member who meets the eligibility conditions for a rate of flying disability allowance under Division B.7 of DFRT Determination No. 11 of 2013, *ADF allowances.*

2. If a member is eligible for a daily rate of flying disability allowance under table item 1 in section B.7.8 of DFRT Determination No. 11 of 2013, *ADF Allowances*, the member accrues a credit of 0.1 of a day of additional recreation leave for each day.

3. If a member is eligible for an annual rate of flying disability allowance, the member's fortnightly additional recreation leave credit is calculated using the following formula.

$$fortnightly\ additional\ leave\ credit = (10 - NEF) \times \frac{Max}{260}$$

Where:

NEF is the number days of non-effective service that occurs on a weekday in the fortnight.

Max is 10, being the annual maximum for additional recreation leave.

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Note 1: Section 5.4.12 limits the amount of additional recreation leave credit that can be accrued under this Part.

Note 2: Special rules apply to a member who is eligible for two or more allowances. See subsection 5.4.11.4.

5.4.16 Special service

1. This section applies to a member who meets the eligibility conditions for a rate of any of the following allowances.

   a. Special Forces disability allowance under Division B.12 of DFRT Determination No. 11 of 2013, *ADF allowances.*

   b. Clearance diver allowance under Division B.14 of DFRT Determination No. 11 of 2013, *ADF allowances.*

2. If a member is eligible for a daily rate of Special Forces disability allowance or clearance diver allowance, the member accrues a credit of 0.1 of a day of additional recreation leave for each day.

3. If a member is eligible for either a rate of Special Forces disability allowance specified in subsection 4 or the annual rate of clearance diver allowance, the member's fortnightly additional recreation leave is calculated using the following formula.

$$fortnightly\ additional\ leave\ credit = (10 - NEF) \times \frac{Max}{260}$$

Where:

NEF is the number days of non-effective service that occurs on a weekday in the fortnight.

Max is 10, being the annual maximum for additional recreation leave.

Note 1: Section 5.4.12 limits the amount of additional recreation leave credit that can be accrued under this Part.

Note 2: Special rules apply to a member who is eligible for two or more allowances. See subsection 5.4.11.4.

4. For the purpose of subsection 3, an annual rate of Special Forces disability allowance provided in one of the following items in the table in section B.12.7 of DFRT Determination No. 11 of 2013, *ADF Allowances*.

   a. Items 1 to 9.

   b. Item 14.

5.4.17 Service in a remote location

1. This section applies to a member who must perform duty in a remote location – that is, a location in Australia that is harsh or remote. Remote locations are listed in Annex 5.4.A.

Note 1: Additional recreation leave credit for service at overseas hardship location is authorised by Chapter 16 Part 3A.

Note 2: Additional recreation leave credit for members on non-warlike service is authorised by Chapter 17 Part 7 Division 3.

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2. The member is entitled to an additional recreation leave credit if they serve in one or more remote locations for a continuous period of at least 30 days.

3. The fortnightly additional recreation leave credit under this section is calculated using the following formula.

$$fortnightly\ additional\ leave\ credit = \frac{Max}{365} \times (RL - NEF)$$

Where:

Max is the maximum benefit set out in Annex 5.4.A for the remote location.

RL is the number of days in the remote location.

NEF is number of days of non-effective service days in the remote location.

4. A member's entitlement to accrue an additional recreation leave credit for service in a remote location ends when either of these events happens.

   a. The member is absent from the location for a period of more than 30 days.

   b. The member goes on a posting to another location.

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Division 5: Purchased recreation leave

5.4.21 Purpose

Purchased recreation leave allows a member to increase the amount of recreation leave credit available to them. The member must pay the cost of the purchased recreation leave.

5.4.22 Application to purchase recreation leave

1. A member may apply to purchase recreation leave credits.

   Exception: A member cannot apply to purchase leave credits in a period when they are on any of the following kinds of service.

   a. Warlike service.

   b. Non-warlike service.

   c. Foreign service, as defined by section 23AG (7) of the *Income Tax Assessment Act 1936*, which could reasonably be expected be exempt from tax under sub-section 23AG of the *Income Tax Assessment Act 1936.*

      Note: To qualify for the tax exemption, a member must be engaged in foreign service for a continuous period of not less than 91 days.

2. Recreation leave credits are purchased in hourly increments. Eight hours of purchased recreation leave credits is the equivalent of one full day of leave.

3. A member must use the approved form to purchase recreation leave.

4. The maximum amount of recreation leave credits a member may purchase in a financial year is 20 days.

   Note: The maximum amount is not reduced for a member on a flexible service determination.

5. Subject to subsection 4, at the time of purchase, the amount of recreation leave credits that can be purchased by the member is reduced by each day the sum of the following exceeds 40 days.

   a. The member's basic recreation leave credit.

   b. The member's additional recreation leave credit.

   c. The member's extra recreation leave credit.

5.4.23 Approval to purchase recreation leave

1. Before approving purchased recreation leave, the member’s supervisor must consider whether operation requirements are likely to prevent the member being granted the full amount of purchased recreation leave.

2. In this section, **supervisor** means a person in the member’s chain of command, at the following rank or APS classification.

   a. Major or higher.

   b. APS 6 or higher.

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5.4.24 Payment

1. A member who has been approved to purchase recreation leave credits must pay the cost of those leave credits.

2. The member's fortnightly payment is calculated as follows.

$$fortnightly\ payment = \left(\frac{A}{365} \times \frac{B}{8}\right) \div C$$

Where:

A is the member's annual rate of salary.

B is the number of hours of leave the member is purchasing.

C is the number of pay periods over which the member has elected to make the payments.

4. The amount of the payment is not reduced if the member is on a flexible service determination.

Note: If a payment is required by the member during a nonworking period, see Chapter 1 Part 5 section 1.5.4A, Contributions and payments payable by a member not receiving salary.

5.4.25 Credit of purchased recreation leave

1. This section applies to a member whose application is approved under this Division.

2. Purchased recreation leave credits are credited to the member on the same payday the payment for the leave is deducted from the member's pay.

3. The amount of leave the member is credited each fortnight is calculated using the following formula.

$$leave\ credited = \frac{A}{B}$$

Where:

A is the total number of hours of recreation leave credits that were approved to be purchased.

B is the number of pay periods the member elected to pay for the purchased hours over.

4. A member is able to apply to use recreation leave credits as soon as it has been credited.

5.4.26 Cancellation to the amount of purchased recreation leave

1. A purchased recreation leave arrangement will be cancelled from the time a member is on any of the following kinds of service.

a. Warlike service.

b. Non-warlike service.

c. Foreign service, as defined by section 23AG (7) of the *Income Tax Assessment Act 1936*, which could reasonably be expected be exempt from tax under sub-section 23AG of the *Income Tax Assessment Act 1936.*

2. A member may make a fresh application to purchase recreation leave when they are no longer on a type of service under subsection 1.

3. The member may cancel their purchased recreation leave arrangement made under section 5.4.24 if the arrangement was approved by their supervisor on or after 10 August 2017.

Note: A purchased recreation leave arrangement cancelled under this section does not affect recreation leave already purchased.

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Division 6: Additional recreation leave for training ('trainee leave')

5.4.27 Purpose

Additional recreation leave for training is for a member who must take a break from a course and who does not have enough recreation leave credit to cover the absence. The leave is sometimes called trainee leave.

5.4.28 Member eligible for trainee leave

1. This section applies to a member who meets all of these conditions.

    a. They are required by their Service to attend a training course, or a series of courses.

    b. They are not required to attend the course during a course break.

    c. They do not have enough recreation leave to cover the period of the course break.

2. The member is able to take trainee leave for the period of the course break not covered by recreation leave.

3. Recreation leave credits must be used before trainee leave may be granted.

5.4.29 Member on a flexible service determination

A member on a flexible service determination may only be granted trainee leave for a period in the member's pattern of service.

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Division 7: Administration and payment for recreation leave

5.4.30 Purpose

This Division sets out how recreation leave may expire or be re-credited. It also provides other recreation leave administration rules.

5.4.31 How leave may be taken

Recreation leave may be taken in any of the following ways.

a. If the member is not on a flexible service determination, any of the following.

i. A full day of recreation leave at full pay.

ii. A half day of recreation leave at full pay.

iii. A part day of recreation leave if the remaining day is taken as war service leave.

b. If the member is on a flexible service determination, any of the following.

i. The period of duty specified in the member's flexible service determination for the day in the member's pattern of service.

ii. Half the period of duty specified in the member's flexible service determination for the days of the member's pattern of service.

5.4.32 Taking recreation leave

1. A member is eligible to take recreation leave if their supervisor is satisfied of the following.

a. The member has leave credits to cover the period of leave at the end of the pay fortnight in which the member ceases to be on leave.

b. The member's absence from duty will not adversely affect capability.

2. A supervisor must not approve a member to take leave if the member is a senior officer who transitioned and the total amount of recreation leave to be taken in their transition period is more than 2 weeks.

3. In this section, **supervisor** means a person who meets one of the following.

a. They are in the member's chain of command and hold a minimum rank of Warrant Officer Class 2.

b. They are in the member's line management and hold a minimum APS classification of APS 4.

5.4.33A Leave credits

1. A member's leave credits are reduced if any of the following apply.

a. They have taken recreation leave.

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b. They have been directed not to attend for duty for the purpose of reducing the member's excess leave credits.

Note: The direction to take leave is an exercise of command power.

1A. Leave credits for a member not subject to a flexible service determination are reduced for each day on which leave is taken in accordance with the following.

a. If a full day of leave is taken at full pay — by 1 day.

b. If a half day of leave is taken at full pay — by 4 hours.

Note: Section 5.4.31 details how leave may be taken at less than a full day.

1B. Leave credits for a member subject to a flexible service determination are reduced for each day on which leave is taken in accordance with the following.

a. If a full day of leave is taken at full pay — by the number of hours in the member's pattern of service on that day.

b. If a half day of leave is taken at full pay — by half of the number of hours in the member's pattern of service for that day.

Note: Section 5.4.31 details how leave may be taken at less than a full day.

2. A grant of recreation leave reduces a member's combined recreation and war service leave credit balances in the following order.

Item	Leave type
1.	War service leave credits.
2.	Purchased recreation leave credits.
3.	Recreation leave credits, including additional recreation leave, and basic recreation leave.

3. In this section, **excess leave credits** means having more than 50 recreation leave credits.

5.4.34 Expiration of recreation leave credits ('leave lapsing')

1. If a member has a recreation leave credit that exceeds 90 days on the lapsing day, the recreation leave credit that exceeds 90 days expires on the lapsing day.

1A. For the purpose of subsection 1, the lapsing day is the last payday before 30 June each year.

2. The CDF may defer the expiration of the member's leave credit by one additional year at a time. The CDF must be satisfied that leave could not to be granted because the Commanding Officer needed the member to stay on duty to meet Service needs during the previous 3 years.

4. For the purposes of this section, decisions about the CDF's own recreation leave may be made by the Minister.

5. A member who holds a statutory appointment and who applies to have their recreation leave credit deferred and treated as recreation leave under this Part, is not eligible to have the leave credited as special leave under Part 9 Division 4, Special leave for private purposes.

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5.4.35 Re-credit of recreation leave

1. A member is to be re-credited recreation leave for any day all of the following are met.

    a. The member was on a period of recreation leave.

    b. One of the following applies.

        i. They were unfit for duty due to illness or injury.

        ii. They were admitted to hospital.

    c. The member is approved a medical absence.

    d. A medical certificate has been provided.

