

EXPLANATORY STATEMENT

Defence Determination, Conditions of service Amendment (Employment offer modernisation) Determination 2023 (No. 1)

This Determination amends Defence Determination 2016/19, Conditions of service (the Principal Determination), made under section 58B of the *Defence Act 1903* (Defence Act) and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (AI Act).

Determinations made under section 58B of the Defence Act are disallowable legislative instruments subject to the *Legislation Act 2003* (Legislation Act). These instruments are also subject to the interpretation principles in the AI Act.

This Determination amends the Principal Determination which provides benefits for members of the Australian Defence Force (ADF) and their families as part of the member's conditions of service. The Principal Determination provides a range of benefits that recognise the unique nature of military service and the obligations and limitations that military service places on members and their families. Members undertake service in both the domestic and overseas environments, including on deployments. Specific benefits are provided for each environment.

Purpose

The purpose of this Determination is to implement the new categorisation and location frameworks which will provide the basis on which many conditions of service benefits are provided to members. The new frameworks will provide the flexibility for members to receive benefits that support their personal circumstance rather than relying explicitly on their categorisation and posting location.

The new categorisation framework departs from the existing framework, which categorises members, to a new approach which categorises the member's family based on their living arrangements. This enable the member to have more than one type to family member at the same time. The framework provides a more member centric approach to providing conditions of service and does not, in itself, expand the group of people who are currently eligible to receive benefits under the Principal Determination.

The new categorisation framework will provide for additional people that form part a member's family to be recognised by Defence. They key changes under the new categorisation framework include:

- Recognising family members who, to date, have been unable to be recognised by Defence as they do not permanently live with the member, such as children of single parents and partners who, under the Principle Determination, do not meet the minimum cohabitation requirements to be recognised. While providing an ability to recognise these people, the categorisation framework does not provide them with benefits.
- Using contemporary language to describe the people who form part of the member's family.
- Flexibility within the Principle Determination to provide for contemporary family circumstances into the future.

The full potential of the new framework will be realised as underlying policy development of conditions of service progresses.

The new location framework will provide the ability for a member to be provided current conditions of service in a wider range of locations to keep pace with modern work arrangements, and to support members as they transition into civilian life. The key changes under the new location framework include:

- The flexibility to provide members, who are permitted to work in a place other than in a place where they are posted to under an alternate located work agreement, with conditions of service benefits in a location where they are approved to live and provide capability that is not their posting location.
- Additional support to members transitioning out of the permanent forces with housing and allowances in the location from which they wish to transition from service. Conditions of service benefits will be provided to support members to establish their housing arrangements and to integrate into the community they wish to live in for up to 12 months prior to their separation date.

- The introduction of “service location”, “housing benefit location” and “family benefit location” to differentiate between where a member performs duty, the location where they are provided housing and the location where their family are provided housing.
- The flexibility to provide benefits in additional locations into the future as the workforce need arises.

In addition to the above, the purpose of this Determination is also to promote the use of contemporary drafting styles and remove administrative information which is non-legislative in nature and does not need to be determined.

Operational details

Details of the operation of the Determination are provided at annex A.

Incorporation by reference

For the purpose of adopting Defence Force Remuneration Tribunal (DFRT) determinations, being instruments other than a legislative instrument, section 58B(1A) of the Defence Act provides a contrary intention to section 14(2) of the Legislation Act. Section 58B(1A) of the Defence Act permits DFRT determinations, as in force from time to time, being adopted in this determination in accordance with section 14(1)(b) of the Legislation Act.

The Determination makes references to sections of the *Defence Act*, the *Defence Regulation 2016*, the *Corporations Act 2001*, the *Defence Force Discipline Act 1982*, the *Veterans' Entitlements Act 1986*, the *Military Rehabilitation and Compensation Act 2004*, the *Military Superannuation and Benefits Act 1991*, the *Family Law Act 1975*, the *Marriage Act 1961*, the *Acts Interpretation Act 1901*, the *Social Security Act 1991*, and the *Fringe Benefits Tax Assessment Regulations 2018*. These Instruments are incorporated into the Determination as in force from time to time.

