

EXPLANATORY STATEMENT

Defence Determination, Conditions of service Amendment (Antarctic Allowance) Determination (No. 6) 2025

This Determination amends Defence Determination 2016/19, Conditions of service (the Principal Determination), made under section 58B of the *Defence Act 1903* 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*. These instruments are also subject to the interpretation principles in the AI Act.

The Principal Determination is exempt from sunseting under item 21A of section 12 of the Legislation (Exemptions and Other Matters) Regulation 2015. The exemption was granted as the instrument is a large and complex document that is subject to regular review and amendment. The exemption also provides certainty for members, stakeholders and administrators.

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 remove a rule relating to the payment of Antarctic allowance that is provided in section A.1.6 of DFRT Determination No. 6 of 2025. This amendment avoids any conflict with the DFRT Determination.

Operational details

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

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. In addition, a person may make a complaint to the Defence Force Ombudsman.

Consultation

The rule maker was satisfied that the changes made by this Schedule are technical in nature and consultation was not required.

Approved by:

Sarah McGregor

Acting Director General
People Policy and Employment Conditions

Authority:

Section 58B of the
Defence Act 1903

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Operational details

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

Section 2 provides that this Determination commences on the day the instrument is registered.

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—Antarctic Allowance amendments

Item 1 amends section 4.4.30 of the Principal Determination, which provides the eligibility criteria for Antarctic Allowance. The amendment adds a note at the end of the section to alert the reader to section A.1.6 of DFRT Determination No. 6 of 2024, which may have the effect of Antarctic allowance not being payable to the member if they are receiving a maritime crew B-F allowance that is at a higher rate than Antarctic allowance.

Item 2 repeals section 4.4.33 of the Principal Determination, which provides when Antarctic allowance is not payable to a member when they also receive Maritime Deployable support element allowance. The section is removed to avoid any conflict with DFRT Determination No. 6 of 2025.

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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 remove a rule relating to the payment of Antarctic allowance that is provided in section A.1.6 of DFRT Determination No. 6 of 2025. This amendment avoids any conflict with the DFRT Determination.

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 ensures just and favourable conditions of work, including remuneration, safe and healthy conditions, equal opportunity and reasonable limitations.

Assessment of compatibility

Schedule 1 makes a technical amendment to avoid any conflict with DFRT Determination No. 6 of 2025 and does not engage with any human rights.

Conclusion

This Determination does not engage with human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.