2. A member on recreation leave may be re-credited any day's leave that was granted which they did not take if any of the following happens.

    a. They are formally recalled to duty from the leave for operational reasons, for not less than 1 day.

    b. The member wishes to return to duty early. Management accepts the return to duty.

        Note: The member's unit must pay the costs of any recall to duty.

    ba. They are required to isolate themself on return to Australia.

    c. They die.

5.4.36 Salary for recreation leave

1. A member on recreation leave is paid salary at the rate that applies for their rank, and their pay grade if it applies.

2. If a member has been directed to act at a higher rank under paragraph 13(1)(b) of the Defence Regulation, the member is paid salary for that rank unless the direction ceases to apply before the member starts their leave.

3. Special arrangements apply under section 4.1.7 to the payment of higher duties allowance during a period of recreation leave.

4. In addition to subsection 1, a senior officer who transitioned is to be paid an amount calculated using the following formula for each day of recreation leave paid.

$$amount\ payable = A - B$$

    Where:

    A is the daily rate of salary that applied to the senior officer immediately before becoming a senior officer who transitioned.

    B is the daily rate of salary that applies to the senior officer during the transition period.

5.4.37 Payment of allowances on recreation leave

1. A member continues to be eligible to receive any of the following allowances if they were eligible to receive the allowance immediately before they started their leave.

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a. An annual DFRT allowance under DFRT Determination No. 11 of 2013, *ADF allowances*.

b. An allowance under this Determination.

2. If a member was eligible for an allowance under subsection 1 for a period before, but not on, their last day of duty before commencing leave, they may be eligible for the allowance if they meet any of these criteria for the period between their previous benefit and the start date.

a. They were on a short absence for travel.

b. They were ill or in hospital.

c. They could not take recreation leave because they had to remain on duty.

d. If the member received notice to show cause that results in their involuntary separation under paragraph 24(1)(a) of the Defence Regulation because of being medically unfit for service in the Defence Force.

4. On any day that an amount of allowance under either DFRT Determination No. 11 of 2013, *ADF Allowances*, or this determination is included in a member's salary, the member is not to be paid that allowance amount under this section.

5.4.38 Member seconded or attached for duty

1. This section applies to a member who is seconded or attached for a period of duty with any of these bodies.

a. The armed forces of a country other than Australia.

b. The United Nations.

Exception: A member who is subject to the rules under Chapter 12 Part 4 Division 2, Member remunerated by the ADF.

c. A treaty organisation.

d. A Commonwealth Government department (other than the Department of Defence).

e. Any other body established or constituted under a law of the Commonwealth or a State or Territory. This does not include an external Territory.

2. The member must accept the recreation leave entitlement authorised by the body they have been seconded or attached to for their period of duty with it. The member is not entitled to recreation leave under this Part for that period, except as provided by subsection 3.

3. If the member is given fewer recreation leave credits by the body than what they would have been eligible for under this Part, they are eligible for additional recreation leave credits equal to the difference between the following.

a. The amount the body gives them.

b. The amount Defence gives them under this Part.

5.4.39 How to apply for leave

A member must use the approved form to apply for leave.

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Division 8: Payment or transfer of recreation leave credit

5.4.40 Purpose

This Division sets out how recreation leave may be paid out or transferred to another Commonwealth entity instead of taken when a member ceases continuous full-time service.

5.4.41 Member this Division applies to

This Division applies to the following.

a. A member who ceases continuous full-time service, including the CDF.

b. A member who has died, but limited to calculate the amount payable under section 1.6.4.

5.4.42 Definitions

In this Division the following apply.

Accrued leave credit means the sum of leave credits accrued from the following types of accruable leave (measured in days).

a. Additional recreation leave.

b. Overseas additional recreation leave.

c. Basic recreation leave.

d. Extra recreation leave as granted under this determination before 1 August 2023.

Note: Extra recreation leave was repealed by Defence Determination, Conditions of service Amendment (Employment offer modernisation) Determination 2022 (No. 2).

e. War service leave.

Annual allowance means a DFRT allowance or an allowance paid under this Determination, other than the following.

a. Rent allowance.

b. Executive vehicle allowance.

c. Higher duties allowance that has been paid to the member on a continuous basis for less than a year.

Commonwealth entity has the same meaning as given in section 10 of the *Public Governance, Performance and Accountability Act 2013*, as in force from time to time.

Daily rate means the annual rate of any of the following divided by 365.

a. Salary.

b. An annual allowance.

Purchased recreation leave credit means a member's purchased recreation leave credit measured in days, including part days.

Note: 1 hour equals 0.125 day.

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5.4.43 Election for payment or transfer of leave credit

1. A member may elect to take their accrued leave credit and purchased recreation leave credit in any of the following forms on ceasing continuous full-time service.

    a. A payment for the full amount of their accrued leave credit and purchased recreation leave credit.

    b. Transfer to their new Commonwealth entity, one of the following amounts.

        i. All their accrued leave credit and purchased recreation leave credit.

        ii. Part of their accrued leave credit and purchased recreation leave credit.

            Note: For remaining credits that are not transferred, their leave credit will be a payment to the member under paragraph 1.a.

2. The election must be submitted in writing at least 30 days before ceasing continuous full-time service.

    Note: If the member has not made an election 30 days before ceasing continuous full-time service, their leave credit will be a payment to the member under paragraph 1.a.

3. Once a member has made an election under subsection 1 it cannot be changed.

    Exceptions: The member's leave is paid to the member under paragraph 1.a in either of the following events.

    a. The member's offer of employment with the new agency is withdrawn.

    b. The Commonwealth entity does not agree to the transfer.

5.4.44 Payment to member for *leave credit*

1. This section applies to a member, other than a senior officer who transitioned, who is to be paid an amount for all or part of their accrued leave credit and purchased recreation leave credit under paragraph 5.4.43.1.a.

2. The member is to be paid the sum of the following.

    a. For each day of accrued leave credit and purchase leave credit, all of the following.

        i. The daily rate of salary.

        ii. The daily rate of an annual allowance the member would be eligible to receive on recreation leave if the recreation leave were taken on their last day of service.

    b. For every 5 days of accrued leave credit, 2 days of salary and annual allowances paid at the daily rate.

3. For the purpose of subparagraph 2.a.i, the rate of salary used to calculate the daily rate of salary is one of the following.

    a. If the member’s last promotion was under section 13(1)(a) of the Defence Regulation— the rate of salary of their rank.

    b. If on the member’s last day of service, the member was under a direction to act at a higher rank under section 13(1)(b) of the Defence Regulation and has held that rank for less than 1 year — the rate of salary for their rank had the direction not applied.

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c. If on the member's last day of service, the member was under a direction under section 13(1)(b) of the Defence Regulation to act at a higher rank and has held that rank for 1 year or more — the rate of salary for the higher rank.

5.4.44A Payment to senior officer who transitioned for leave credit

1. This section applies to a senior officer to whom both of the following apply.

   a. The senior officer has become a senior officer who transitioned.

   b. The senior officer has elected to be paid their accrued leave credit and purchased recreation leave credit under paragraph 5.4.43.1.a.

2. The senior officer is to be paid an amount calculated using the following formula.

$$amount\ payable = A + B - C$$

Where:

A is the sum of accrued leave credits and purchased recreation leave credits (in days) held by the senior officer at the end of their appointment, multiplied by the sum of the daily rate of salary and annual allowances that were payable to the senior officer on the last day of their appointment.

B is the amount of recreation leave credits (in days) accrued during the senior officer's transition period, multiplied by the sum of the daily rate of salary and annual allowances that were payable to the senior officer on their last day in the Permanent Forces.

C is the amount of accrued leave credits (in days) the senior officer used during their transition period, multiplied by the sum of the daily rate of salary and annual allowances that were payable to the senior officer immediately before becoming a senior officer who transitioned.

5.4.45 Transfer of leave credits and payment to new Commonwealth entity

1. This section applies to a member who elects to transfer all or part of their accrued leave credit and purchased recreation leave credit under paragraph 5.4.43.1.b and the new Commonwealth entity has agreed to the transfer.

2. The new Commonwealth entity is to be paid the sum of the following.

   a. For each day of accrued leave credit and purchase leave credit, the daily rate of salary.

   b. For every 5 days of accrued leave credit, 2 days of salary paid at the daily rate.

2A. For the purpose of paragraph 2.a, the rate of salary used to calculate the daily rate of salary is one of the following.

   a. If the member's last promotion was under section 13(1)(a) of the Defence Regulation, — the rate of salary of their rank.

   b. If on the member's last day of service, the member was under a direction to act at a higher rank under section 13(1)(b) of the Defence Regulation and has held that rank for less than 1 year — the rate of salary for their rank had the direction not applied.

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c. If on the member's last day of service, the member was under a direction under section 13(1)(b) of the Defence Regulation to act at a higher rank and has held that rank for 1 year or more — the rate of salary for the higher rank.

3. The member's leave credits are transferred to the new Commonwealth entity.

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Annex 5.4.A: Remote locations within Australia — additional recreation leave

This table lists remote locations and the maximum additional days of recreation leave each year that serving in them entitles a member to.

Remote location	Maximum additional days of leave for each financial year
New South Wales	
Bogan Gate	2
Broken Hill	2
Northern Territory	
Alice Springs (including Jindalee)	3
Darwin	3
Jabiru (including Nourlangie, Jim Jim, Cannon Hill and East Alligator)	5
Katherine	5
Nhulunbuy	5
Tennant Creek	5
Tindal	5
Queensland	
Atherton	2
Ayr	2
Bamaga	5
Bowen	2
Cairns	2
Charters Towers	2
Ingham	2
Innisfail	2
Macrossan	2
Mount Isa	3
Palm Island	5
RAAF Scherger	5
Roma	2
Shoalwater Bay Training Area	2
Thursday Island (including Horn Island)	5
Townsville	2
Tully	2
Weipa	5
South Australia	
Woomera	5
Western Australia	
Broome	5
Carnarvon	5
Dampier	5
Derby	5

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Exmouth	5
Kalgoorlie	2
Karratha	5
Kununurra	5
Newman	5
Port Hedland (including South Hedland)	5
RAAF Curtin	5
RAAF Learmonth	5
Tom Price	5
Australian territories	
Antarctica (including Macquarie Island)	10
Christmas Island	5
Cocos (Keeling) Islands	5

Part 5: Long service leave

Division 1: General provisions

5.5.1 Purpose

Long service leave is intended to give an extended period away from work to a member who has served for 10 years or more.

5.5.4 Member this Part applies to

This Part applies to a member on continuous full-time service.

5.5.5 Definitions

In this Part the following apply.

Long Service Leave Act means the *Long Service Leave (Commonwealth Employees) Act 1976*.

5.5.6 Administrative concepts

2. Long service leave credits are expressed in months and decimal parts of a month.

3. A month is measured from the start date to the day before the same date in the next month. This rule applies no matter how many days there are in that month.

4. When working out parts of a month, a month is taken to have 30 days.

6. Leave may be granted in months and whole days.

8. For the purpose of payment instead of long service leave, a month's salary is one-twelfth of a year's salary. This rule applies no matter how many days there are in that month.

5.5.7 Applying for long service leave

A member must use the approved form to apply for long service leave.

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Division 2: Entitlement to long service leave

5.5.8 Long service leave entitlement

1. A member is entitled to a long service leave credit once the member has completed 10 years of accrued service.

2. Long service leave credits are credited to a member on the completion of the following.

    a. 10 years of accrued service.

    b. Each full year of accrued service thereafter.