Section 1.2.5A of the Principal Determination specifies that a reference to an Act of Parliament or a legislative instrument to which section 14(3) of the AI Act applies are incorporated as in force from time to time, unless otherwise stated.

Human rights compatibility

The statement of compatibility under subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* for this Determination is at annex B.

Review options

Decisions that are made under the Principal Determination, as amended by this Determination, may be subject to inquiry under the ADF redress of grievance system provided under Part 7 of the *Defence Regulation 2016*. Also, a person may make a complaint to the Defence Force Ombudsman.

Consultation

Before this Determination was made, the consultation was undertaken with the Chiefs of Service Committee with in Defence, Navy, Army, Air Force, Defence Relocations and Housing within the Security and Estate Group in Defence, and Defence Member and Family Services. Defence Housing Australia and Toll Transitions were consulted as the administrator of benefits on behalf of Defence.

Treasury and the Australian Taxation Office were also consulted in relation to the fringe benefits tax consequences on the adoption of the new categorisation framework in relation to the change to the ‘dependant’ definition.

The rule maker was satisfied that further consultation was not required.

Approved by:

Fiona Louise McSpeerin
Assistant Secretary
People Policy and Employment Conditions

Authority:

Section 58B of the
Defence Act 1903

***Defence Determination, Conditions of service Amendment (Employment offer modernisation)
Determination 2023 (No. 1)***

Operational details

Section 1 of this Determination sets out the manner in which this Determination may be cited.

Section 2 provides that the Determination commences on 1 July 2023.

Section 3 provides that this instrument has authority under section 58B of the Defence Act.

Section 4 provides that 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—Chapter 1

Schedule 1 makes amendments to Chapter 1 of the Principal Determination which sets out provisions dealing with definitions and interpretation of concepts relevant to pay and conditions for members of the ADF.

Items 1 to 5 amend various provisions within Chapter 1 Part 2 of the Principal Determination which provides overarching provisions relating to the application of the Principal Determination. The provision have been amended to update cross references and remove information which is non-legislative and administrative in nature.

Item 6 repeals and substitutes Chapter 1 Part 3 of the Principal Determination which provides definitions which apply to the Principal Determination. As a result of the new terms introduced by the categorisation and location frameworks and to promote the use of contemporary language and drafting styles, the Part has been amended as follows.

- The following definitions have been removed:
 - Personal location, which is now referred to as family benefit location.
 - Posting location – within Australia, which is now referred to as housing benefit location.
 - Dependants, which is now referred to as resident family.
 - Dependant with special needs, which is now referred to as special needs.
 - Dependants recognised by CDF, which has been simplified and incorporated into the following definitions:
 - Recognised other persons;
 - Accompanied resident family — Child less than 90 nights; and
 - CDF recognised partner.
 - Normally lives with, which has been incorporated into the definition of resident family.
 - Partner – de facto, which has been simplified to provide when a relationship is considered a de factor relationship.
 - Partner – registered de facto, which has been incorporated into the definition of partner.
 - Spouse, which is now referred to as partner to promote the use of contemporary language.
- The following definitions have been added:
 - Accompanied resident family, which describes when a member's recognised family can be recognised as their accompanied resident family.

