



# **Defence Determination, Conditions of service Amendment Determination 2023 (No. 5)**

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

Dated 11 April 2023

Fiona Louise McSpeerin  
Assistant Secretary  
People Policy and Employment Conditions  
Defence People Group

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## 1 Name

This instrument is the *Defence Determination, Conditions of service Amendment Determination 2023 (No. 5)*.

## 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.	The day the instrument is registered	
2. Schedules 1 to 3	13 April 2023	
3. Schedules 4 and 5.	Immediately after the commencement of Defence Determination, Conditions of service Amendment (Employment offer modernisation) Determination 2023 (No. 1)	
4. Schedule 6	13 April 2023	

Note: this table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Remote location leave travel amendment

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

### **1 Subsection 9.4.29.2**

Repeal the subsection, substitute:

2. A member is eligible for the following remote location leave travel benefits for themselves and their dependants if the CDF is satisfied that the member is reasonably likely to serve in the location for 12 months.
  - a. If the member is serving in a location that attracts ADF District allowance at the Grade A rate — Scheme A benefits.
  - b. If the member is serving in a location that attracts ADF District allowance at the Grade B, C, D or E rate — Scheme A and B benefits.

# Schedule 2—Christmas stand-down and overseas public holidays amendments

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

### **1 Subsection 5.12.3.1**

Repeal the subsection, substitute:

1. A member is eligible for Christmas stand-down for the period of 23 December 2023 to 2 January 2024 inclusive.

### **2 Subsection 15.1.10.1**

Repeal the subsection; substitute:

1. The decision maker may direct a maximum of 10 days in a calendar year that can be observed as public holidays in any posting location.

### **3 Subsection 15.1.10.2**

Repeal the subsection, substitute:

2. When making a direction under subsection 1, the decision maker must consider the following.
  - a. The public holidays generally observed at the posting location.
  - b. The efficient operation of the ADF at the posting location.
  - c. Whether the days are included in the Christmas stand-down period set out in section 15.1.11.

### **4 Subsection 15.1.10.3**

Omit “subsection 2”, substitute “subsection 1”.

### **5 Subsection 15.1.11.3**

Repeal the subsection, substitute:

3. The Christmas stand-down period for 2023-2024 is 23 December 2023 to 2 January 2024 inclusive.

## Schedule 3—Overseas amendments

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

**1 Section 15.8.2.2 (table item 8)**

Repeal the table item, substitute:

8.	Israel	Arab-Jewish Community Centre
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**2 Annex 16.B table item 18 column 4**

Omit “B”, substitute “C”.

**3 Annex 16.B table item 31 column 4**

Omit “E”, substitute “D”.

**4 Annex 16.B table item 32 column 4**

Omit “E”, substitute “D”.

**5 Annex 16.B table item 54 column 4**

Omit “D”, substitute “E”.

**6 Subsection 17.7.6.1 (after table item 3)**

Insert:

3AA.	FORTITUDE	Egypt, Israel and Jordan	97.17
		Lebanon	151.55
		Syria	178.36

# Schedule 4—Disturbance allowance rates amendments

## Defence Determination 2016/19, Conditions of service

### 1 Section 6.1.6.2 (table)

Repeal the table, substitute:

Item	Column A Circumstances of member	Column B Number of current removal	Column C Amount \$
<b>Member who has accompanied resident family or member with recognised other persons and no resident family</b>			
1.	Removal to a new location	1st or 2nd removal	1,398
		3rd or 4th removal	1,864
		5th or 6th removal	2,330
		7th or subsequent removal	2,796
2.	Removal within the same location	Each time	699
3.	Removal from overseas	1st or 2nd removal	280
		3rd or 4th removal	559
		5th or subsequent removal	839
<b>Member who has unaccompanied resident family or the member who has no resident family or recognised other persons</b>			
4.	Removal to a new location from living out to living out	1st or 2nd removal	699
		3rd or 4th removal	932
		5th or 6th removal	1,165
		7th or subsequent removal	1,398
5.	Removal to a new location from living out to living in, or from living in to living out	1st or 2nd removal	350
		3rd or 4th removal	466
		5th or 6th removal	583
		7th or subsequent removal	699
6.	Removal to a new location from living in to living in	1st or 2nd removal	175
		3rd or 4th removal	233
		5th or 6th removal	291
		7th or subsequent removal	350
7.	Removal within the same location and any of the following apply: a. from living in to living in, between different establishments, units or bases b. from living out to living in, or from living in to living out	Each time	175
8.	Removal within the same location from living out to living out	Each time	350
9.	Removal from overseas	1st or 2nd removal	140

		3rd or 4th removal	280
		5th or subsequent removal	419
10.	Removal from storage to living-in accommodation, after deployment of more than 6 months.	Each time	175
11.	Removal from storage to living-out accommodation, after deployment of more than 6 months.	Each time	350

## 2 Section 6.1.12

Repeal the section, substitute:

### 6.1.12 Child changing school – additional payment

1. A member is eligible for an additional payment of \$266 for each child if all of the following apply.
  - a. The member's child is required to change schools because of a removal.  
The child is a full-time student at a primary or secondary school.  
**Note:** This does not include a child at a pre-school.
2. If the child's change of school is postponed to a later date, payment will only be made on the date they change school.
3. If the member's partner is also a member, only one member is eligible for the payment in respect of the child.