3. Annual long service leave credit is calculated on the following basis.

    a. If the member is not on a flexible service determination for any period during a completed year of accrued service, the member earns 0.3 of a month long service leave credit.

    b. If the member is on one or more flexible service determinations during a year of accrued service, the member's long service leave credit for the year is the sum of the long service leave credit for each period.

4. For the purposes of paragraph 3.b, a member's long service leave credit is calculated using the following formula.

$$long\ service\ leave\ credit = \frac{Days}{365} \times \frac{Hrs}{40} \times 0.3$$

Where:

Days is the numbers of days in the period.

Hrs is the number of hours worked each week calculated using the following.

– Eight hours for any full day of duty.

– The number of duty hours under the flexible service determination for any part day.

5.5.9 Eligibility to take leave

1. A member is eligible to take leave using long service leave credits if the CDF approves an application and all of the following apply.

    a. The member applies for leave using the approved form.

    b. The application for leave has been submitted not less than 30 days before the day on which the leave is to start.

    c. The period of leave applied for is not less than the following.

        i. If leave is taken at full pay — 7 days.

        ii. If leave is taken at half pay — 14 days.

        iii. If the CDF is satisfied that there are compassionate reasons — 1 day.

    d. If the member has previously taken leave using long service leave credits, the member has been available for duty for a least 14 days from the last day of the previous period of leave taken using long service leave credits.

e. The period of leave does not include a part day.

2. For the purpose of paragraph 1.d, a member is available for duty if they are not on either of the following.

   a. A type of leave other than short absence leave, a medical absence or examination leave.

   b. The Christmas stand-down.

3. Paragraphs 1.b and 1.d do not apply if the CDF is satisfied it is reasonable in the circumstances.

5.5.10 Taking leave and long service leave credits

1. If a member takes leave using long service leave credits, the member's long service leave credits are reduced in accordance with the following.

   a. If the leave is taken at full pay — by the period of leave.

   b. If the leave is taken at half pay — by half the period of leave.

2. A period of leave includes weekends and public holidays.

5.5.12 Re-credit of long service leave

1. A member is to be re-credited long service leave for any day all of the following are met.

   a. The member was on a period of long service leave.

   b. One of the following applies.

      i. Illness or injury made the member unfit for duty.

      ii. The member was admitted to hospital.

   c. The member has been approved a medical absence.

   d. A medical certificate has been provided.

2. If the member meets the condition in subsection 1 for less than a full day, long service leave is not re-credited.

3. A member on a period of long service leave is to be re-credited for the leave on any day they are recalled to duty for operational reasons.

4. The CDF may extend a member's period of leave by the amount of long service leave re-credited.

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Division 3: Accrual of service for long service leave

5.5.13 Accrued service

In this Part, a member's accrued service is the sum of these periods.

a. Their period of continuous full-time service.

b. Prior Reserve service, measured under section 5.5.14.

c. Any prior service described in sections 5.5.15 or 5.5.16.

Exception: Special arrangements exist where a member had two employers at the same time.

5.5.14 Prior Reserve service

1. Subject to subsection 5.5.15.2, Reserve service counts for long service leave as shown in this table.

Item	If a day of Reserve service	then the member
1.	is for less than 6 hours	does not accrue long service leave for the day.
2.	is for 6 hours or more	accrues long service leave for the full day.

2. Thirty days of Reserve service counts as a month of service.

5.5.15 Prior service

1. A period that could be counted as service under the *Long Service Leave (Commonwealth Employees) Act 1976*, on or after 1 January 1973, is accrued service under this Part.

1A. The following are not recognised as prior service under this Part.

a. Periods of ineffective service with a prior employer.

b. Service with the armed forces of another country.

2. If there is a gap of more than 12 months between any two periods of service, the earlier period cannot be recognised. There are two exceptions to this rule.

a. If the previous period of service or employment was ceased due to illness and, having considered the member’s duties before their illness, the CDF is satisfied that the member has returned to suitable duties in the ADF within 1 year of their recovery.

b. If the break was due to Service-approved full-time vocational training.

3. Service with another employer may only be recognised if it has ended.

4. A member's credit is reduced by either of these events.

a. Long service leave granted during prior service.

b. Any payment instead of long service leave during prior service.

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5.5.16 Overlapping prior service

1. This section applies to a member who has recognised prior service with two different employers at the same time.

2. A member cannot have more than 1 day of service for long service leave purposes recognised for a calendar day.

3. If a member has part-time service with two employers at the same time, the weekly hours are added together to determine service for long service leave. The member is subject to the limit in subsection 2.

5.5.17 Effect of part-time prior service

2. Members with part-time prior service need to have these periods converted to full-time equivalents.

   a. Subsection 3 gives the method for adjusting the period of part-time service to the full-time equivalent.

   b. Subsection 5 gives the method for adjusting the period of part-time leave to the full-time equivalent.

3. Prior part-time service counts as accrued service but the period of service is adjusted to reflect the part-time hours worked. This table shows the method.

Step	Action
1.	Work out the length of the member's part-time prior service, in days.
2.	Work out the member's average weekly hours during that period. If the member had different periods at different weekly rates, these should be calculated separately.
3.	Multiply the two figures together.
4.	Divide this total by 36.75. This figure is the number of days of prior service that may be recognised.
5.	If the member had different periods at different weekly rates, steps 1 to 4 should be worked out separately for each period. The periods are added at the end to give the total part-time prior service.
6.	The total should be included in the member's period of service for when working out their credit.

4. The difference between the following periods is recorded as non-service days.

   a. The calendar days in the period.

   b. The number of days to be recognised as a result of the calculations in subsection 3.

5. Prior part-time leave should be adjusted to its full-time equivalent before being deducted from a member's long service leave credit. This table shows the method.

Step	Action
1.	Work out the periods of long service leave that were paid at part-time rates. **Note:** This includes payment instead of long service leave. It does not include half-pay long service leave if the amount paid was half of the person's full-time hours.

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2.	Work out weekly hours the person was paid for the leave. If the member had different periods of leave at different weekly rates, these should be calculated separately. **Note:** If the person took the leave at half pay, use their weekly part-time hours, not the half part-time hours that they were paid.
3.	Divide their weekly part-time hours (Step 2) by 36.75.
4.	Multiply Step 1 by Step 3.
5.	If any of the periods of leave were at half pay, divide Step 4 by 2.
6.	If the member had different periods of leave at different weekly rates, steps 1 to 5 should be worked out separately for each period of leave. The periods are added at the end to give the total leave taken in respect of part-time service during the prior work.

5.5.18 Periods that are not accrued service

In this Part, these periods are not accrued service.

a. Any period the member is absent without leave for more than a day.

b. A period of unpaid leave of more than 3 months. There are two exceptions to this rule.

i. Leave without pay for illness.

ii. Leave without pay under the *Defence (Parliamentary Candidates) Act 1969.*

c. Any period of more than 1 day that the member is not entitled to salary or allowances under Chapter 1 Part 7.

5.5.19 Member's responsibilities

1. A member should ask for recognition of their prior service as soon as reasonably practical after starting continuous full-time service. This includes prior Reserve service.

2. The member must give the CDF written evidence of their prior service. If not, the periods will not be counted as accrued service.

5.5.20 Working out the total period for a member’s long service leave credit

1. This table shows how to work out the total period that a member's long service leave credit is assessed on.

Step	Action	See
1.	Work out the member's total period of accrued service. This includes the member's current service, prior full days of Reserve service and other prior service.	Sections 5.5.13 to 5.5.17
2.	Work out their total long service leave credit for completed years of service.	Division 2 section 5.5.8
3.	Subtract any leave that they have already taken as leave or been paid for instead of leave.	

2. For a grant of long service leave, the entitlement to the actual credit is set out in section 5.5.8.

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3. For a payment instead of long service leave, the entitlement to the actual credit is set out in the following sections.

   a. Section 5.5.26 for a member who has an established long service leave credit.

   b. Section 5.5.28 for a member who does not have an established long service leave credit, but has at least 1 year's service. They must be leaving the ADF for a reason stated in that section.

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Division 4: Salary and allowances during long service leave

5.5.21 Salary during long service leave

1. A member is eligible to receive the salary payable to them while on long service leave.

2. If a member was under a direction to act a higher rank under section 13(1)(b) of the Defence Regulation before the start date of their long service leave, the member's salary is paid at the rate of the higher rank at which they were directed to act.

5.5.23 DFRT allowances during long service leave

1. A member is eligible to receive a DFRT allowance during long service leave if they were eligible for the allowance on the day immediately before the member commences long service leave.

2. If a member was in one of the following situations for the whole period from when they were last eligible for a DFRT allowance until they commence long service leave the member is eligible to receive the allowance during their long service leave.

    a. The member was ill or in hospital.

    b. The member was prevented from taking long service leave because they were required to remain on duty.

    c. If the member has received notice to show cause that results in their involuntary separation under paragraph 24(1)(a) of the Defence Regulation because of being medically unfit for service in the Defence Force.

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Division 5: Payment for, and transfer of, long service leave credits

5.5.24 Member this Division does not apply to

This Division does not apply to a member who does any of the following without a break in service.

a. They cease service as an enlisted member to become an officer.

b. They cease service as an officer to become an enlisted member.

5.5.25 Eligibility for payment instead of long service leave

1. A member, including a former member, is eligible for payment instead of long service leave if they cease continuous full-time service and one of the following applies.

   a. They are eligible for long service leave credits under section 5.5.8.

   b. They have served at least 1 year of effective service and their service in the Defence Force is terminated under section 24 of the Defence Regulation for one of the following reasons.

      i. They are medically unfit for service.

      ii. They cannot usefully serve because of redundancy.

   c. They have served at least 1 year of effective service and one of the following applies.

      i. If the member has not been permitted to serve beyond their retirement age — they have reached their retirement age.

      ii. If the member has been permitted to serve beyond their retirement age — they have ceased continuous full-time service.

   d. They have served at least 1 year of effective service and receive a special benefit under Chapter 2 Part 3 Division 3.

2. A member who is diagnosed with a terminal-illness before ceasing continuous full-time service is eligible for payment instead of long service leave if the CDF is satisfied that making the payment is reasonable in the circumstances.

3. If a member dies while on continuous full-time service, a member of their recognised family or legal personal representative is eligible to receive a payment instead of long service leave.

5.5.26 Calculation of the payment

1. The member is entitled to a payment instead of their long service leave credit.

2. The member's credit is calculated in accordance with this table.

Step	Action	See
1.	Work out the member's total period of accrued service, in years and months. This includes the member's current service, prior full days of Reserve service and other prior service.	Division 3 sections 5.5.13 to 5.5.17

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2.	Work out their total long service leave credit for the years of service. The credit should be expressed in months and part months.	Division 2 section 5.5.8
3.	Work out their total long service leave credit for the remaining months of service.	Subsection 5.5.26.3
4.	Add the credits from Steps 2 and 3 together.	
5.	Subtract any leave that they have already taken as leave or been paid for instead of leave.	

3. Long service leave credits for completed months of accrued service are calculated in accordance with the following.

   a. For a member who has not been on a flexible service determination since their last long service leave credit anniversary — the following table shows how to work out the credit for completed months of accrued service.