- Adult child, which describes a person aged between 21 and 25 who, before turning 21, met the definition of child, and has continued to reside with the member or their partner.
- CDF recognised partner, which describes circumstances where a person who does not meet the definition of partner can be recognised by the CDF as being the member's partner for Defence benefit purposes.
- De facto relationship, which describes when a person is considered to be in a de facto relationship with a member.
- Extended housing benefit location, which describes when a location can be considered the members housing benefit location, despite not meeting the definition of housing benefit location.
- Family benefit location, which describes the location where housing benefits are provided to a member's unaccompanied resident family.
- Guardian or housekeeper, which describes when an adult who is acting as a guardian or housekeeper for a member who has a resident family child can be recognised for the purpose of providing a housing benefit.
- Housing benefit location, which describes the location where a member is required to live and may be provided housing.
- Live-in carer, which describes a person who provides care for a member and is required to live with them as part of their rehabilitation plan.
- Non-resident family, which describes recognised family who are unable to live, or form a common household, with the member.
- Primary service location, which describes the location where a member is expected to undertake their duty on a daily basis.
- Recognised family, which describes a member's partner, child or child of the member's partner.
- Recognised other person, which describes the class of people who may be provided with specific benefits despite not being the member's resident family. The people who may be recognised under this definition include, an adult child, a housekeeper or guardian, a live in carer or a person who has an interdependent relationship with the member, such as an elderly parent.
- Resident family, which describes recognised family who are either the member's accompanied resident family or the member's unaccompanied resident family.
- Service location, which describes the location where the member will attend for duty, including under an alternate located work agreement or a transition location agreement.
- Special needs, which describes what a person must meet to be recognised by Defence as having a special need.
- Unaccompanied resident family, which describes a member's resident family who have not accompanied the member to their housing benefit location.

The Part has also been restructured to promote the use of contemporary drafting styles as follows:

- Division 1: Definitions – general, which provides an overarching list of simple definitions. Additionally, the Division provides some complex definitions that are general in nature.
- Division 2: Key definitions relating to location, which provides complex definitions relating to where a member provides service and is provided housing for themselves and their resident family.
- Division 3: Key definitions relating to resident family, which provides complex definitions relating to a members family, including when people who are recognised as resident family are

accompanied, unaccompanied or non-resident. The provisions provided for under this Division were previously located in Chapter 8 Part 3 of the Principal Determination.

- Division 4: Key definitions relating to people, which provides complex definitions relating to recognising a person as the member's partner, when a person is considered a child of a member, and who may be recognised as another person for the purpose of Defence benefits.
- Division 5: Other matters, which provides complex definitions which sit outside of the above, and includes equivalent ranks and classifications, references to time, and the meaning of dependant for the *Fringe Benefits Tax Assessment Regulations 2018*, which means a person who is a member's resident family and recognised other person.

Item 7 repeals Chapter 1 Part 4 of the Principal Determination which provides how equivalent ranks and classifications are set out within the Principal Determination. The Part has been repealed as this information is now provided by Chapter 1 Part 3 Division 5.

Items 8 to 12 amend various provisions within Chapter 1 Part 5 of the Principal Determination which provides a member's rights and obligations with respect to the conditions of service provided by the Principal Determination. The provisions have been amended to apply the new terms introduced by the new categorisation framework.

Items 13 to 20 amend various provisions within Chapter 1 Part 6 of the Principal Determination which provides payment of benefits in special circumstances, such as when both members of a couple are eligible under for benefits under the Principal Determination. The provisions have been amended to apply the new terms introduced by the new categorisation framework.

Items 21 to 25 amend various provisions within Chapter 1 Part 7 of the Principal Determination which provides what happens to a member's salary and benefits during a period of imprisonment, detention or custody. The provisions have been amended to apply the new terms introduced by the new categorisation framework.

Technical amendments have also been made under this Schedule to promote the use of contemporary drafting styles and to remove information which is administrative and non-legislative in nature do not alter the underlying policies, or the benefits which are currently provided.

Schedule 2—Chapter 4

Schedule 2 makes amendments to Chapter 4 of the Principal Determination which sets out provisions dealing with salary-related allowances and non-salary related allowances for members of the ADF.

Items 1 to 14 amend various provisions within Chapter 4 Part 4 of the Principle Determination which provides provisions relating to location allowances. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Item 15 amends section 4.6.7 of the Principal Determination which provides parking for star rank officers. The section has been amended to substitute "posting location" with "service location" as a consequence of the introduction of the new location framework.

Items 16 to 18 amend various provision within Chapter 4 Part 7 of the Principal Determination which provides provisions relating to Victoria Cross for Australia recipients. The provisions have been amended to apply the new terms introduced by the new categorisation framework.