# Schedule 5—Vehicle allowance rates amendments

## Defence Determination 2016/19, Conditions of service

### 1 Section 9.6.25

Repeal the section, substitute:

#### 9.6.25 Amount of allowance and calculation of distance

1. The amount of vehicle allowance is worked out using the following formula.

$$\text{vehicle allowance} = \frac{A \times B}{100}$$

Where:

**A** is one of the following.

- a. The number of whole kilometres for the shortest route it is reasonable to take.
- b. The number of whole kilometres for a longer route set by the CDF.

**B** is, for a vehicle with an engine type in column A that has a capacity in column B, the rate in column C of the same item.

Item	Column A Engine type	Column B Engine capacity	Column C Rate per km (cents)
1.	Non-rotary	1600cc or less	78
2.	Non-rotary	1601cc – 2600cc	99
3.	Non-rotary	More than 2600cc	101
4.	Rotary	800cc or less	78
5.	Rotary	801cc – 1300cc	99
6.	Rotary	More than 1300cc	101
7.	Electric	–	78

2. In setting a longer route for the purpose of subsection 1, the CDF must be satisfied that the shortest route was not reasonable for the travel.

### 2 Subsection 9.6.26.1

Repeal the subsection, substitute:

1. The rate of allowance under section 9.6.25 is increased by 1.06 cents per kilometre if the member meets any of the following.
  - a. They carry a passenger in the vehicle who would otherwise be eligible for travel expenses for the journey under this Determination.
  - b. They carry Commonwealth-owned or hired equipment, tools or materials that weigh at least 100 kg.
  - c. They tow a Commonwealth-owned or hired caravan or trailer.

# Schedule 6—Transitional provisions

## 1 Definitions

In this Schedule the following apply.

**Defence Determination** means Defence Determination 2016/19, *Conditions of service*, as in force from time to time.

## 2 Application – Club membership

Clause 3 of this Schedule applies to a member who meets all of the following between 31 January 2023 and the commencement of this Determination.

- a. They were posted to Israel.
- b. They were eligible for the cost of club membership in Israel under any of the following sections of the Defence Determination.
  - i. Section 15.8.4, Benefits in the member's location.
  - ii. Section 15.8.5, Additional club membership costs.

## 3 Benefit – Club membership

1. A member is eligible for the cost of club membership they would have been eligible to under section 15.8.4 and 15.8.5 of the Defence Determination as though Schedule 3 item 1 of this Determination had been in force between 31 January 2023 and the commencement of this Determination.
2. The benefit under subsection 1 is reduced by the amount the member received for the cost of a club membership under section 15.8.4 or 15.8.5 of the Defence Determination between 31 January 2023 and the commencement of this Determination which has not been repaid.

## 4 Application – Hardship location grade

Clause 5 of this Schedule applies to a member who was eligible for a benefit which relied on item 18 or item 54 of Annex 16.B to the Defence Determination between 5 January 2023 and the commencement of this Determination.

## 5 Benefit – Hardship location grade

1. The annual rate of location allowance payable to the member under section 16.2A.5 of the Defence Determination is increased from 5 January 2023 in accordance with the following.
    - a. If item 18 of Annex 16.B to the Defence Determination applies to the member — to the rate payable to the member for hardship location grade C.
    - b. If item 54 of Annex 16.B to the Defence Determination applies to the member — to the rate payable to the member for hardship location grade E.
- Note:** Under section 16.2A.5, location allowance is pro-rated and paid fortnightly.
2. The number of days of additional recreation leave the member is eligible for under section 16.3A of the Defence Determination. is increased from 5 January 2023 in accordance with

the following.

- a. If item 18 of Annex 16.B to the Defence Determination applies to the member — to the number of additional recreation leave days provided to a member in a hardship location grade C location.
- b. If item 54 of Annex 16.B to the Defence Determination applies to the member — to the number of additional recreation leave days provided to a member in a hardship location grade E location.

**Note:** Under subsection 16.3A.3.3, additional recreation leave is pro-rated and accrues fortnightly.

## **6 Application – Deployment allowance**

Clause 7 of this Schedule applies to a member who meets all of the following between 10 November 2022 and the commencement of this Determination.

- a. They were deployed on Operation FORTITUDE.
- b. They performed duty in the specified area.

## **7 Benefit – Deployment allowance**

1. The member is eligible for the daily rate of deployment allowance payable for the specified area set out in Schedule 3 item 6 of this Determination for each day the member performed duty on Operation FORTITUDE.
2. The benefit under subclause 7(1) is reduced by any amount of deployment allowance the member received between 10 November 2022 and the commencement of this Determination.