Months of Service	Long service leave as part of a month
1	0.025
2	0.050
3	0.075
4	0.100
5	0.125
6	0.150
7	0.175
8	0.200
9	0.225
10	0.250
11	0.275

   b. For a member who has been on a flexible service determination since their last long service leave credit anniversary — the following calculation is used to work out the credit for completed months of accrued service.

$$long\ service\ leave\ credit = \frac{POS}{260} \times 0.025 \times AS$$

   Where:

   POS is the number of days in the member's pattern of service that they would have expected to complete in the year of accrued service.

   AS Number of completed months of accrued service.

4. Unless subsection 5.5.26.6 applies, salary for a period of long service leave for a member who is to be paid instead of long service leave is the sum of these amounts.

   a. Salary at the applicable rate for their rank, including a higher rank which the member has been directed to act in under section 13(1)(b) of the Defence Regulation, and (if applicable) their pay grade.

   b. The amount of allowance that the member may be paid during long service leave, other than any of the following.

i. Antarctic allowance.

ii. Port Wakefield allowance.

iii. ADF district allowance.

iv. Hardship allowance

v. Rent allowance

5. This table shows how to calculate the final payment instead of long service leave for a member other than a senior officer who transitioned.

Step	Action
1.	Divide the salary for long service leave by 12, to give the monthly rate. **Note:** This rule applies no matter how many days there are in the month.
2.	Multiply by the member's credit. This figure is the amount to be paid.

6. This subsection applies to a member on becoming a senior officer who transitioned. Both the following apply.

a. The senior officer is to be paid an amount for their long service leave credit calculated using the following formula.

$$payment\ for\ long\ service\ leave\ credits = A + B - C$$

Where:

A is the amount of long service leave credits (in months) held by the senior officer at the end of their appointment, multiplied by the monthly rate of salary and allowances payable to the senior officer on the last day of their appointment.

B is the amount equal to each day of long service leave credits (in months) accrued during the senior officer's transition period, multiplied by the monthly rate of salary and allowances payable to the senior officer on their last day in the Permanent Forces.

C is the amount of long service leave (in months) the senior officer took during their transition period, multiplied by the monthly rate of salary and allowances payable to the senior officer before becoming a senior officer who transitioned.

b. For the purpose of this subsection, monthly rate of salary and allowances means the sum of the applicable annual rate of salary and the annual rate of allowances payable to the member on the specified day, other than rent allowance and ADF district allowance, divided by 12.

5.5.27 Member on higher duties, temporary or acting rank

1. This section applies to a member who held temporary or acting rank, or was entitled to higher duties allowance, for either of these periods.

a. The year before the start date.

b. The start date plus 3 of the 5 years immediately before and including the start date. The 3 years may be in a single period, or broken periods.

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2. If a member only held one rank during the period, the rate of salary is the sum of these amounts.

   a. The rate of salary for the higher duties or temporary or acting rank and (if applicable) their pay grade, held immediately before the start date.

   b. The amount of any allowance that the member may be paid during long service leave. These are paid at the same rank as salary under paragraph a.

3. If a member held more than one level of higher duties or temporary or acting rank during the period, the rate of salary is the sum of these amounts.

   a. The rate of salary for the lowest level of higher duties or temporary or acting rank.

   b. The amount of any allowance that the member may be paid during long service leave. These are paid at the same rank as salary under paragraph a.

4. A member's rate of salary for the higher duties, temporary or acting rank may increase after the start date and before the day before the member ceases continuous full-time service. In this case, their salary is taken to increase by the same amount.

5. In this section, start date means the earliest of the following days.

   a. The day the member met the criteria set out in section 2.2.3.

      Note: Chapter 2 Part provides career transition benefits for members when they change service category or cease service with the ADF.

   b. The day the member begins a period of recreation leave or long service leave that ends immediately before the member ceases continuous full-time service.

   c. The day the member ceases continuous full-time service.

5.5.29 Transfer of long service leave credits

1. This section applies to a member to whom all of the following apply.

   a. The member has ceased continuous full-time service.

   b. The member is eligible for payment instead of long service leave.

   c. The member has elected to transfer all or part of their long service leave credits to a new employer that is a Commonwealth entity.

   d. The election made under paragraph c was made not less than 30 days before the date that they ceased continuous full-time service.

   e. The new employer has agreed to the transfer.

2. A member is eligible for the following.

   a. To have an amount of long service leave equal to the long service leave credits the member elected to be transferred to the new employer.

   b. To be paid an amount being equal to the difference between the following.

      i. The member’s long service leave credits held by the member on ceasing continuous full-time service.

      ii. The long service leave credits transferred to the new employer under paragraph a.

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3. A member who does not commence employment with a Commonwealth agency within 12 months of ceasing continuous full-time service is eligible to be paid an amount equal to the long service leave credits the member elected to transfer to the new employer under paragraph 2.a.

Part 6: Maternity leave

5.6.1 Purpose

This Part sets out a member's entitlement to maternity leave. The leave recognises the physical aspects of the later stages of pregnancy, childbirth and recovery after childbirth. It also provides time for initial care of the child.

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Division 1: Overview

5.6.3 Summary

1. Maternity leave is described in full in this Part. This section describes some of its main features.

2. Maternity leave allows for an absence of 52 weeks. It consists of paid and unpaid leave. New members may not have access to the paid leave component.

3. A member who meets the eligibility criteria is entitled to the leave. An application cannot be refused for any reason.

4. Maternity leave includes a period of required absence.

5. A member may take recreation leave or long service leave instead of unpaid maternity leave.

6. Unpaid maternity leave is not the same as leave without pay.

7. Convalescence may happen at the same time as maternity leave.

5.6.4 Definitions

In this Part the following apply.

Birth means the birth of a child that occurs from 20 weeks before the expected date of the birth.

Note: A multiple birth is taken to be a single event under this Part.

Qualifying service means a continuous period of 12 months of any of the following.

a. Continuous full-time service in the ADF.

b. Any other employment recognised for the purpose of the *Maternity Leave (Commonwealth Employees) Act 1973*, subsection 6(4).

Required absence means a period of absence under Division 3.

Termination means an event that results in a pregnancy ending, without the birth of a live child. The event must occur from 20 weeks before the expected date of the birth.

5.6.5 Members this Part applies to

This Part applies to a member whose pregnancy ends by a birth or a termination.

5.6.6 Required absence and maternity leave

1. Two key concepts in this Part are required absence and maternity leave.

2. Required absence is the period that a member is required to be away from duty. It usually covers the later stages of pregnancy and the first few weeks after the birth. It can be reduced if the member has medical approval. Maternity leave is granted to cover the period of required absence.

3. Maternity leave is leave granted to a member who is pregnant or who has recently given birth. It has paid and unpaid components, for eligible members.

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5.6.7 Termination of pregnancy – overview

2. If a member's pregnancy terminates 20 weeks or later before the expected date of the birth, the member is entitled to maternity leave.

3. If the member's pregnancy terminates earlier than 20 weeks before the expected date of birth, the member is not entitled to maternity leave. If she is unfit for duty, normal fitness for duty arrangements apply.

5.6.8 Leave without pay and maternity leave

The unpaid component of maternity leave is a different leave type to leave without pay. The two leave types are both unpaid, but in other respects are quite different. Unpaid maternity leave cannot be refused for any reason. Unpaid maternity leave is administered under this Part.

5.6.9 Parental leave and maternity leave

1. Maternity leave is not available to these members. Parental leave may be available instead.

   a. Fathers of new babies.

   b. Parents of adopted children.

   c. A partner of the person who has given birth.

2. A member who has been granted maternity leave may also be eligible for parental leave under Part 7.

5.6.10 Notice

1. A member must report to an ADF health facility when she believes she is pregnant.

   a. To ensure that the member is employed safely within WHS policies and procedures relevant to her employment environment.

   b. To approve the member's access to benefits and conditions of service.

   c. To provide information to ensure that members are not disadvantaged in relevant career management agency decisions.

2. The member must provide the CDF with evidence of the end of pregnancy within 6 weeks of it happening. Another person may provide the evidence on the member's behalf. This is required regardless of the way the pregnancy ends.

5.6.11 How to apply for maternity leave

1. A member must apply for maternity leave.

2. A member who has not applied for maternity leave but who would be eligible, had they applied, is taken to be on the required absence for maternity leave from the earlier of the following dates.

   a. Six weeks before the expected date of birth notified under subsection 5.6.10.1.

   b. The date of birth, when the birth occurs earlier than 6 weeks before the expected date of birth notified under subsection 5.6.10.1.

Division 2: Maternity leave entitlements

5.6.12 Purpose

1. This Division sets out the maternity leave entitlement available to a member.

2. Maternity leave has features that make it an unusual leave type.

    a. The leave is an entitlement. Approval is an administrative formality. If the member is entitled to take the leave, it must be approved.

    b. If a member was pregnant 20 weeks before the expected date of birth, she is entitled to a maternity leave absence. This is true of members on Permanent or Reserve service. It is also true of members of long and short service.

        i. If members have the required qualifying service, part of the leave is paid.

        ii. Members may substitute recreation or long service leave for unpaid maternity leave.

    c. If the member resumes duty early, she is entitled to go on maternity leave again during the 52-week period.

5.6.13 Leave entitlement

1. The member is entitled to be absent from duty during the following period.

    a. From the first day of the member's maternity leave.

    b. Until the day 52 weeks after the day in paragraph a.

2. The period of absence starts on the first day of the member's required absence.

5.6.14 Paid maternity leave

1. Subject to subsection 2, a member is eligible for the following for the first 14 weeks of maternity leave.

    a. Salary that would be payable under section 5.4.36 if the member were on recreation leave.

    b. Allowances that would be payable under section 5.4.37 if the member were on recreation leave.

2. Subsection 1 does not apply to a member during a period when she has not completed her qualifying service.

3. If a member completes her qualifying service during the first 14 weeks of maternity leave the member is eligible for salary and allowances payable under subsection 1 for the remaining period of her 14 weeks' maternity leave.

    Note: The member's first 14 weeks of maternity leave is not extended.

5.6.15 Maternity leave at half pay

1. If a member is eligible for paid maternity leave under section 5.6.14, the member may be paid at half the rate payable under subsection 5.6.14.1 for a specified period.

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2. Paid maternity leave paid at half the rate payable under subsection 5.6.14.1 has the following effects.

   a. The period of paid maternity leave is increased by the number of weeks of the portion of paid maternity leave paid at half the rate (the additional period).

   b. The member is eligible for payment at half the rate payable under subsection 5.6.14.1 for the additional period under paragraph a.

3. The period that the member receives maternity leave at half pay cannot be more than the period the member takes maternity leave.

5.6.16 Member on Reserve service

A member on Reserve service is not entitled to maternity leave. They are entitled to a 52-week break in their minimum training service obligation, as if they had access to maternity leave.

5.6.17 Second period of maternity leave

1. This section applies to a member who meets both of these conditions.

   a. The member has been granted maternity leave.

   b. During the period of the leave, the member qualifies for a second grant of maternity leave.

2. The member is entitled to a second grant of maternity leave. The leave should be worked out under this Part.

5.6.18 Access to other leave

1. A member may substitute recreation leave or long service leave for unpaid maternity leave.

2. A member who substitutes other leave for unpaid maternity leave may not extend the total period of maternity leave. The limits in section 5.6.13 continue to apply.

   Note 1: A member on maternity leave is still subject to the recreation leave lapsing provisions in section 5.4.34. It may be in a member's interest to substitute recreation leave for unpaid maternity leave, to prevent it from lapsing.

   Note 2: A member may be entitled to a further 14 weeks' parental leave. This is an unpaid leave type. This would take the total period of absence in this example to 66 weeks.