Items 19 and 20 amend sections 4.8.6 and 4.8.8 within Chapter 4 Part 8 of the Principal Determination which provides provisions relating to trainee dependant allowance. The provision have been amended to apply the new terms introduced by the new categorisation framework.

Item 21 amends section 4.10.2 of the Principal Determination which provides when a member is eligible to be reimbursed their additional risk insurance costs. The section has been amended to substitute "dependant" with "resident family" as a consequence of the introduction of the new categorisation framework.

Technical amendments have also been made under this Schedule to promote the use of contemporary drafting styles and to remove information which is administrative and non-legislative in nature do not alter the underlying policies, or the benefits which are currently provided.

Schedule 3—Chapter 5

Schedule 3 makes amendments to Chapter 5 of the Principal Determination which sets out the provisions for the various kinds of leave available to ADF members.

Item 1 amends section 5.4.17 of the Principal Determination which provides additional recreation leave for service in a remote location. The section has been amended to remove note c. as it is non-legislative in nature and does not need to be determined.

Items 2 to 4 amend various provisions within Chapter 5 Part 7 of the Principal Determination which provides provisions relating to paid parental leave. The provision have been amended to apply the new terms introduced by the new categorisation framework.

Items 5 to 8 amend various provisions within Chapter 5 Part 10 of the Principal Determination which provides provisions relating to leave without pay. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Items 9 to 15 amend various provisions within Chapter 5 Part 11 of the Principal Determination which provides provisions relating to a member who is on short absence from duty. The provision have been amended to apply the new terms introduced by the new categorisation framework.

Item 16 amends section 5.12.1 of the Principal Determination which provides that a member is to observe the public holidays at the posting location where they are performing duty. The section has been amended to substitute “posting location” with “primary service location” as a consequence of the introduction of the new location framework.

Items 17 to 21 amend various provisions within Chapter 5 Part 13 of the Principal Determination which provides provisions relating to the reimbursement of costs when a member is recalled from a period of leave or has a period of leave cancelled due to a recall. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Schedule 4—Chapter 6

Schedule 4 makes amendments to Chapter 6 of the Principal Determination which sets out provisions dealing with relocations on posting in Australia.

Items 1 to 4 amend various provisions within Chapter 6 Part 1A of the Principal Determination which provides provisions relating relocation benefits for members and their dependants when they are relocating within Australia. The provision have been amended to apply the new terms introduced by the new categorisation framework.

Items 5 to 23 amend various provisions within Chapter 6 Part 1 of the Principal Determination which provides provisions relating to relocation allowances. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Items 24 to 28 amend various provisions within Chapter 6 Part 2 of the Principal Determination which provides payment to members when they make a financial loss on the sale of furniture, private vehicles and other effects when they are relocated. The provisions have been amended to apply the new terms introduced by the new categorisation framework.

Items 29 to 32 amend various provisions within Chapter 6 Part 3 of the Principal Determination which provides travel benefits to assist with the uplift and unpack of a member's furniture and effects in connection with a removal. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Items 33 to 70, 72, 73, 75, 76 and 78 to 136 amend various provisions with Chapter 6 Part 5 of the Principal Determination which provides eligibility for assistance with removal and storage in Australia. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Item 71 adds section 6.5.45A into the Chapter 6 Part 5 Division 6 of the Principal Determination which provides a removal to a member on ceasing continuous full-time service. The new section provides who the division applies to, specifically adding members who are on a transition location (medical) or transition location (general) agreement.

Item 74 amends section 6.5.46 of the Principal Determination which provides that a member is eligible to receive a removal benefit on ceasing continuous full-time service. The table in subsection 6.5.46.4 has been amended to insert table item 1A which provides that a member who commences a transition location (medical) or transition location (general) agreement is eligible for a removal at any time during the transition period in their agreement.

Item 77 adds section 6.5.50A into the Chapter 6 Part 5 Division 7 of the Principal Determination which provides when a member is eligible for storage of their furniture and effects. The new section provides that the division does not apply to a member who is on a transition location (medical) or transition location (general) agreement.

