

Defence Determination, Conditions of service Amendment Determination 2022 (No. 12)

I, MICHAEL IAN McCULLOCH, Acting Assistant Secretary, People Policy and Employment Conditions, make the following Determination under section 58B of the *Defence Act 1903*.

Dated 30 August 2022

Michael Ian McCulloch

Acting Assistant Secretary
People Policy and Employment Conditions
Defence People Group

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1 Name

This instrument is the *Defence Determination, Conditions of service Amendment Determination 2022 (No. 12).*

2 Commencement

1. Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| **Commencement information** |
| --- |
| **Column 1** | **Column 2** | **Column 3** |
| **Provisions** | **Commencement** | **Date/Details** |
| 1. Sections 1 to 4 and anything in this Instrument not elsewhere covered by this table. | 1 September 2022 |  |
| 2. Schedules 1 and 3 to 6 | 1 September 2022 |  |
| 3. Schedule 2 | 10 November 2022 |  |

 Note: this table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

2. Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 58B of the *Defence Act 1903*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Salary non-reduction provision extension amendments

Defence Determination 2016/19, Conditions of service

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| --- | --- |
| 1 | Annex 3.2.B Part 2 (table item 11) |
|  | Omit “30 June 2022”, substitute “31 January 2024”. |
| 2 | Annex 3.2.B Part 2 (table item 18) |
|  | Omit “30 June 2022”, substitute “31 January 2024”. |
| 3 | Annex 3.2.B Part 2 (table item 23) |
|  | Omit “30 June 2022”, substitute “31 January 2024”. |

Schedule 2—Remote locality allowances amendments

Defence Determination 2016/19, Conditions of service

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| 1 | Subsection 4.4.9.1 (table) |
|  | Repeal the table, substitute: |

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| --- | --- | --- | --- |
| Item | Column ACondition | Column BLocation grade | Column CRate($) |
| 1. | A member who lives in. | A | 1,055 |
| B | 3,010 |
| C | 3,765 |
| D | 5,275 |
| E | 6,030 |
| 2. | A member with dependants who lives out, and item 3.a of this table does not apply. | A | 3,015 |
| B | 8,605 |
| C | 10,760 |
| D | 15,070 |
| E | 17,225 |
| 3. | Any of the following.a. A member with dependants who lives out and one or more of those dependants meet all of these conditions.i. The dependant is an ADF member or an APS employee in Defence.ii. The dependant is paid ADF district allowance or district allowance under the *Defence Enterprise Agreement 2017-2020* as in force on 16 August 2017.b. A member with dependants (unaccompanied) who lives out.c. A member without dependants who lives out.d. A member of the Reserves who is undertaking Reserve service and who is required to live out. | A | 1,510 |
| B | 4,305 |
| C | 5,380 |
| D | 7,535 |
| E | 8,615 |

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| 2 | Subsection 4.4.19.2 (table)  |
|  | Repeal the table, substitute. |

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| Item | Column ACondition | Column BAnnual rate ($) |
| 1. | The member has at least one dependant living at the establishment. | 3,015 |
| 2. | Any other member. | 1,510 |

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| 3 | Section 4.4.24  |
|  | Omit “6,045”, substitute “6,870”. |
| 4 | Section 4.4.31 (table)  |
|  | Repeal the table, substitute. |

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| Item | Column AParagraph | Column BAnnual rate ($) |
| 1. | Paragraph 4.4.30.a  | 15,075 |
| 2. | Paragraph 4.4.30.b  | 8,305 |

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| 5 | Subsection 4.4.36.2  |
|  | Omit “8,221”, substitute “8,305”. |

Schedule 3—Adult child amendments

Defence Determination 2016/19, Conditions of service

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| 1 | Section 7.1.14 |
|  | After the subsection, insert: |

##### 7.1.14A    Adult child

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| --- | --- |
| 1. | An **adult child** of a member 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 a dependant of the member. |
|  | c. | The decision maker is satisfied that the person has continued to live with the member, or an adult dependant of the member, since turning 21 years old.  |
| 2. | In this section, **decision maker** means Commanding Officer, Officer Commanding/Unit Executive (Air Force only) not below MAJ(E) in the member’s direct chain of command or supervision. |
| 2 | Section 7.1.16 (table item 2)  |
|  | Omit the table item, substitute: |

