

EXPLANATORY STATEMENT

Defence Determination, Conditions of service Amendment Determination (No. 10) 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 do the following:

- Update salary non-reduction periods to include Navy Intelligence Officers and Naval Police Coxswain Officers and remove salary non-reduction periods that have expired and no longer apply.
- Implement premature birth leave. Premature birth leave provides a member who has given birth prematurely, or a member whose partner has given birth prematurely, with a period of paid leave to support them and to provide them with additional time to spend with their child. This period of leave is in addition to paid maternity leave and parental leave.
- Provide food allowance to members who occupy living-in accommodation at the Navy accommodation complex at Homebush, New South Wales and North Strathfield, New South Wales due to having no access to meals at these locations.
- Correct various typographical errors relating to the rent ceiling for Glenbrook, NSW and the contribution rate a member who is receiving temporary accommodation allowance must pay when occupying temporary accommodation. These amendments will take effect immediately after the amendments made by *Defence Determination, Conditions of service (Living-in accommodation, housing contributions and allowances, and disturbance allowances) Determination (No. 7) 2025*, therefore ensuring the identified errors have no effect on the members to which they would have applied.
- Update the following rates and allowances which apply to members domestically and while posted overseas:
 - Education assistance;
 - Child supplement allowance;
 - Early childhood education assistance; and
 - Location allowance.

- Amend the definition of 'allied health services' to reference the *Health Insurance (Section 3C General Medical Services – Allied Health Services) Determination 2024* and add new services for specialists, allied health services and related products that a member is eligible to be reimbursed costs for under the ADF Family Health Program.
- Amend domestic travel provisions for when a member's resident family needs to travel to access a registered medical or dental practitioner and to enable a Commanding Officer to certify that the travel is necessary when the resident family is unable to access a doctor or dentist if they are in certain remote locations.
- Insert a new section that allows travel for the following people when a member or their resident family are absent from the member's housing benefit location for medical reasons.
 - A support person.
 - a child who is accompanied resident family of a member if there is no alternative care available for the child in the housing benefit location.
- Remove directly conferred decision makers within the Principal Determination as the decision makers will be placed in an Instrument of Authorisation.
- Add new locations to the list of trial locations for the purpose of the Early Eligibility for Rent Allowance Trial.
- Update Annex 13.3.A which provides meal and incidentals rates for members who are travelling on short-term duty overseas to remove the currency provided for Croatia which no longer exists.
- Make a range of technical amendments that do not alter the underlying policies, or the benefits which are currently provided, including the creation of a new Division in Chapter 1 Part 2 of the Principal Determination for savings provisions required as a consequence of amending determinations.

Operational details

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

Incorporation by reference

The Determination makes references to sections of the *Income Tax Assessment Act 1936* and the *Health Insurance (Section 3C General Medical Services – Allied Health Services) Determination 2024*. 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.

Retrospective application

The retrospective application of this Determination does not affect the rights of a person (other than the Commonwealth) in a manner prejudicial to that person, nor does it impose any liability on such person.

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

Consultation

Before this Determination was made, the consultation was undertaken with People Systems and Payroll Branch, People Systems Assurance and Improvement, Defence Member and Family Support, Joint

Health Command, Travel Policy, Defence Print and Travel Services, Directorate of Relocations and Housing and Army, Navy, Air Force through the Military Personnel Branch.

The rule maker is satisfied that consultation was not required on technical amendments made by this Determination as they do not alter the underlying policies, or the benefits which are currently provided

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

Approved by:

Sarah Kate McGregor
Acting Director General
People Policy and Employment Conditions

Authority:

Section 58B of the
Defence Act 1903

Defence Determination, Conditions of service Amendment Determination (No. 10) 2025**Operational details**

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

Section 2 provides the following commencement dates:

- Sections 1 to 4 of the Determination commences on the day the instrument is registered.
- Schedule 1 of the Determination commences on 3 July 2025.
- Schedule 2 of the Determination commences on 11 September 2025.
- Schedule 3 of the Determination commences on 3 July 2025.
- Schedule 4 of the Determination commences immediately after the commencement of *Defence Determination, Conditions of service (Living-in accommodation, housing contributions and allowances, and disturbance allowances) Determination (No. 7) 2025*.
- Schedules 5 to 9 of the Determination commences on 3 July 2025.
- Schedule 10 of the Determination commences on 11 September 2025.
- Schedule 11 of the Determination commences on 3 July 2025.