Technical amendments have also been made under this Schedule to promote the use of contemporary drafting styles and to remove information which is administrative and non-legislative in nature do not alter the underlying policies, or the benefits which are currently provided.

Schedule 5—Chapter 7

Schedule 5 makes amendments to Chapter 7 of the Principal Determination which sets out the provisions for housing and meals available to ADF members.

Items 1 to 15 and 17 to 22 amend various provisions in Chapter 7 Part 1 of the Principal Determination which provides housing and meals assistance including when a member is eligible to receive the assistance and the kinds of accommodation a member may choose. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Item 16 repeals and substitutes section 7.1.20 of the Principal Determination which provides when a member is not eligible for a house hunting trip. The section has been amended to provide that a member who is on a transition location (medical) or transition location (general) agreement is not eligible for a house hunting trip.

Items 23 to 43 amend various provisions in Chapter 7 Part 2 of the Principal Determination which provides when a member's home is considered suitable and the consequence of a member owning an own home, and the impact this has on their eligibility to housing assistance. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Items 44 to 46 and 48 to 63 amend various provisions in Chapter 7 Part 3 of the Principal Determination which provides the housing assistance available to a member when they sell or purchase a home. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Item 47 repeals and substitutes section 7.3.3 of the Principal Determination which provides who Chapter 7 Part 3 does not apply to. The section has been amended to include a member who is on a transition location (medical) or transition location (general) agreement.

Item 64 adds section 7.4.1A into the Principal Determination which specifies who Chapter 7 Part 4: Living in Accommodation does not apply to. The section has been inserted to provide that a member who is on a transition location (medical) or transition location (general) agreement is not eligible for living in accommodation when they are in their housing benefit location. These members are not able to occupy living in accommodation as the nature of the a transition location agreement is to assist members to establish themselves where they will live after separating from the Permanent Forces with a housing option that will continue after they separate.

Items 65 to 93 amends various provisions within Chapter 7 Part 4 of the Principal Determination which provides when a member may be required or choose to live in living-in accommodation. The Part also provides the standard of living-in accommodation that is available to members based on their circumstance as well as the contribution they must make towards the accommodation. The provisions

have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Items 94 to 133 amend various provisions within Chapter 7 Part 5 of the Principal Determination which provides temporary accommodation allowance for a member or a person in their household who must live in temporary accommodation. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Item 134 adds section 7.6.2 into the Principal Determination which specifies who Chapter 7 Part 6: Service residences does not apply to. The section has been inserted to provide that a member who is on a transition location (medical) or transition location (general) agreement is not eligible for a service residence. These members are not able to occupy a Service residence as the nature of the a transition location agreement is to assist members to establish themselves where they will live after separating from the Permanent Forces with a housing option that will continue after they separate.

Items 135 to 187 amend various provisions within Chapter 7 Part 6 of the Principal Determination which specifies the different levels of service residence that are available to a member based on their circumstance, how a member becomes eligible for a service residence and the contribution they must pay towards the accommodation. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Items 188 to 206 amend various provisions within Chapter 7 Part 7 of the Principal Determination which provides member choice accommodation, which is an alternative benefit to living-in accommodation or rent allowance. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Items 207 to 264 amend various provisions within Chapter 7 Part 8 of the Principal Determination which provides rent allowance to a member who rents a home to live in. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Items 265 to 269 amend various provisions within Chapter 7 Part 9 of the Principal Determination which provides when a member must pay a contribution for meals they eat in a mess and provides the rates the member must pay. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Items 270 to 274 amend various provisions within Chapter 7 Part 10 of the Principal Determination which provides members with assistance with the cost of utilities in certain circumstances and the contribution a member must make towards those costs. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Items 275 to 280 amend Annex 7.A of the Principal Determination which provides contributions for service residence or rent band choice accommodation. The annex has been amended to apply the new terms introduced by the categorisation framework.