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| --- | --- | --- |
| 2. | A member with dependants or member without dependants who has an adult child, who meets all of the following. 1. They are undergoing initial training.
2. They are not eligible for a removal.
 | Where the dependants or adult children lived immediately before the member joined the ADF. |

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| 3 | Paragraph 7.1.17A.1.b  |
|  | Omit “member and any dependants”, substitute “member, any dependants, and any adult children”. |
| 4 | Subsection 7.1.17A.2 (table item 1)  |
|  | Omit the table item, substitute: |

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| --- | --- | --- |
| 1. | They are one of the following.1. A member with dependants.
2. A member without dependants who has an adult child.
 | Any of the following.1. The member’s suitable own home.
2. A suitable Service residence.
3. A home for which rent allowance is payable.
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| 5 | Paragraph 7.2.5.1.a |
|  | Repeal the paragraph, substitute: |
|  | a. | It is owned by the member, their dependant or their adult child. |
| 6 | Paragraph 7.2.5.1A.c |
|  | After the paragraph, insert: |
|  | d. | For every adult child not included in paragraph a or b — 1 bedroom. |
| 7 | Subsection 7.2.6.3 |
|  | Repeal the subsection, substitute: |
| 3. | A home bought using a benefit listed under subsection 1 is a suitable own home for all further postings to the location of that home, unless one of the following applies.  |
|  | a. | The total number of the member’s dependants and adult children, if any, has increased since the member last occupied the home. |
|  | b. | The member has an acquired disability and needs to be located near rehabilitation facilities. |
|  | c. | The member has an acquired disability that cannot be accommodated in the home. |
| 8 | Subsection 7.2.7.2 |
|  | After “dependants”, insert “and adult children”. |
| 9 | Paragraph 7.2.12.a |
|  | Repeal the paragraph, substitute:  |
|  | a. | The home does not have the minimum number of prescribed bedrooms under subsection 7.2.5.1A. |
| 10 | Subparagraph 7.2.12.d.ii |
|  | Omit “or their dependants”, substitute “, their dependants, or their adult children”. |
| 11 | Subparagraph 7.2.12.d.iii |
|  | Omit “or their dependants”, substitute “, their dependants, or their adult children”. |
| 12 | Subsection 7.2.18.1 |
|  | After “dependants”, insert “and adult children”. |
| 13 | Section 7.6.3 (Definition of surplus Service residence) |
|  | After “dependants” wherever occurring, insert “or member without dependants who has an adult child”. |
| 14 | Paragraph 7.6.4.1.b |
|  | Omit “and their dependants.” wherever occurring, substitute “, their dependants and adult children, if any.”. |
| 15 | Subsection 7.6.4.1 (see note) |
|  | Repeal the see note, wherever occurring. |
| 16 | Subsection 7.6.4.1 (table) |
|  | Repeal the table. |
| 17 | Subsection 7.6.4.2 (example) |
|  | Repeal the example.  |
| 18 | Subsection 7.6.7.1 |
|  | Repeal the subsection, substitute: |
| 1. | This section applies to a member who cannot accommodate all of their dependants and adult children, if any, in one Service residence. |
| 19 | Subsection 7.6.7.2 |
|  | After “dependants”, insert “and adult children”. |
| 20 | Subsection 7.6.21.2 (see note) |
|  | Omit the see note. |
| 21 | Paragraph 7.6.27.1.b |
|  | After “dependants”, insert “who has no adult children”. |