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—Salary non-reduction period amendments

Item 1 amends the table in Part 2 of Annex 3.2.B of the Principal Determination which provides salary non-reduction periods for members with the rank of Warrant Officer Class 2 or lower. The items have been removed as the salary non-reduction period that provided for has expired and no longer applies.

Item 2 repeals and substitutes the table in Annex 3.2.D of the Principal Determination which provides salary non-reduction periods for Officers. The table has been repealed and substituted to remove expired salary non-reduction periods that no longer apply and to include salary non-reduction periods from 1 August 2025 to 31 July 2030 for members who are in the following employment categories as a consequence of DFRT Matter 12 of 2025 – Navy Intelligence Officer and DFRT Matter 6 of 2025 – Naval Police Coxswain Officer.

- Intelligence – Under Training.
- Intelligence – Tier 1 Operator Primary Qualification.
- Intelligence – Tier 1A Operator Specialist.
- Intelligence – Tier 2 Intelligence Manager.
- Intelligence – Tier 3 Senior Intelligence Officer.
- Naval Police Coxswain Officer – Primary Qualification.
- Naval Police Coxswain Officer – Director of Policing and Security — Navy.
- Naval Police Coxswain Officer – Commanding Officer Defence Police Training Centre.

Schedule 2—Premature birth leave amendments

Item 1 inserts section 1.7.11A into the Principal Determination which provides that during a period of imprisonment, detention or custody, a member is not eligible for a period of premature birth leave.

Item 2 omits and substitutes section 4.4.12 of the Principal Determination which provides when ADF district allowance is payable when a member is on a period of leave. The section has been amended to provide that ADF district allowance is payable during a period the member is on premature birth leave. The section has also been amended to convert the table into text form to improve readability.

Item 3 amends section 5.2.2 of the Principal Determination which provides what types of leave a member may be on for travel to a restricted destination. The section has been amended to include premature birth leave and parental leave as types of leave the member can be on.

Item 4 amends section 5.6.4 of the Principal Determination which provides defined terms used in Part 6 of Chapter 5, maternity leave. The section has been amended to include a definition of 'premature birth' which is defined at section 5.6A.2, which has been inserted by item 14 of this Schedule.

Item 5 amends section 5.6.13 of the Principal Determination which provides the period that a member is entitled to be on maternity leave. A new subsection 3 has been added to provide that the maternity leave period may include a period of premature birth leave.

Items 6 and 7 amend sections 5.6.14 and 5.6.15 of the Principal Determination which provide that the paid period of maternity leave may be taken at full or half pay. The sections have been amended to provide that the leave counts as effective service. This rule is currently provided under subsection 5.6.19.1 which has been repealed by item 9 of this Schedule.

Item 8 amends section 5.6.18 of the Principal Determination which provides that a member may access other forms of leave during the period they are eligible for maternity leave. A new subsection 1A has been added to provide that a member who has given birth prematurely is entitled to a period of premature birth leave immediately after their period of paid maternity leave ends.

Item 9 repeals subsection 5.6.19.1 of the Principal Determination which provides that a period of paid maternity leave, including maternity leave at half pay, is effective service. This rule has been included in sections 5.6.14 and 5.6.15 by items 6 and 7 of this Schedule.