5.6.19 Effect of unpaid maternity leave

1. Any period of paid maternity leave is a period of effective service. This includes maternity leave at half pay.

2. Any period of unpaid maternity leave is not a period of effective service.

   Note: MSBS members may choose to maintain their superannuation contributions.

3. A period of unpaid maternity leave has these features.

   a. It counts as continuous service.

b. It will not break continuity of service if the conditions for a particular entitlement are met.

c. The member is not required to remain fit or deployable.

d. The member continues to receive free medical care. The member is not returned to the payroll for hospitalisation, treatment, illness or medical absence.

e. The member keeps their housing assistance.

5.6.20 Resuming duty

1. A member may apply to resume duty on a date after her required absence is completed. The member must apply in writing.

2. The member does not have to provide a medical certificate with her application.

3. The CDF may give the member permission to resume duty on a date after her required absence is completed.

   Note: The CDF may also allow a member to resume duty during her required absence.

4. The CDF must make a decision on an application under subsection 1 within 7 days of receiving it. The member must be told of the decision in writing.

5.6.21 Resuming leave

1. This section applies to a member who meets all of these conditions.

   a. The member has taken maternity leave.

   b. The member has resumed duty.

   c. The member wishes to take further maternity leave.

2. If the further maternity leave falls in this period, the member is entitled to take the further leave.

   a. **From** the day the member first takes maternity leave.

   b. **Until** the day 52 weeks after the day in paragraph a.

3. If the further leave falls outside the period in subsection 2, the member is not entitled to maternity leave. The member may be eligible for parental leave under Part 7.

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Division 3: Required absence

5.6.23 Required absence

1. This Division prescribes the period a member must be away from duty owing to her pregnancy.

2. The purpose of the required absence is to protect a member in the later stages of her pregnancy when she is unlikely to be able to work comfortably. It also assists her to recover from her pregnancy, and to care for her child.

3. A member who is absent during this period will be granted maternity leave. In most cases the required absence will only be part of a member's period of maternity leave. It is not in addition to the 52 weeks' leave.

   Exception: Member already on leave without pay, see Division 4.

5.6.24 Period of required absence

This table sets out the period a member who is pregnant must be absent.

Item	If the member…	then she must be absent…
1.	has a birth or termination earlier than 6 weeks before the expected date of the birth	for 6 weeks starting on the date of the birth or termination.
2.	is still pregnant 6 weeks before the expected date of the birth	**from** 6 weeks before the expected date of the birth, **until** 6 weeks after the actual date of the birth or termination.
3.	meets all of these conditions a. The member is still pregnant 6 weeks before the expected date of the birth. b. The member is given permission by the CDF to continue to perform duty under section 5.6.26. c. The member **is able** to continue working until the date approved by the CDF.	**from** the end of the day immediately after the day she has permission to work to, **until** 6 weeks after the date of the birth or termination.
4.	meets all of these conditions a. The member is still pregnant 6 weeks before the expected date of the birth. b. The member is given permission by the CDF to continue to perform duty under section 5.6.26. c. The member **is not able** to continue working until the date approved by the CDF, because the birth or termination happens before that date.	for 6 weeks starting on the date of the birth or termination.

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5.	is given permission by the CDF to return to duty early under section 5.6.27.	for the period up to the end of the day she has permission to return to duty.

5.6.25 Fitness for duty and the required absence

1. A member cannot be made to go on maternity leave earlier than 6 weeks before the expected date of birth.

2. A medical officer or doctor may declare a member unfit for duty for reasons related to her pregnancy. In this case, the normal ADF fitness for duty arrangements must apply. They apply until the member is declared fit for duty or her required absence starts.

3. The member may be considered fit for other duties.

4. One of the purposes of maternity leave is to recognise that a member may not be fit for duty because of her pregnancy. If a member is placed on convalescence at the same time as this Part provides for maternity leave, they should happen at the same time.

5.6.26 Continuing to perform duty during the required absence

1. A member may apply to perform duty during the period that would otherwise be her required absence.

    a. The member must provide a doctor's certificate that states that she will continue to be fit for duty until a nominated date.

    b. The certificate must be provided at either of these times.

        i. At least 6 weeks before the expected date of birth.

        ii. If she has previously been given permission under this section – on or before the day she already has permission to work to.

2. The CDF may permit a member to continue to perform duty during what would have been her required absence. The permission must be in writing and state the day the permission ends.

3. If the CDF considers it necessary, the CDF may require a supporting certificate by an ADF medical officer. It should state that the member will continue to be fit for duty until a nominated date.

4. A doctor may certify a member unfit for duty for reasons related to her pregnancy. The member may later produce a medical certificate stating that she is fit for duty until a nominated date. In this case, the CDF may consider that certificate under subsection 1.

5. If the CDF has approved a member to continue to perform duty under subsection 2, the member may be granted other leave not related to her pregnancy during that period.

5.6.27 Resuming duty during the required absence

1. A member may apply to resume duty during the period that would otherwise be her required absence. The member must provide a doctor's certificate. It should state that she will be fit to resume duty on a nominated date.

2. The CDF may permit a member to resume duty during what would have been her required absence. The permission should be in writing and state the day the member may resume duty.

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3. If the CDF considers it necessary, the CDF may require a supporting certificate by an ADF medical officer. It should state that the member will continue to be fit to resume duty on a nominated date.

4. After the required absence has begun, the member may want to return to duty on a day different from the one already approved. In this case, she must apply to the CDF, for a new decision under subsection 2. The application must be in writing.

5. The CDF must make a decision under subsection 2 on an application under subsection 1 within 7 days of receiving it. The member must be told of the decision in writing.

Note: The CDF may also allow a member to resume duty on a date after her required absence is completed.

Division 4: Member already on leave without pay

5.6.28 Member already on leave without pay

This Division applies to a member who meets both these conditions.

a. She has been granted leave without pay of more than 6 weeks.

b. She becomes pregnant.

5.6.29 Cancelling the leave without pay

1. If a member has not started the leave without pay, she may cancel her application. The member is then entitled to maternity leave under Division 2.

2. If the member has started the leave without pay, cancelling the application will be of no effect. This Division will continue to apply to her.

5.6.30 Required absence

1. A member on leave without pay must be absent from duty for the period described in Division 3.

2. Part or all of the required absence may fall in the same period as the leave without pay. The member is not entitled to maternity leave for this period.

3. Part of the required absence may fall after the leave without pay has finished. These conditions apply to the member.

   a. The member is entitled to paid maternity leave for this period.

      i. **From** the day after the end of her leave without pay.

      ii. **To** the day no later than 14 weeks after her required absence begins.

   b. The member must have completed the period of qualifying service.

4. The member may apply to resume duty during the period of required absence.

5.6.31 Maternity leave

1. A member this Division applies to is entitled to maternity leave for this period.

   a. **From** the day after the end of her leave without pay.

   b. **To** the day 52 weeks after her required absence begins.

2. These conditions apply to payment of salary and allowances during maternity leave.

   a. If the member meets the conditions for paid leave in section 5.6.14, that part of the leave is paid.

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b. All other maternity leave is unpaid.

Note: A member on unpaid leave combined with maternity leave may choose to keep contributing to the Military Superannuation and Benefits scheme. She can choose to contribute for up to 9 months, but must do so before the expiration of the period of leave without pay. The full employer benefit for the scheme will be met. The period of unpaid leave counts as eligible service for payment of the retention benefit only if the member makes their election to contribute (and contributed) to the Military Superannuation and Benefits scheme before their period of unpaid leave ends.

c. Arrangements for the substitution of other leave, and half-pay maternity leave in Division 2 may apply to the member.

5.6.32 Discretion to vary

1. The CDF may decide that this Division should not apply to a member, or should apply in part.

2. The CDF must consider both these criteria.

   a. Why the leave without pay was granted.

   b. If it was granted in the interests of the ADF.

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Part 7: Parental leave

Division 1: General provisions

5.7.1 Purpose

Parental leave is provided to a member to care for and engage with their child after it has joined their family on a permanent basis.

5.7.3 Member this Part does not apply to

This Part does not apply to a member who is on a period of maternity leave.

5.7.4 Definitions

In this Part, the following apply.

Dual serving parent means a member to whom all of the following apply.

a. They have a child.

b. The child's other parent is also a member.

Parental leave means all of the following.

a. Paid parental leave.

b. Special paid parental leave.

c. Unpaid parental leave.

Note 1: A member cannot be on more than one type of parental leave at a time.

Note 2: Parental leave is not a type of leave that can be accrued.

Qualifying service means a period of 12 months continuous full-time service.

5.7.4A How to apply for parental leave

A member must apply for parental leave using the approved form.

5.7.4B Limit on the amount of parental leave

1. Subject to subsection 2, the maximum amount of parental leave a member can take is 66 weeks.

2. The maximum amount of parental leave a member can take is reduced by the following.

   a. Parental leave taken by the member's partner under this Part.

   b. Maternity leave taken by the member or their partner under Part 6.

   c. Maternity leave taken by the member's partner under the *Maternity Leave (Commonwealth Employees) Act 1973*.

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3. If the member becomes a parent of more than one child as a consequence of any of the following, the member is only eligible for one benefit in respect of those the children.

   a. A multiple birth.

   b. The adoption of more than one child at the same time.

   c. More than one child being placed in the member's or their partner's care under the same permanent care order issued by a court or statutory authority.

5.7.4C Dual serving parents

1. In relation to a child, dual serving parents are not eligible for more than a combined total of 18 weeks of the following types of leave.

   a. Paid maternity leave.

   b. Paid parental leave.

   c. Special paid parental leave.

2. The combined total under subsection 1 is increased by 1 day for each day any of the following applies.

   a. Subsection 5.7.6C.2 applies.

   b. The leave is taken at half pay.

5.7.4D Members subject to a flexible service determination

If a member is the subject of a flexible service determination, the following apply.

a. Leave is only taken on days in the member's pattern of service.

b. A nonworking period does not break a period of leave.

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Division 2: Paid parental leave

5.7.4E Member this Division applies to

This Division applies to a member in the first 66 weeks after one of the following.

a. The birth of a child of the member.

b. One of the following.

i. The adoption of a child by the member.

ii. The child joining the member's household in anticipation of being adopted by the member.

c. One of the following.

i. The child being placed in the member's or their partner's care under a permanent care order issued by a court or statutory authority.

ii. The child joining the member's household in anticipation of being placed in the member's or their partner's care under a permanent care order issued by a court or statutory authority.

5.7.5 Paid parental leave

1. A member is eligible for up to 20 days of paid parental leave if they are not eligible for paid maternity leave.

Note: The child does not have to be recognised as resident family of the member.

2. The following conditions apply to a grant of paid parental leave.

a. Paid parental leave may be taken at full pay or half pay.

b. The minimum period of paid parental leave that may be taken at a time is 1 day.

c. Paid parental leave under subsection 1 is reduced by the following for each day the member would otherwise be required for duty.

i. For each day taken at full pay — 1 day.

ii. For each day taken at half pay — 0.5 day.

3. Paid parental leave counts as effective service.

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Division 3: Special paid parental leave

5.7.6 Purpose of special paid parental leave

Special paid parental leave is to provide members with a type of leave in the early days of becoming a parent of a child in circumstances when the other parent is not available to be the primary caregiver of the child during that leave period.