Items 281 and 282 amend Annex 7.D of the Principal Determination which provides contributions for rent allowance. The annex has been amended to apply the new terms introduced by the categorisation framework.

Items 283 to 294 amend Annex 7.E of the Principal Determination which provides rent ceilings. The annex has been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Item 295 amends Annex 7.F of the Principal Determination which provides contributions for food for members receiving temporary accommodation allowance. The annex has been amended to apply the new terms introduced by the categorisation framework.

Items 296 to 299 amend various provisions within Chapter 7 Part 11 of the Principal Determination which provides members and their dependants who occupy service accommodation on a Defence

establishment with accommodation and other benefits if the establishment is evacuated due to an actual or imminent emergency. The provisions have been amended to apply the new terms introduced by the categorisation framework.

Technical amendments have also been made under this Schedule to promote the use of contemporary drafting styles and to remove information which is administrative and non-legislative in nature do not alter the underlying policies, or the benefits which are currently provided.

Schedule 6—Chapter 8

Schedule 6 makes amendments to Chapter 8 of the Principal Determination which sets out provisions dealing with members of the ADF and their dependants.

Item 1 amends the heading of Chapter 8 of the Principal Determination to substitute “dependants” with “resident family” to apply the new terms introduced by the categorisation framework.

Item 2 amends section 8.1.2 of the Principal Determination which provides the definition of emergency situation. Reference to “dependant” in paragraph 8.1.2.1.c has been substituted with “resident family” to apply the new terms introduced by the categorisation framework.

Item 3 repeals Chapter 8 Part 3 from the Principal Determination which provides when a member may be a member with dependants (unaccompanied). The Part has been repealed as a consequence of the changes made in Schedule 1 of this Determination.

Items 4 to 27 amend various provisions within Chapter 8 Part 4 which provides education assistance for members when they are required to pay additional education costs for their children as a result of being posted within Australia. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Items 28 to 31 amend various provisions within Chapter 8 Part 5 of the Principal Determination which provides the Emergency Support for Families Scheme. The scheme supports the well-being of a members dependants while the member is absent on duty, and also provides short-term emergency support for a member dependants during an emergency situation. The provisions have been amended to apply the new terms introduced by the categorisation framework.

Items 32 to 49 amend various provisions within Chapter 8 Part 6 of the Principal Determination which provides assistance to members when they have a dependant with special needs. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Items 50 and 51 amend sections 8.7.3 and 8.7.10 within Chapter 8 Part 7 of the Principal Determination which provides assistance to a member's family for their attendance at a Court of Inquiry involving an injured or deceased member. The provisions have been amended to apply the new terms introduced by the categorisation framework.

Items 52 and 53 amend sections 8.9.1 and 9.8.2 within Chapter 8 Part 9 of the Principal Determination which provides the ADF family health program. The ADF family health program provides reimbursement for health costs incurred within Australia by a dependant registered under the program. The provisions have been amended to apply the new terms introduced by the categorisation framework.

Item 54 amends section 8.10.2 of the Principal Determination which provides who Chapter 8 Part 10: Reserve Assistance Program applies to. Paragraph 8.10.2.b has been repealed and substituted to apply the new terms introduced by the categorisation framework.

Technical amendments have also been made under this Schedule to promote the use of contemporary drafting styles and to remove information which is administrative and non-legislative in nature do not alter the underlying policies, or the benefits which are currently provided.

Schedule 7—Chapter 9

Schedule 7 makes amendments to Chapter 9 of the Principal Determination which sets out the provisions for travel in Australia for ADF members.

Items 1 and 2 amend section 9.0.3 of the Principal Determination which provides definitions which apply to Chapter 9. The definition of allowable travel time and normal departmental liability have been amended to apply the new terms introduced by the categorisation framework.

Item 3 to 14 amend various provisions within Chapter 9 Part 1 of the Principal Determination which provides basic travel benefits for members relating to means of travel, class of travel, travel by own means and baggage allowance. The provisions have been amended to apply the new terms introduced by the categorisation framework.