Items 10 and 11 amend section 5.6.20 of the Principal Determination which provides that a member may apply to resume duty after their period of required absence is complete. Item 10 amends subsection 1 to provide that an application to resume duty is subject to subsection 5. Item 11 inserts a new subsection 5 which provides that a member who has had a premature birth and will commence premature birth leave is not eligible to apply to resume duty until after their premature birth leave has been completed.

Item 12 amends section 5.6.21 of the Principal Determination which provides that a member can resume maternity leave after they have resumed duty. A legislative note has been included to provide that if the member wishes to take further maternity leave, this further period of leave does not include a period of premature birth leave that the member chose not to take.

Item 13 amends section 5.6.31 of the Principal Determination which provides the rules for a member on leave without pay when all or part of their required absence falls during the period of their leave without pay. A legislative note has been included to provide that the period when a member must be absent from duty may include a period of premature birth leave.

Item 14 inserts Part 6A into Chapter 5 of the Principal Determination which provides the leave provisions available to a member of the ADF. The new Part provides premature birth leave for a member who has given birth prematurely, or to a member whose partner has given birth prematurely. The new Part provides the following.

Division 1 which provides general provisions relating to premature birth leave.

- Section 5.6A.1 provides the simplified outline of the Part.
- Section 5.6A.2 provides defined terms used within the Part. Specifically, it provides a definition of 'period of premature birth leave' which provides that the period is calculated using the formula set out in the definition. It also provides a definition of 'premature birth' which is the birth of a live

child born from 20 weeks' gestation before the expected date of birth and occurs before 37 weeks' gestation.

- Section 5.6A.3 provides that the Part applies to a member who has had a premature birth, or to a member whose partner has had a premature birth. Two legislative notes have been included to provide: that both members of a dual serving couple may be eligible for premature birth leave; and that the application of the Part is not affected if the child for which the member is eligible for premature birth leave dies.
- Section 5.6A.4 provides that a member who has not completed their qualifying service is not eligible for premature birth leave. However, if the member completes their qualifying service during the period when they would be eligible for premature birth leave, they are eligible for any period of premature birth leave that is remaining after they have completed their qualifying service.
- Section 5.6A.5 provides how premature birth leave is taken. Specifically: the leave must be taken as a single period; it must be taken at full pay; and the leave counts as effective service.
- Section 5.6A.6 provides that the period of premature birth leave will lapse if the member chooses not to take the leave or if it has been denied. A period of premature birth leave can only be denied for a member whose partner has given birth prematurely when exceptional operational requirements prevent the member from taking the leave.

Division 2 which provides premature birth leave provisions for a member who gives birth prematurely.

- Section 5.6A.7 provides that the Division applies to a member who gives birth prematurely.
- Section 5.6A.8 provides that a member who has given birth must notify of a premature birth using the approved form and they must provide evidence of the premature birth with their notification. The notification of the premature birth is to be made as soon as reasonably practicable after the birth.
- Section 5.6A.9 provides that the member is eligible for the period of premature birth leave calculated under section 5.6A.2. This period of leave commences immediately after the member completes their period of paid maternity leave. The member's eligibility for premature birth leave is not affected if the notification under section 5.6A.8 is received after the period of leave has commenced.

Division 3 which provides premature birth leave provisions for a member who has a partner who gives birth prematurely.

- Section 5.6A.10 provides that the Division applies to a member whose partner gives birth prematurely.
- Section 5.6A.11 provides that the member must apply for the period of premature birth leave using the approved form and they must provide evidence of the premature birth with their application.
- Section 5.6A.12 provides that the member is eligible for the period of premature birth leave unless exceptional operational requirements exist. This period of leave, if taken, must be taken before the member takes any period of parental leave that they may be eligible for.

Item 15 amends section 5.7.3 of the Principal Determination which provides that Part 7 of the Principal Determination, Parental leave, does not apply to a member who is on a period of maternity leave. The section has been amended to include a member who is on a period of premature birth leave.