5.7.6A Members this Division applies to

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

    a. The member meets all of the following.

        i. They are not eligible for paid maternity leave.

        ii. They will be the primary caregiver of the child for the duration of the special paid parental leave.

        iii. They have completed their qualifying service.

    b. The child in relation to whom special paid parental leave will be taken meets all of the following.

        i. They are a member's resident family.

        ii. They have lived with the member for less than 66 weeks.

5.7.6B Members this Division does not apply to

This Division does not apply to a member if the child's other parent is on any of the following types of leave.

a. Paid parental leave.

b. Unpaid parental leave.

c. A type of leave of provided to the member's partner by their employer, however described, for similar purposes.

5.7.6C Special paid parental leave – dual serving parent

1. Subject to subsection 2 and section 5.7.6E, a member who is a dual serving parent is eligible for up to 10 weeks of special paid parental leave.

2. Subsection 1 does not apply if the other parent of the child for whom special paid parental leave will be taken is on maternity leave unless the CDF is satisfied that the child's other parent is not capable of providing care for the child for any of the following reasons.

    a. Disability or impairment which impacts their ability to provide care for the child.

    b. Hospitalisation, serious illness or very serious illness.

    c. The child has been removed by court order from the birth parent's care.

    d. They are deceased.

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5.7.6D Special paid parental leave – other circumstances

1. Subject to subsection 5.7.6E, a member who is not a dual serving parent is eligible for special paid parental leave if the CDF is satisfied that the other parent, if any, of the child for whom special paid parental leave will be taken is not capable of providing care for the child for any of the following reasons.

    a. Disability or impairment which impacts their ability to provide care for the child.

    b. Hospitalisation, serious illness or very serious illness.

    c. The child has been removed by court order from the birth parent's care.

    d. They are deceased.

2. For the purpose of subsection 1, the amount of special paid parental leave for the member is an amount set by CDF that is not more than 10 weeks, having regard to the following.

    a. The age of the child.

    b. Any special needs of the child.

    c. The amount of time the child has been living with the member.

    d. Any other compelling reasons.

5.7.6E How special paid parental leave must be taken

1. All the following apply to special paid parental leave.

    a. The leave must be taken within 14 weeks of one of the following.

        i. The birth of a child of the member.

        ii. The adoption of the child by the member or the day the child will enter the member's home in anticipation of being adopted by the member.

        iii. The child being placed in the member's or their partner's care under a permanent care order issued by a court or statutory authority or the day the child will enter the member's home in anticipation of being placed in the member's or their partner's care under a permanent care order issued by a court or statutory authority.

    b. The leave must be taken in a single continuous period.

    c. The leave may be taken in any combination of full pay or half pay that is not more than the equivalent amount of full-time leave.

2. The time limit under paragraph 1.a is increased by 1 day for each day of special paid parental leave taken at half pay.

5.7.6F Special paid parental leave and effective service

Special paid parental leave counts as effective service.

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Division 4: Unpaid parental leave

5.7.6G Member this Division applies to

This Division applies to a member in the first 66 weeks after one of the following.

a. The birth of a child of the member.

b. The adoption of a child by the member.

c. The child being placed in the member's or their partner's care under a permanent care order issued by a court or statutory authority.

5.7.7 Unpaid parental leave

1. A member is eligible for unpaid parental leave.

Note 1: A member is not eligible to receive salary under DFRT Determination 2017 No. 2 for periods of unpaid leave.

Note 2: The child does not have to be a member's resident family.

2. Unpaid parental leave does not count as effective service.

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Part 8: War service leave

5.8.1 Purpose

War service leave is an additional leave benefit to provide relief from an operational area for a member who is on warlike service. It also allows them to adjust to living back in Australia and to recover from the demands of that service.

5.8.3 Members this Part applies to

This Part applies to a member who performs warlike service in an operational area.

5.8.4 War service leave credit

1. A member may accrue war service leave credit for any day they perform warlike service in an operational area.

2. Credit accrues at the rate of 18 days a year, on a pro rata basis. It is processed at the end of each fortnightly pay period, calculated using the method in subsection 3.

3. The amount of war service leave credit for a fortnightly pay period is calculated using the following formula and rounded to the nearest 2 decimal places.

$$leave\ credit = \frac{A + B}{365} \times 18$$

Where:

A is the number of days the member spent in an operational area while on warlike service during a fortnightly pay period.

B is any of the following part days which count as a full day.

a. Any part day at the beginning or the end of the period.

b. Any part day when the member is absent from the operational area.

5.8.5 Granting leave

1. The CDF may grant war service leave to a member for a period up to the period of the member's war service leave credit.

2. The member may only be granted a part day of war service leave in combination with a part day of recreation leave.

5.8.6 War service leave and other leave

1. If a member takes leave after warlike service, they must take war service leave before recreation leave.

2. The member does not accrue any of the following leave types while on warlike service in an operational area.

a. Additional recreation leave in a remote location under section 5.4.17.

b. Additional recreation leave in a hardship location under Chapter 16 Part 3A.

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c. Additional recreation leave for non-warlike service under Chapter 17 Part 7 Division 3.

3. If eligible, the member may continue to accrue additional recreation leave under Part 4 Division 3 for sea, field or flying service.

5.8.7 Debiting leave credit

1. At the end of a period of war service leave, a member's war service leave credit must be reduced by the number of days of leave granted. Weekends, public holidays and nonworking periods are not counted.

2. If the member takes payment instead of leave under section 5.8.9, their war service leave credit reduces by the number of days they took pay for instead of leave.

3. If a member has a part-day of war service leave credit, it can be combined with a part day of recreation leave credit in order to provide the member with a whole day of leave credit to take.

5.8.9 Payment instead of leave — during ADF service

1. The CDF may approve payment instead of war service leave to a member who meets both the following conditions.

   a. The member is not permitted to take the leave for Service reasons.

   b. The member applies for payment instead of leave.

2. If payment instead of war service leave is approved under subsection 1, for each period in an item in column A of the following table the member is eligible for the amount in column B of the same item.

Item	Column A Period	Column B Amount to be paid
1.	For every 5 days of war service leave credit.	Seven days of salary and allowances payable under sections 5.4.36 and 5.4.37.
2.	For every remaining whole day of war service leave credit.	One day of salary and allowances payable under sections 5.4.36 and 5.4.37.

5.8.10 Payment instead of leave — leaving continuous full-time service

1. A member must be paid an amount instead of their war service leave credit in the following situations.

   a. The member leaves the Permanent Forces.

   b. The member is a Reserve member and ends a period of ***continuous full-time service***.

2. Payment instead of war service leave is worked out in accordance with the following table.

Item	For	the member is paid
1.	every 5 days of war service leave credit	for 7 days of salary.

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2.	every remaining whole day of war service leave credit	for 1 day of salary.
3.	remaining part day of war service leave credit	salary for the part of the day.

5.8.11 How to apply for war service leave

A member must use the approved form to apply for war service leave.

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Part 9: Other leave with pay

Division 1: General provisions

5.9.3 Purpose

A range of leave types are available to a member for specific events that happen during a financial year.

5.9.4 Member this Part does not apply to

This Part does not apply to a member on Reserve service.

5.9.5 Leave not to accrue under this Part

Leave under this Part does not accrue. Leave or other absence that is not taken at the time of the specific event does not attract a credit for later use.

5.9.6 Member on a flexible service determination

For a member on a flexible service determination, leave under this Part can only be taken during the member's pattern of service.

5.9.7 How to apply for leave

A member must apply for leave using the approved form.

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Division 2: Personal leave

5.9.8 Purpose

Personal leave is available to members who needs to attend to any of the following.

a. Personal matters of a compassionate nature.

b. Urgent personal matters if no other form of paid leave is appropriate.

5.9.9 Eligibility for personal leave

1. A member is eligible for personal leave if the CDF is satisfied of all of the following.

   a. The personal leave is for one of the following.

      i. A compassionate reason.

      ii. To attend to an urgent personal matter.

      iii. There are exceptional circumstances that are in the interest of the ADF that warrant the granting of leave.

   b. Granting the member personal leave is reasonable in the circumstances.

2. In this section, **compassionate reason** means any of the following.

   a. One of the following applies to a close relative.

      i. They are seriously ill.

      ii. They are very seriously ill.

      iii. They have died.

   b. The member's or their partner's pregnancy ends other than by birth.

   c. The member or a person in their household has been subject to family and domestic violence.

5.9.10 Limitations on personal leave

1. A member cannot be granted personal leave if any of the following apply.

   a. They have previously had personal leave for the same factual circumstances unless the CDF is satisfied it is reasonable to grant a second period of leave.

   b. The period of leave is for less than one of the following periods.

      i. If the member is not subject to a flexible service determination — half a day.

      ii. If the member is subject to a flexible service determination — half the member's pattern of service on the day.

   c. The leave is in relation to family and domestic violence and the CDF is satisfied that the member is the perpetrator of the violence.

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d. The leave is in relation to the ending of a pregnancy and any of the following apply.

i. The member has had a medical absence in relation to the ending of the pregnancy

ii. The member is eligible for maternity leave in relation to the pregnancy.

e. The leave is for attending to an urgent personal matter and all of the following apply.

i. The use of recreation leave for the absence from duty would be more appropriate.

ii. The member has sufficient recreation leave to cover the absence from duty.

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Division 3: Carer's leave

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.

5.9.12 Carer's leave

1. A member may be granted carer's leave by a supervisor in their direct chain of command. The supervisor must be at one of these ranks or higher.

    a. Warrant Officer Class 2.

    b. APS 4.

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.

3. These conditions apply to a grant of carer's leave.

    a. A member may be granted up to 10 working days of carer's leave in a financial year.

    b. Only days that would otherwise be duty count towards the 10 days.

    c. Leave may be taken in broken periods.

    d. Documentary evidence must be provided to support any application for a period of carer's leave that is longer than 3 consecutive working days, for the circumstance under paragraph 2.a.

    e. The member's supervisor may request supporting documents for a period of carer's leave of less than the 3 days to confirm that the use of the carer's leave is consistent with the circumstances for which it was granted.

    f. Carer's leave for an unexpected emergency under paragraph 2.b, may only be granted for a maximum of 2 days for each occurrence.

5.9.12A Additional carer’s leave

A member is eligible for additional carer’s leave if all for the following apply.

a. They have used all of their carer’s leave benefit under section 5.9.12.

b. They are required to care for and support their close relative who is sick or injured, or affected by an unexpected emergency.

c. The CDF is satisfied that the additional carer’s leave is reasonable having regard to the following.

    i. Other forms of paid leave available to the member.

    ii. Alternative carer arrangements.

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5.9.12B Additional carer's leave – dual serving couples

1. This section applies to a member who is a part of a dual serving couple.

   Note: This section does not prevent a member in a dual serving couple from being eligible for additional carer's leave under section 5.9.12A.

2. A member (the first member) is eligible for additional carer's leave if all for the following apply.

   a. They have used all of their carer's leave benefit under section 5.9.12.

   b. They are required to care for and support their close relatives who is sick or injured, or affected by an unexpected emergency.

   c. Their partner (the second member) has a benefit to carer's leave under section 5.9.12.

   d. The CDF is satisfied that the second member cannot return to the first member's location to provide the required care.

3. The number of days of additional carer's leave available to the first member is 10 days.

Division 4: Special leave for private purposes

5.9.13 Member this Division applies to

This Division applies to these members.

a. The CDF.

b. The Vice Chief of the Defence Force.

c. A Service Chief.

5.9.14 Special leave for private purposes

1. If a member's recreation leave credit expires under section 5.4.34, an approving authority may grant them a period of special leave for private purposes equal to the period of recreation leave credit that expires.