| 22 | Section 7.6.28 (heading) |
|  | Omit “with dependants”. |
| 23 | Subsection 7.6.28.1 |
|  | Repeal the subsection, substitute: |
| 1. | A member is eligible for a Service residence at their posting location if they meet all of the following.  |
|  | a. | They meet one of the following. |
|  |  | i. | They are a member with dependants. |
|  |  | ii. | They are a member without dependants who has an adult child. |
|  | b. | They do not own a suitable home in their posting location. |
| 24 | Paragraph 7.6.28.2.b |
|  | After “their dependants”, insert “and adult children, if any”. |
| 25 | Subsection 7.6.28.3 |
|  | After “dependants”, insert “or adult children”. |
| 26 | Subsection 7.6.30.1 |
|  | Repeal the subsection, substitute: |
| 1. | A member who is eligible for rent allowance under Part 8 can choose to live in a surplus Service residence if they meet all of the following. |
|  | a. | They are a member without dependants. |
|  | b. | They have no adult children. |
| 27 | Section 7.6.31 (heading) |
|  | Omit “with dependants”, substitute “who”. |
| 28 | Subsection 7.6.31.1 |
|  | Repeal the subsection, substitute: |
| 1. | A member who is eligible for a three bedroom home can accept an offer of a two-bedroom Service residence if they meet one of the following.  |
|  | a. | They are a member with dependants. |
|  | b. | They are a member without dependants who has an adult child. |
|  | **Note:** The choice must be made in writing.  |
| 29 | Subsection 7.6.37.1 |
|  | Repeal the subsection, substitute: |
| 1. | This section does not apply to a member without dependants who has chosen to live in a Service residence under section 7.6.30. |
| 30 | Subsection 7.6.37.2 |
|  | Repeal the subsection, substitute: |
| 2. | A member who is not eligible for a Service residence may apply to Defence Housing Australia to live in a surplus Service residence. |
| 31 | Subsection 7.6.39.2 |
|  | After “dependants”, insert “and adult children”. |
| 32 | Subsection 7.6.41.2 (table item 1) |
|  | After “a member with dependants”, insert “or a member without dependants who has an adult child”. |
| 33 | Subsection 7.6.41.2 (table item 2) |
|  | After “approved to occupy a surplus Service residence”, insert “and has no adult children”. |
| 34 | Subsection 7.6.41.2 (table item 3) |
|  | After “tied or assigned residence”, insert “who has no adult children”. |
| 35 | Section 7.6.42  |
|  | After “A member without dependants”, insert “who does not have an adult child and is”. |
| 36 | Section 7.6.59 (heading) |
|  | After “dependants”, insert “or adult children”. |
| 37 | Subsection 7.6.59.1 |
|  | After “dependants”, insert “and adult children”. |
| 38 | Paragraph 7.6.59.2.a |
|  | Omit “and their dependants”, substitute “, their dependants and adult children”. |
| 39 | Paragraph 7.6.59.2.b |
|  | After “dependants”, insert “and adult children”. |
| 40 | Subsection 7.6.59.3 |
|  | Repeal the subsection, substitute: |
| 3. | If a member’s dependant or adult child dies, and the member ceases to be eligible for a Service residence as a result, the member’s eligibility for a Service residence continues until the earlier of the following dates. |
|  | a. | The day the member moves out of the home. |
|  | b. | Three months after the day the requirement to house a dependant or adult child ends.  |
| 41 | Subsection 7.6.59.5 |
|  | Omit “or dependants”, substitute “, their dependants or adult children, if any,”. |
| 42 | Section 7.6.60 |
|  | Repeal the section, substitute: |