Item 16 amends section 5.7.4B of the Principal Determination which provides the limits on the amount of parental leave a member is eligible for. The section has been amended to provide that the amount of parental leave a member is eligible for is reduced by any period of premature birth leave taken by the member.

Item 17 amends section 15.6.6E of the Principal Determination which provides a definition of 'activity hours' for the purpose of early education assistance for children at a posting location overseas. The legislative note has been amended to include premature birth leave as a period of paid leave that a member may be on to be included as activity hours.

Schedule 3—Food allowance amendments

Item 1 adds paragraph f at the end of the definition of 'living-in accommodation' in section 1.3.1 of the Principal Determination to provide that Navy accommodation complexes are one of the various forms of living-in accommodation. The amendment is technical in nature and promotes consistency, which does not alter the underlying policies, or the benefits which are currently provided.

Item 2 repeals and substitutes section 7.4.29 of the Principal Determination which provides that a member occupying a single bedroom apartment in a Navy accommodation complex at Homebush, New South Wales or North Strathfield, New South Wales must pay the higher contribution towards the cost of their accommodation. The section has been amended to promote the use of contemporary drafting styles and consistency within the Principal Determination.

Item 3 amends the heading to Division 2 of Part 9 of Chapter 7 as a consequence of the changes made by items 2 and 3 of this Schedule.

Item 4 repeals and substitutes section 7.9.9 of the Principal Determination which provides that food allowance under Division 2 of Part 9 of Chapter 7 assists certain members who live out in meeting additional food expenses. The section is amended to include a member who does not have access to meals at their living-in accommodation.

Item 5 repeals and substitutes section 7.9.10 of the Principal Determination which provides when a member is eligible for food allowance. The section is amended to extend the eligibility for food allowance to a member who occupies accommodation at a Navy accommodation complex at either Homebush, New South Wales or North Strathfield, New South Wales. Members occupying accommodation at these locations are unable to be provided meals in a mess, or otherwise by Defence. The section is also amended to promote the use of contemporary drafting styles.

Item 6 make minor technical amendments to section 7.9.11 to update the heading so that it accurately reflects what the section provides.

Schedule 4—Contributions for food – temporary accommodation allowance amendments

Items 1 to 6 amend Annex 7.E of the Principal Determination which provides rent ceilings used to calculate rent allowance entitlements for members. Annex 7.E is amended to repeal and substitute the amounts listed in Parts 1.1, 1.2, 2.1, 2.2, 2.3 and 2.4 for Glenbrook NSW to correct an error that was identified in *Defence Determination, Conditions of service (Living-in accommodation, housing contributions and allowances, and disturbance allowances) Determination (No. 7) 2025*.

Item 7 amends Annex 7.F of the Principal Determination which provides the rate of contribution a member who is receiving temporary accommodation allowance must pay when occupying temporary accommodation. Annex 7.F is amended to correct a typographical error identified in *Defence Determination, Conditions of service (Living-in accommodation, housing contributions and allowances, and disturbance allowances) Determination (No. 7) 2025* relating to the rate of contribution in column B relating to a member whose salary is between 110,000 and 111,999. The rate is amended from "674.31" to "581.34".

The amendments made by this Schedule will take effect immediately after the amendments made by *Defence Determination, Conditions of service (Living-in accommodation, housing contributions and allowances, and disturbance allowances) Determination (No. 7) 2025*, therefore ensuring the identified errors have no effect on the members to which they would have applied.

Schedule 5—Rates and allowances amendments

Item 1 amends subsection 8.4.10.3 of the Principal Determination which applies to a member who engages a tutor for their child. The amendment increases the maximum hourly rate of reimbursement from \$123 to \$131. This change is in line with an increase in the education sub-component of the Consumer Price Index (CPI) for the 12-month period ending December 2024 rounding the underlying figure to the nearest dollar.