Items 15 to 56 amend various provisions within Chapter 9 Part 2 of the Principal Determination which provides travel benefits to members in specific circumstances. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Items 57 to 110 amend various provisions within Chapter 9 Part 3 of the Principal Determination which provides travel benefits for a member's dependants. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Items 111 to 194 amend various provisions within Chapter 9 Part 4 of the Principal Determination which provides travel benefits that a member can use in association with their leave. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Items 195 to 234 amend various provisions with Chapter 9 Part 5 of the Principal Determination which provides payment of travel costs to a member who undertakes travel provided by Chapter 9. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Items 235 to 244 amend various provisions within Chapter 9 Part 6 of the Principal Determination which provides vehicle allowance to members to assists with reasonable costs when they are authorised to use a private vehicle to travel in Australia. The provisions have been amended to apply the new terms introduced by the categorisation framework and the terms and concepts which have been introduced by the location framework.

Item 245 amends section 9.7.1 of the Principal Determination which provides the purpose of aircraft allowance. Paragraph 9.7.1.1.b has been amended to provide that aircraft allowance is also available to assist a member with the reasonable costs of flying a private aircraft when they are commencing an approved alternate located work agreement.

Technical amendments have also been made under this Schedule to promote the use of contemporary drafting styles and to remove information which is administrative and non-legislative in nature do not alter the underlying policies, or the benefits which are currently provided.

Schedule 8—Chapter 10 and 11

Schedule 8 makes amendments to Chapter 10 and 11 of the Principal Determination. Chapter 10 sets out the provisions for clothing and effects for ADF members. Chapter 11 sets out the provisions dealing with ADF related compensation for ADF members.

Item 1 amends section 10.2.3 of the Principal Determination which provides what a member is eligible to receive when they choose to buy approved articles of uniform and other requirements privately, instead of getting them through free issue. Subparagraph 10.2.3.1.b.ii has been amended to substitute “posting location with “primary service location” as a consequence of the terms and concepts which have been introduced by the location framework.

Items 2 to 11 amend various provisions within Chapter 11 Part 2 of the Principal Determination which provides additional compensation for members who suffer an injury that results in death or severe impairment. The provisions have been amended to apply the new terms introduced by the categorisation framework.

Item 12 repeals the note from section 11.3.3 of the Principal Determination which provides bereavement payments on the death of a member. The note has been removed as it is non-legislative in nature, and does not need to be determined.

Items 13 to 20 amend various provisions within Chapter 11 Part 4 of the Principal Determination which provides funeral and transportation costs on death of a member, a former member or a member's dependant. The provisions have been amended to apply the new terms introduced by the categorisation framework.

Technical amendments have also been made under this Schedule to promote the use of contemporary drafting styles and to remove information which is administrative and non-legislative in nature do not alter the underlying policies, or the benefits which are currently provided.

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Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Overview of the Determination

The purpose of this Determination is to implement the new categorisation and location frameworks which will provide conditions of service benefits to member by recognising contemporary family structures and work practices. The new frameworks will provide the flexibility for members to receive benefits that support their personal circumstance rather than relying explicitly on their categorisation and posting location.

Human rights implications

Right to the enjoyment of just and favourable conditions of work

The protection of a person's right to remuneration engages Article 7 of the International Covenant on Economic, Social and Cultural Rights. Article 7 guarantees just and favourable conditions of work, including remuneration, safe and healthy conditions, equal opportunity and reasonable limitations.

Right to an adequate standard of living

The protection of a person's right to an adequate standard of living engages Article 11 of the International Covenant on Economic, Social and Cultural Rights. Article 11 recognises the right of everyone to an adequate standard of living for them and their family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

Assessment of compatibility

The Determination is compatible with human rights as it makes changes that give effect to the new categorisation and location frameworks. These frameworks recognise contemporary family structures by recognising more people that form part of a member's family network, and contemporary work practices by providing members the flexibility to be provided their current conditions of service, such as housing and travel in a wider range of locations and situations.

Conclusion

This Determination is compatible with human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.