##### 7.6.60    Member dies

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| 1. | This section applies if a member dies while they, or their dependants occupy a Service residence. |
| 2. | The member’s dependants or adult children may continue to live in the Service residence and pay the fortnightly contribution that applied to the member until the later of the following dates. |
|  | a. | If they continue to live in the home — six months after the day the member died. |
|  | b. | A day that the CDF determines is reasonable after considering all of the following. |
|  |  | i. | The personal circumstances of the dependants or adult children. |
|  |  | ii. | The accommodation needs of the dependants or adult children. |
|  |  | iii. | The availability of other homes in the location. |
|  |  | iv. | Any other factor relevant to the dependants or adult children’s continued stay in the home. |
| 43 | Paragraph 7.6.64.3.a |
|  | After “dependants”, insert “or adult children, if any,”. |
| 44 | Paragraph 7.8.3.1.a |
|  | After “dependant”, insert “or an adult child”. |
| 45 | Subsection 7.8.5.1 (subheading above table item 1) |
|  | After “Member with dependants”, insert “or a member without dependants who has an adult child”. |
| 46 | Subsection 7.8.5.1 (table item 2) |
|  | Omit “or their dependants (if any)”, substitute “, their dependants or adult children, if any”. |
| 47 | Subsection 7.8.6.4 |
|  | Omit “and their dependants”, insert “, their dependants and adult children, if any,”. |
| 48 | Section 7.8.9 (heading) |
|  | Omit “dependants live”, substitute “living”. |
| 49 | Paragraph 7.8.9.1.b |
|  | After the paragraph, insert: |
|  | c. | The member is a member without dependants who has an adult child and is occupying accommodation for which rent allowance is payable. |
| 50 | Subsection 7.8.10.1 |
|  | Repeal the subsection, substitute: |
| 1. | This section applies to a member who meets any of the following.  |
|  | a. | They are a member without dependants who has no adult children. |
|  | b. | They are a member with dependants (unaccompanied). |
| 51 | Paragraph 7.8.11.2.c |
|  | After “dependants”, insert “and adult children”. |
| 52 | Paragraph 7.8.12.2.b |
|  | After “dependants”, insert “or adult children, if any,”. |
| 53 | Paragraph 7.8.12.3.a |
|  | After “dependants”, insert “and adult children, if any”. |
| 54 | Paragraph 7.8.16.1.b |
|  | After “and dependants”, insert “, dependants and adult children, if any,”. |
| 55 | Paragraph 7.8.16.2.a |
|  | Repeal the paragraph, substitute: |
|  | a. | For a member who meets all of the following — the day the member becomes a member without dependants. |
|  |  | i. | Their categorisation changes to member without dependants. |
|  |  | ii. | They have no adult children. |
| 56 | Subsection 7.8.17.2 (table item 1) |
|  | Omit the table item, substitute: |

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| --- | --- | --- | --- |
| 1. | One of the following.1. Member with dependants
2. Member with dependants (unaccompanied)
3. Member without dependants who has an adult child.
 | The member has chosen a reduced rent ceiling under subsection 7.8.9.4. | Annex 7.D Part 1 column B. |
| Subsection 7.8.9.4 does not apply. | Annex 7.D Part 1 column C. |

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| 57 | Section 7.8.18 |
|  | After “dependants”, insert “who has no adult children”. |
| 58 | Subsection 7.8.20.1 |
|  | After the subsection, insert: |
| 1A. | This section does not apply to a member without dependants who has an adult child.  |
| 59 | Paragraph 7.8.23.1.a |
|  | Repeal the paragraph, substitute: |
|  | a. | They are subletting part of a home that they get rent allowance for and meet one of the following.  |
|  |  | i. | They are a member with dependants. |
|  |  | ii. | They are a member without dependants who has an adult child. |
| 60 | Subparagraph 7.8.23.1.b.i |
|  | Repeal the subparagraph, substitute: |
|  |  | i. | The member is a member without dependants who has no adult children or a member with dependants (unaccompanied). |
| 61 | Subsection 7.8.25.1 |
|  | Repeal the subsection, substitute: |
| 1. | This section applies to a member who meets one of the following. |
|  | a. | They are a member without dependants who does not have an adult child. |
|  | b. | They are a member with dependants (unaccompanied). |
| 62 | Subsection 7.8.30.1 (table item 1) |
|  | After “a member with dependants”, insert “or a member without dependants who has an adult child”. |
| 63 | Subsection 7.8.30.1 (table item 4) |
|  | After “a member without dependants”, insert “who has no adult children”. |
| 64 | Paragraph 7.8.31.1.b |
|  | After “member without dependants”, insert “who has no adult children”. |
| 65 | Subsection 7.8.32.2 |
|  | After “dependants”, insert “and adult children, if any,”. |
| 66 | Subsection 7.8.36.1 |
|  | After “dependants”, insert “and adult children, if any,”. |
| 67 | Subsection 7.8.37.1 |
|  | After “dependants”, insert “or adult children,”. |
| 68 | Subsection 7.8.37.2 |
|  | Omit “If the member's dependants were living in the home, the dependants continue to get rent allowance until the latest of these dates.”, substitute “If the member’s dependant or adult child are living in the home, the dependant or adult child continues to get rent allowance until the later of the following dates”.  |
| 69 | Subparagraph 7.8.37.2.c.i |
|  | Repeal the subparagraph, substitute: |
|  |  | i. | The personal circumstances of the dependants or adult children. |
| 70 | Subparagraph 7.8.37.3 |
|  | After “dependants”, insert “or adult children”. |