Item 2 repeals and substitutes the table in subsection 8.4.11.3 of the Principal Determination which sets the maximum benefits provided for web-based tutoring used in the calculation of the maximum reimbursement a member can receive. The rates have increased in line with the education sub-component of the CPI for the 12-month period ending December 2024 rounding the underlying figure to the nearest dollar. The rate changes are as follows.

- The rate for a child who has studied the subject before and the subject is offered at the new school has increased from \$1,722 to \$1,834.
- The rate for a child who has not studied the subject before and the subject is offered at the new school as increased from \$3,196 to \$3,404.
- The rate for a child who is in year 10, 11, or 12, needs to study the subject as it is essential to their career aims and the subject is not offered at the new school has increased from \$6,392 to \$6,807.

Items 3 to 6 amend section 8.4.14 of the Principal Determination which sets the maximum education assistance available to members who have children with special needs. The following amendments have been made to the section.

- Item 3 amends subsection 8.4.14.3 to increase the maximum hourly rate that a member may be reimbursed when their child with special needs requires a therapy service not provided by the school, but critical to their educational progress. The rate is increased from \$123 to \$131. This change is in line with an increase in the education sub-component of the CPI for the 12-month period ending December 2024 rounding the underlying figure to the nearest dollar.
- Item 4 amends subsection 8.4.14.4 to increase the maximum amount for an assessment of the child's needs, critical to the development of an educational program. The rate is increased from \$905 to \$964. This change is in line with an increase in the education sub-component of the CPI for the 12-month period ending December 2024 rounding the underlying figure to the nearest dollar.
- Item 5 amends subsection 8.4.14.5 which sets the maximum benefit and the contribution for a member who has a child who needs to access a special program at a private school. The subsection is amended to increase the maximum benefit from \$36,336 to \$39,039 a year. The new rates are based on the rates provided by a contracted service provider.
- Item 6 amends subsection 8.4.14.5A which provides that, if a member receives a benefit under subsection 8.4.14.5, then they must pay a contribution. The contribution rate has been increased from \$441 to \$470 per year. The new rates are based on the rates provided by a contracted service provider.

Item 7 repeals and substitutes the table in subsection 8.4.21.1 of the Principal Determination which sets the maximum reimbursement and contributions payable by a member who is eligible to receive a benefit under Division 4 of Part 4 of Chapter 8 of the Principal Determination. The amendment increases the maximum rates of reimbursement for compulsory tuition fees, accommodation for children who do not accompany a member to a posting location and a member's annual contribution rate. The rate changes are as follows.

- An increase in the maximum annual compulsory tuition fee reimbursement from \$36,336 to \$39,039 with an increase in the amount of the member's contribution from \$441 to \$470 or the amount equal to the contribution the member would normally have paid.
- An increase in the maximum reimbursement of board if accommodated in a boarding school or a commercial establishment from \$31,638 to \$34,844.
- An increase in the maximum reimbursement if accommodated privately from \$18,332 to \$19,241.
- An increase in the annual member contribution towards their child's boarding fees (if it is their first year) from \$3,336 to \$3,421.
- An increase in the annual member contribution towards their child's boarding fees (if not their first year) from \$3,754 to \$3,844.

These new rates are based on advice received from a contracted service provider.

Item 8 amends subsection 8.4.25.1 of the Principal Determination which sets out the rate and period of assistance for accommodation for members whose child is in tertiary education and studying away from the member's location of residence. The amendment increases the current fortnightly rate from \$530 to \$551 a fortnight for accommodation costs. The rate is based on the Youth Allowance payable under the *Social Security Act 1991* to an independent full-time student living away from home.

The following amendments update the amounts in the respective provisions that are used to calculate the rates a member is eligible for, in line with the average annual overseas salary as at the first salary payment in May of the relevant year.

- Item 9 amends section 15.2A.20 of the Principal Determination which provides the rate of child supplement allowance for a child dependant living with a member at the overseas posting location.
- Items 10 and 11 amend section 15.6.6D of the Principal Determination which provides the formula for calculating the yearly benefit for a child dependant who is enrolled in an early childhood education facility at the member's overseas posting location.