2. The maximum period of leave that may be granted to the member is 30 days in any financial year. This is unless an approving authority decides otherwise.

3. This table sets out who has the authority to approve special leave for private purposes.

Item	If the member is the	then the approving authority is the
1.	CDF	Minister.
2.	Vice Chief of the Defence Force or a Service Chief	CDF.

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Part 10: Leave without pay

5.10.3 Purpose

Leave without pay allows a member to take leave when no other leave type is suitable.

5.10.4 Grant of leave without pay

1. The CDF may grant a member a period of leave without pay on the member's application.

   Note: For a member on Reserve service, this means permission to interrupt their training obligations.

2. A period of leave without pay must not be longer than 2 years, unless section 5.10.5 applies.

3. For subsection 1, the CDF must consider all of these criteria.

   a. The purpose and length of the period of leave.

   b. The operational efficiency of the ADF.

   c. The member’s length of service.

   d. The extent and appropriateness of any other leave available to the member.

   e. The nature of any training or study that the member intends to undertake during the period.

   f. The likelihood of the member resuming continuous full-time service at the end of the period.

   g. The personal circumstances of the member or their resident family, recognised family or recognised other persons.

   h. Any approved employment to be undertaken by the member.

   i. Any other factor relevant to the application for leave.

4. Leave without pay must not be used for unpaid maternity leave.

5.10.5 Leave without pay to accompany partner on posting

1. This section applies to a member who meets all these conditions.

   a. They have a partner.

   b. The member's partner is also a member.

   c. The member is granted a period of leave without pay to accompany their partner to a new housing benefit location.

2. The member's period of leave ends on the earlier of these two days.

   a. The day a suitable posting becomes available for the member at that location.

   b. The day their partner's posting ends.

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5.10.5A Leave without pay to attend a court or tribunal proceeding

1. This section applies to a member who is appearing in civilian court or tribunal proceedings for a person other than the Commonwealth.

   Note: A member appearing for the Commonwealth is on duty and is not required to take leave.

2. A member is eligible for leave without pay to attend a court or tribunal proceeding if all of the following apply.

   a. The member has not been approved a short absence under section 5.11.30 to attend the court or tribunal proceedings.

   b. The CDF is satisfied that it is reasonable in the circumstances.

5.10.6 Allowances during leave without pay

1. A member granted leave without pay under this Division is not eligible for an allowance during the period of leave. This is unless subsection 2 applies.

2. The CDF may approve payment of an allowance during all or part of a period of leave without pay.

3. For subsection 2, the CDF must consider all of these criteria.

   a. Whether it would severely disadvantage a member, their resident family or recognised other persons if the member ceased to be eligible for an allowance during a period.

   b. The member's eligibility for the allowance immediately before the period of leave and whether the allowance would have continued if they were not on leave.

   c. The personal circumstances of the member, their resident family, or their recognised other persons.

   d. The nature and status of any claim by the member against the Commonwealth for compensation or veterans' entitlement.

   e. Any other factor relevant to the member's eligibility for the allowance.

4. In this section, allowance includes reimbursement for costs paid.

5.10.7 Effects on other conditions of service – summary

1. A period of leave without pay does not count as qualifying service for any of the following.

   a. Salary increments under Chapter 3 Part 2 Division 3.

   b. Recreation leave under section 5.4.8 if the leave without pay is for longer than 24 hours.

   c. Long service leave under section 5.5.18 if the leave without pay is not for illness and is for more than 3 months.

2. This subsection applies to either of these periods of leave without pay.

   a. A period longer than 21 consecutive days.

   b. A period totalling more than 21 days, if the member takes leave without pay immediately before or after another period that salary is not payable for.

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3. The periods in paragraphs 2.a and 2.b do not count as qualifying service for any of the following.

    a. Defence Force Retirement and Death Benefit (DFRDB) purposes. There is still cover for invalidity benefits during the period.

    c. A Defence Service Home Loan, for a member who must serve an initial qualifying period to get a loan.

    d. A benefit under the *Veterans' Entitlements Act 1986*. After qualifying for benefits under the Act, a member has no cover under the Act for an injury or illness that happens during leave without pay.

4. Leave without pay may affect maternity leave entitlements.

5. Continuity of service for a particular benefit will not be broken by leave without pay if the conditions for the benefit are met.

6. A member continues to be entitled to medical and dental treatment while they are on leave without pay. They are not entitled to salary while they are in hospital, undergoing medical treatment, or on convalescence or absence for illness.

7. A member is not covered by compensation legislation for injuries they suffer during a period of leave without pay.

8. A member's furniture and effects are not to be stored for the period of leave without pay.

9. A member on leave without pay has no eligibility for compassionate or carer's leave. This is because they are already on leave.

10. Leave without pay may affect qualifying service for the Military Superannuation and Benefits Scheme (MSBS) retention benefit.

11. A member on leave without pay is not required to stay fit or deployable.

5.10.8 Payment of charges

1. A member must continue to pay for services or facilities they continue to receive while they are on leave without pay.

2. A member who has been granted leave without pay must notify the Defence Housing Australia in writing. This allows the member to arrange housing contribution payments during the leave.

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Part 11: Short absence

Division 1: Short absence for rest and recovery

5.11.3 Purpose

Short absence for rest and recovery provides a member with the opportunity to rest and recover from long or arduous periods of duty.

Note: A member of the Reserves on reserve days may be eligible for salary to rest and recover from long or arduous periods of duty if they meet the requirements of section 3.2.14.

5.11.5 Approval of absence

1. A member is eligible for up to 5 consecutive days' short absence if the CDF is satisfied that the member needs to rest and recover from a period of long or arduous period of duty.

3. If a member is on a flexible service determination, leave under this Part can only be granted a short absence from duty for a period during the member's pattern of service.

5.11.7 Short absence relating to Service event or activity

1. A short absence under this Division granted in relation to a Service event or activity must be taken as soon as Service requirements allow after the event or activity has ended.

2. Only one period of short absence can be granted for an activity or event.

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Division 2: Short absence for removal purposes

5.11.8 Purpose

Short absence for removal purposes allows a member time to carry out a variety of removal tasks.

5.11.9 Approval of absence

1. A member may apply for short absence for removal purposes.

2. A person who meets both the following requirements may decide to grant a member a short absence for removal, up to the limits set out in section 5.11.10.

    a. The person is the member's supervisor in the member's direct chain of command or supervision.

    b. They are not below the following rank or APS classification.

        i. Warrant Officer Class 2.

        ii. APS 4.

5.11.10 Conditions on grant of absence

1. The decision-maker must consider whether it is reasonable to grant the absence under section 5.11.9, having regard to operational needs.

2. The following table sets out how much short absence can be granted to a member for each removal.

Item	If the member's removal is…	then they may be granted short absence of…
1.	between locations	2 consecutive days at each location.
2.	within the same location	3 days in total.

3. The member may be granted one additional day consecutive to another day of short absence, if the decision-maker considers it reasonable.

4. The member may take the absence on dates agreed with the decision-maker under section 5.11.9.

Division 2A: Short absence – not required for duty

5.11.10A Purpose

A short absence when not required for duty provides members with a type of short absence from duty outside of normal working hours.

5.11.10B Short absences – not required for duty

A member is on a short absence for a period outside of their normal working hours if all of the following apply.

a. They are not required for duty.

b. They are not under a restriction imposed by a Service tribunal that requires them to be on duty outside of normal working hours.

c. They are not on another type of short absence under this Part.

Note: Normal working hours are normally identified in the member's unit's standing orders or shift roster.

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Division 3: Short absence – Infectious diseases

5.11.11 Purpose

The purpose of this Division is to enable a member to take a short absence from duty if they are required to isolate themself for purposes relating to the control of an infectious disease.

5.11.13 Member this Division applies to

This Division applies to a member required to do either of the following.

a. Isolate themself in response to an infectious disease.

b. Supervise a child who is recognised as resident family, recognised family or as a recognised other person and is required to isolate themself.

5.11.13A Member this Division does not apply to

This Division does not apply to a member who is required to isolate as a consequence of a private activity or private travel undertaken other than in connection with the following.

a. Leave associated with reunion travel under Chapter 9 Part 3 Division 4.

b. Leave associated with compassionate travel under Chapter 9 Part 3 Division 8.

5.11.14 Short absence from duty – isolation

1. Subject to subsection 2, a member is eligible for a short absence from duty for their isolation period.

2. If a member is required to perform duty at the place they are completing an isolation period, the member is not eligible for a short absence from duty for that period.

5.11.15 Short absence from duty – supervision

1. Subject to subsection 2, a member is eligible for a short absence from duty if they are required to supervise any of the following persons who required to complete an isolation period.

   a. A person who is the member's resident family.

   b. A person who is a recognised other person.

2. The following apply.

   a. If a member is required to perform duty at the place they are completing an isolation period, the member is not eligible for a short absence from duty for that period.

   b. If the member has a partner who is eligible for the same benefit or a similar benefit for the same purpose, the member is not eligible for short absence from duty under this section at the same time the partner is receiving the same benefit or a similar benefit.

Division 4: Short absence – supervision of children

5.11.16 Purpose

The purpose of this Division is to enable a member to take a short absence from duty to supervise their child due to the implementation of COVID-19 control measures as advised by Commonwealth, State or Territory health authorities.

5.11.16A Definitions

In this Division the following apply.

COVID-19 control measure means a measure taken to limit the spread of COVID-19 issued by the Commonwealth government or a State or Territory government however described.

Note: A measure may be issued for example, in the form of guidance, a public health order or directive.

5.11.17 Member this Division applies to

This Division applies to a member who has a child who meets all of the following.

a. The child is recognised as resident family.

b. The child attends one of the following.

i. A secondary school.

ii. A primary school.

iii. A pre-school.

iv. A kindergarten.

v. A child care provider.

5.11.18 Short absence from duty – school and child care attendance

1. Subject to subsections 2, 4 and 5, a member is eligible for short absence from duty for an approved period if both the following apply.

a. Their resident family or recognised other person are unable to attend their school, kindergarten or child care provider because of a COVID-19 control measure.

Note: This does not include a period the child would not have otherwise attended school, such as school holidays.

b. The member must supervise their resident family or recognised other person.

2. An approved period is one of the following, but must not be longer than the duration of the resident family's or recognised other person's inability to attend their school, kindergarten or child care provider because of COVID-19 control measure.

a. A period approved by the member's Commanding Officer that is less than a total of 28 days.

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b. A greater period approved by a decision maker that is up to the duration of the closure.

3. In approving a period of short absence from duty, the decision maker must consider the following.

   a. The duration of the closure.

   b. The member's ability to find alternative supervisory arrangements.

4. If a member is able to perform duty at the place where they are supervising their resident family or recognised other person having regard to the age and welfare of the child, the member is not eligible for a short absence from duty for that period.

   Note: Commanding Officers should work with members to establish suitable work from home arrangements if possible.

5. If the member has a partner who is eligible for the same benefit or a similar benefit for the same purpose, the member is not eligible for short absence leave under this section at the same time the partner is receiving the same benefit or a similar benefit.

6. For the purpose of paragraph 2.b, the decision maker is a person holding, or performing the duties of, one of the following positions.

   a. For a member in the Navy, one of the following.

      i. Director General Navy People.

      ii. Director Navy Recruiting, Retention and Transitions.

      iii. Deputy Director Navy Employment Conditions.

   b. For a member in the Army, one of the following.

      i. Director General Army People Capability.

      ii. Director Personnel Policy – Army.

      iii. Staff Officer Grade 1 – Personnel Policy – Army.

   c. For a member in the Air Force, one of the following.

      i. Director General Personnel – Air Force.

      ii. Director Personnel Policy – Air Force.

      iii. Deputy Director Personnel Policy – Air Force.

      iv. Deputy Director Service Conditions – Air Force.