Schedule 4—Miscellaneous amendments

Defence Determination 2016/19, Conditions of service

|  |  |
| --- | --- |
| 1 | Paragraph 8.3.4.d  |
|  | Repeal the paragraph. |
| 2 | Subsection 8.4.14.5  |
|  | Repeal the subsection, substitute: |
| 5. | A member is eligible for the cost of compulsory tuition fees up to $32,432 a year for a child with special needs to attend a private school with access to a special program if the CDF decides it is reasonable. |
| 3 | Subsection 8.4.14.5A  |
|  | Omit “until”, substitute “under”. |
| 4 | Paragraph 8.5.3.1.b |
|  | Repeal the paragraph, substitute: |
|  | b. | An application for emergency support has been through one of the following. |
|  |  | i. | The Defence Member and Family Helpline. |
|  |  | ii. | The member's local Defence Member and Family Support office. |
| 5 | After section 10.4.1  |
|  | Insert: |

##### 10.4.1A    Member this Part applies to

|  |  |
| --- | --- |
|  | This Part applies to any member, including a member on Reserve service. |
| 6 | Subsection 14.3.6.5 |
|  | Repeal the subsection. |
| 7 | Section 14.3.6A |
|  | Repeal the section. |
| 8 | Section 14A.1.21A |
|  | Repeal the section. |
| 9 | Section 14A.2.7 |
|  | Repeal the section. |
| 10 | Chapter 14A Part 3 |
|  | Repeal the Part. |
| 11 | Section 15.6.17B |
|  | Repeal the section. |

Schedule 5—Approved summer schools

Defence Determination 2016/19, Conditions of service

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| 1 | Annex 15.6.B |
|  | After table item 10, insert: |

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| --- | --- | --- |
| 10A. | Laos | Angkham Sports and Wellness Centre Swim CampGerard’s Music and English Summer CampThe Chanthavone Football Club CampVientiane International School |

Schedule 6—Transitional provisions

##### 1.    Definitions

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|  | In this Schedule the following apply. |
|  | **Defence Determination** meansDefence Determination 2016/19, *Conditions of service*, as in force from time to time. |

##### 2    Geomatic Technician salary non-reduction

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|  | This section applies to a member who was eligible for salary non-reduction under Annex 3.2.B, Part 2 table items 11, 18 or 23 of the Defence Determination on 30 June 2022. |
|  | The member is eligible for salary non-reduction between 1 July 2022 and the commencement of this Determination as though Schedule 1 of this Determination applied at the time. |

##### 3.    Loss or damage to clothing or personal effects

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| 1. | This section applies to a member on Reserve service between 4 August 2022 and the commencement of this Determination. |
| 2. | The member is eligible for a payment for loss or damage to clothing or personal effects under Chapter 10 Part 4 of the Defence Determination as though Schedule 4 of this Determination applied at the time. |

##### 4.    Approved summer school

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| 1. | This section applies to a member who met all of the following between 22 June 2022 and the commencement of Schedule 1 of this Determination.  |
|  | a. | They were posted to Laos. |
|  | b. | They had a child who attended one of the following approved summer schools. |
|  |  | i. | Angkham Sports and Wellness Centre Swim Camp. |
|  |  | ii. | Gerard’s Music and English Summer Camp. |
|  |  | iii. | The Chanthavone Football Club Camp. |
|  |  | iv. | Vientiane International School. |
| 2. | The member is eligible for the reimbursement of the amount they would have been eligible for under section 15.6.15 of the Defence Determination had the changes made by Schedule 5 of this Determination been in effect at the time. |