Item 12 amends the formula in subsection 15.6.11.2 of the Principal Determination provides that the amount a member is eligible to receive for compulsory tuition fees for schooling in the United States of America if their child meets any of the following.

- They attend a pre-school or kindergarten in the USA and the CDF is satisfied that the government pre-school where the member lives is not a suitable benchmark school.
- They attend a primary or secondary school in the District of Columbia, USA, and the member has been directed to live there.
- They attend a primary or secondary school in the USA and the CDF is satisfied that the benchmark school where the member lives is not suitable.
- They have completed secondary school in the USA and is attending a junior college, or similar institution in the USA, for admission to a tertiary institution in Australia.

The rates used to calculate the amount a member is to eligible to receive towards the child compulsory tuition fees has been increased from \$36,336 to \$39,039. The new rate is based on advice received from a contracted service provider.

Item 13 repeals and substitutes the column B of the table in subsection 15.6.11.2 of the Principal Determination which lists the annual contribution that a member must pay when receiving compulsory tuition fee benefit for their child who attends school in the overseas posting location. The amendment increases the following rates of contribution payable by a member. The increase is in line with the education sub-component of the CPI for the 12-month period ending December 2024 rounding the underlying figure to the nearest dollar.

- Member contribution towards compulsory tuition for a pre-school or kindergarten student is increased from \$590 to \$628.
- Member contribution towards compulsory tuition for a primary school student is increased from \$201 to \$214.
- Member contribution towards compulsory tuition for a secondary school student or a student at a junior college is increased from \$469 to \$500.

Item 14 to 16 amend section 15.6.26 of the Principal Determination which specifies the rate of education assistance for compulsory school fees available to a member who is on a long-term posting overseas when their child attends an Australian school and the contribution payable by the member. The following rate changes are made based on advice received from the independent data provider.

- Item 14 amends paragraph 15.6.26.2.b to increase the maximum reimbursement for compulsory tuition fees from \$36,336 to \$39,039 a year.
- Item 15 and 16 amend subsection 15.6.26.3 to increase the following rates in line with the education sub-component of the CPI for the 12-month period ending December 2024, rounding the underlying figure to the nearest dollar.
 - Member contribution towards compulsory tuition fees for a pre-school or primary school student has increased from \$201 to \$214.
 - Member contribution towards compulsory tuition fees for a secondary school student has increased from \$469 to \$500.

Items 17 to 21 amend section 15.6.27 of the Principal Determination which specifies the rate of education assistance for accommodation costs available to a member who is on a long-term posting overseas when their child lives in Australia in boarding school or equivalent accommodation and the contribution payable by the member. The following rate changes payable in Australian dollars have been made based on advice received from a contracted service provider.

- Item 17 amends subparagraph 15.6.27.2.a.ii to increase the maximum reimbursement for accommodation where a child boards at boarding school or a commercial boarding establishment has increased from \$31,638 to \$34,844 a year.
- Item 18 amends subparagraph 15.6.27.2.b.ii to increase the maximum reimbursement for private accommodation has increased from \$18,332 to \$19,241 a year.
- Item 19 amends subparagraph 15.6.27.3.a.i to increase the contribution for a member whose child lives at a boarding school must make in the first year from \$3,336 to \$3,421.
- Item 20 amends subparagraph 15.6.27.3.a.ii to increase the contribution for a member whose child lives at a boarding school must make for subsequent years from \$3,754 to \$3,844.
- Item 21 amends paragraph 15.6.27.3.b to increase the contribution for a member whose child is in private accommodation the member's accommodation from \$3,754 to \$3,844.