Division 5: Short absence – examination attendance

5.11.19 Short absence to attend an exam

1. A member is eligible for a short absence if the CDF is satisfied that the member needs to be absent from duty for any of the following.

    a. To attend an examination in connection with a course of study they are undertaking.

    Note: The period of the short absence is the duration of the examination only.

    b. For local travel to and from the examination venue.

2. A member cannot take more than 40 hours of short absence under this Division in a financial year.

3. In this section, **course of study** means a course to which any of the following apply.

    a. The member receives assistance with the payment of the course fees under the Defence Assisted Study Scheme.

    b. The member has one of the following loans to pay their student contribution amount for the course

        i. FEE-HELP.

        ii. VET student loan.

    c. The member is in a Commonwealth supported place.

    Note: A member who is in a Commonwealth supported place may use HECS-HELP to pay their course fees or pay the course fees upfront.

5.11.20 Limitations

A short absence under this Division cannot be taken on any of the following days.

a. A weekend.

b. A public holiday.

c. A day on which the member is taking a full day of leave.

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Division 6: Short absence – travel

5.11.21 Purpose

Short absence for travel is available to members who are granted specific types of travel or leave and have to travel for longer than 12 hours to reach their destination.

5.11.22 Member this Division applies to

This Division applies to a member who meets one of the following.

a. They are traveling on any of the following benefits.

i. Recreation leave travel in Australia

ii. Compassionate travel.

iii. Pre-deployment leave travel.

iv. Travel for removal purposes within Australia.

b. They are serving overseas and meet all of the following.

i. They travel to Australia at their own expense.

ii. They are on personal leave for a compassionate reason.

iii. They were overseas before commencing the travel.

Note: Serving overseas includes short-term duty overseas, a long-term posting overseas and overseas deployments

c. They are on a deployment and travel to Australia using relief out-of-country travel fare assistance under Chapter 17 Part 7 Division 4.

5.11.23 Short absence for travel

1. A member is eligible for a short absence when they arrive at any of the following locations if the duration of the travel is more than 12 hours.

a. Their destination.

b. If the member has travelled to Australia at their own expense — the place where they are serving overseas.

2. The number of days of short absence a member is eligible for under subsection 1 for a travel period in an item in column A of the following table is the number of days in column B of the same item.

Item	Column A Travel period (hours)	Column B Number of days of short absence
1.	12 or more but less than 36	1 day
2.	36 or more but less than 60	2 days
3.	60 or more but less than 84	3 days

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4.	84 or more but less than 108	4 days
5.	108 or more but less than 132	5 days
6.	132 or more but less than 144	6 days

5.11.24 Calculation of the duration of travel

For the purpose of section 5.11.23, the duration of travel is measured using the following.

a. If the travel is within Australia — the number of hours the member would travel by most economical means, as defined in Chapter 9 Part 1, between the place or origin and the destination.

b. If the leave destination is within Australia but not connected by a commercial flight or a rail service — the shortest journey time of a scheduled coach service.

c. If the travel is between an overseas location and Australia — the number of hours the member would travel by most economical means, as defined in Chapter 9 Part 1, between the following locations.

   i. If the member is travelling to Australia — from the time of departure from the overseas location to the time of entering the first port of call in Australia.

   ii. If the member is travelling from Australia — from the time of departure from Australia to the time of entering the overseas location.

5.11.25 Limitations for members serving in the Navy

1. This section applies to a member of the Navy who travels on recreation leave travel.

2. A member is only eligible for a short absence for travel that is more than 48 hours long once in a financial year.

   Note: This does not prevent the member from being granted a short absence more than once in a financial year for travel that is less than 48 hours.

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Division 7: Short absence – pre-deployment

5.11.26 Purpose

Pre-deployment leave allows a member going on a deployment overseas to finalise their personal affairs and make their farewells before they leave Australia.

5.11.27 Short absence before a deployment

1. A member is eligible for up to 7 days of short absence if all of the following apply.

   a. It is expected the member will be in one of the following areas for a minimum of 6 months.

      i. An operational area.

      ii. A defined area approved by the Minister.

   b. If the member is a member of the Reserves on continuous full-time service, their continuous full-time service commences more than 12 weeks before the member is expected to deploy.

   c. The CDF is satisfied that the short absence is reasonable having regard to the operational situation.

5.11.28 When short absence before a deployment can be taken

A short absence under this Division must be taken within the greater of the following periods before the member is expected to deploy.

a. 6 weeks.

b. A greater period set by the CDF.

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Division 8: Short absence – civilian court proceedings

5.11.29 Member this Division applies to

This Division applies to a member who is appearing in a civilian court or tribunal proceedings for a person other than the Commonwealth.

Note: A member appearing for the Commonwealth is on duty and is not required to take leave.

5.11.30 Short absence for court appearances

The member is eligible for a short absence to attend a civilian court or tribunal proceeding if the CDF is satisfied that it is reasonable in the circumstances.

Note: The CDF may also grant leave without pay in these circumstances under section 5.10.6

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Division 9: Short absence – command directed

5.11.31 Purpose

The purpose of a command directed short absence is to enable commanders to direct members within their unit to not attend for duty for any of the following purposes.

a. To maintain unit effectiveness.

b. To maintain the health and welfare of members of the unit.

5.11.32 Short absence directed by command

A member is eligible for a short absence on a day the member has been directed to not attend for duty for any of the following reasons.

a. To maintain unit effectiveness.

b. To maintain the health and welfare of members of the unit.

Note: Failure to follow a direction may result in disciplinary action under the *Defence Force Discipline Act 1982*.

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Part 12: Public holidays – Australia

5.12.1 Public holidays

1. A member performing duty in Australia must observe certain days as public holidays, unless required for duty.

2. A member is eligible for the same public holidays as an APS employee of the Department of Defence, at the location where the member performs duty.

3. A member might be performing duty away from their primary service location. They observe a public holiday at the location where they are actually performing duty.

4. A member on recreation leave will not have their leave credit debited for public holidays that occur during the leave period. The public holidays observed will be those at the location where the member normally performs duty.

5. A member on a flexible service determination may only observe those public holidays that fall within the working days in their pattern of service.

5.12.2 Substitution of public holidays

1. A member may apply to the CDF to substitute a different day for a public holiday that they would otherwise observe.

2. In deciding whether to grant the member's application, the CDF must consider both of these criteria.

   a. Any Service requirement that the member remain on duty that day.

   b. If the substitute day is of cultural or religious significance to the member.

5.12.3 Christmas stand-down

1. A member is eligible for Christmas stand-down for the period of 23 December 2023 to 2 January 2024 inclusive.

2. The periods in subsection 1 include public holidays that fall within the period.

3. A Commanding Officer may determine that the member must perform duty on a day listed in subsection 1. The Commanding Officer should consider if there are pressing operational, preparatory or safety needs that prevent the member from being absent.

4. Absences are treated in accordance with the following table.

Item	If the day	the day is to be
1.	is a public holiday	granted under section 5.12.1.
2.	is not a public holiday	treated as short absence when not required for duty.

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Part 13: Cancellation of, or recall from, leave

5.13.1 Purpose

A member may be paid an amount for costs resulting from either of these events.

a. They are recalled from an approved period of leave for operational reasons.

b. Their approved period of leave is cancelled.

Note: Members should be recalled from leave for operational reasons only. Payments under this Part are an operational cost.

5.13.2 Basis

1. The basis of this condition is that a member should be reimbursed for costs associated with a recall from leave.

2. There are two types of costs.

   a. Travel costs, in some circumstances.

   b. The cost of services that could not be used because of the recall.

3. The member can only be reimbursed the costs of the portion of a holiday that was not used.

4. The member can only be reimbursed costs that were not recoverable in other ways.

5. It is not compensation for the inconvenience of the recall.

5.13.4 Member is recalled from housing benefit location

1. This section applies to a member who meets all of the following.

   a. The member is on leave.

   b. The member has not left their housing benefit location.

   c. The member is recalled to duty.

2. The member has no eligibility to recall costs.

5.13.5 Member is temporarily recalled from leave location

1. This section applies to a member who meets all of these conditions.

   a. The member is on leave.

   b. The member is away from their housing benefit location because of the leave.

   c. The member is temporarily recalled to duty.

   d. The member intends to return to the leave location at the end of the recall period.

2. A member is eligible for a payment set by the CDF towards the following costs associated with the recall.

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a. For the journey from the leave location to the place of duty and return, all of the following.

i. Transportation costs.

Note: This travel is duty travel.

ii. Meal expenses.

iii. If an overnight break is necessary — accommodation costs.

b. If the member is a parent, and their resident family and recognised other persons travel with the member, all of the following for the resident family and recognised other persons.

i. Transportation costs.

ii. Meal expenses.

iii. If an overnight break is necessary — accommodation costs.

c. Other holiday items that the member had paid for but was not able to benefit from due to the recall.

d. Other unavoidable costs associated with the recall from leave.

3. In assessing the amount of payment under subsection 2, the CDF must consider these criteria.

a. The time available for the return journey.

b. The number of people who were required to return.

c. The amount of money the member had spent on holiday items that the member was not able to benefit from.

d. If the costs are recoverable by other means.

5.13.6 Costs if a member is recalled from holiday location

1. This section applies to a member who meets all of these conditions.

a. The member is on leave, and living away from their housing benefit location.

b. The member is recalled to duty.

c. The member ends the leave to return to duty.

2. A member is eligible for an amount set by the CDF towards the following costs associated with the recall.

a. For the member's return to their place of duty all of the following

i. Additional travel costs that were not an expected or an ordinary part of the member's return to duty.

ii. Meal expenses.

iii. If an overnight break is necessary — accommodation costs.

b. If the member's resident family and recognised other persons travel with the member, all of the following for the resident family and recognised other persons.

i. Additional travel costs that were not an expected or an ordinary part of the member's return to duty.

ii. Meal expenses.

iii. If an overnight break is necessary — accommodation costs.

c. Other holiday items that the member had paid for but was not able to benefit from due to the recall.

d. Other unavoidable costs associated with the recall from leave.

3. In assessing the amount of payment under subsection 2, the CDF must consider all these criteria.

a. The time available for the return journey.

b. The number of people who returned.

c. The amount of money the member had spent on holiday items that the member was not able to benefit from.

d. If the costs are recoverable by other means.

e. Whether it was practical for the member to restart the holiday.

5.13.7 Costs if a member's leave is cancelled before it starts

1. A member may be reimbursed certain costs if their leave is cancelled before it begins. The leave must have been formally approved. The cancellation must be for Service reasons.

2. The costs must not be recoverable by other means.

3. These costs may be reimbursed.

a. Accommodation deposits or tariffs.

b. Fares or fare deposits.

c. Other unavoidable costs to do with a recall from leave.

Note: No amount can be refunded to compensate a member for lost frequent flyer points. This is because they have no monetary value.

5.13.8 Claiming reimbursement

1. A member must use the approved form to claim reimbursement.

5.13.9 Re-credit of leave

1. A member will be re-credited unused leave under section 5.4.35 when the unused leave is a result of a recall from leave order.

2. Additional leave travel may be granted if the conditions in Chapter 9 Part 4 Division 1 are met.

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