Item 22 amends section 16.2A.5 of the Principal Determination which provides the rate of location allowance a member who meets the qualifying period in one or more of the qualifying locations are eligible for. The section is amended to update the respective rates for the accompanied member and unaccompanied member depending on their hardship location grade, in line with the average annual overseas salary as at the first salary payment in May of the relevant year.

All rates in this Schedule are expressed in Australian Dollars.

Schedule 6—ADF family health program amendments

Item 1 amends section 8.9.2 of the Principal Determination which provides the definitions used under the ADF family health program. The item replaces “*Health Insurance (Allied Health Services) Determination 2014*” with “*Health Insurance (Section 3C General Medical Services – Allied Health Services) Determination 2024*”.

Item 2 repeals and substitutes section 8.9.7 of the Principal Determination which provides that a claimant is eligible for the reimbursement of the costs for specialists, allied health services and related products. Two new services have been included as reimbursable: Counselling and psychotherapy and services provided by a Lactation Consultant.

Schedule 7—Travel during a medical absence amendments

Item 1 amends section 1.3.1 of the Principal Determination which provides the definition of ‘remote location’. The section has been amended to include the meaning of remote location for the purpose of travel under section 9.2.26 of the Principal Determination as a consequence of the changes made by item 2 of this Schedule.

Item 2 repeals and substitutes subsection 9.2.26.1 of the Principal Determination which provides when a member's accompanied resident family are eligible for travel from the member's housing benefit location to the location of a registered specialist medical or dental practitioner. The section has been amended to include that people in specific remote locations only need to get approval from the member's Commanding Officer to certify that travel is necessary. This is due to the limited access to doctors and dentists in some remote locations.

Item 3 repeals subsections 9.2.26.5, 9.2.26.6 and 9.2.26.7 of the Principal Determination. Subsection 9.2.26.5 is repealed as the information provided is non-legislative in nature and is therefore does not need to be determined. Subsections 9.2.26.6 and 9.2.26.7 which provides that the member or another person can accompany the resident family when they travel is repealed as a consequence of the changes made by item 4 of this Schedule.

Item 4 adds section 9.2.26A into the Principal Determination which provides when a support person or a child who is accompanied resident family can travel with a member during a medical absence or with a member's resident family who are being treated by a registered specialist medical or dental practitioner. The new section provides the following:

- Subsection 1 provides that to be eligible for benefits under the section the member or their resident family must be eligible for travel under section 9.2.25 or 9.2.26.
- Subsection 2 provides that the following people are eligible for travel.
 - A support person if the member needs to be accompanied during the medical absence.
 - A child who is accompanied resident family of the member if the member is unable to find alternate care for the child during the medical absence.
- Subsection 3 provides the following:
 - That travel is to be by the same means as the person who is travelling under section 9.2.25 or 9.2.26.
 - There where travel is by private vehicle, vehicle allowance is payable up to the amount that would be payable had the travel been by the most economical means and that vehicle allowance is only payable once for the journey.
- Subsection 4 provides that if the support person or child needs to stay overnight at the member's treatment location they are eligible for meals and accommodation.
- Subsection 5 provides that the maximum amount payable for meals and accommodation and that meals costs will be reimbursed and accommodation can be either paid by Defence prior to travel or by reimbursement.
- Subsection 6 provides a definition of decision maker for the purpose of the section.

Schedule 8—Instrument of Authorisation consequential amendments

Item 1 amends section 1.3.1 of the Principal Determination which provides definitions that apply to the Principal Determination. The amendment repeals the definition of 'Toll decision maker' as it is no longer required as a consequence of updated internal administrative documents.

Item 2 amends various provisions in the Principal Determination to remove directly conferred Toll decision makers from the Principal Determination.

Item 3 amends various provisions in the Principal Determination to remove references to 'decision maker' and replace it with 'CDF'.

Item 4 repeals various provisions from the Principal Determination to remove definitions of 'decision maker' as a consequence of updated internal administrative documents.

Schedule 9—Miscellaneous amendments

Items 1 to 9, 12, 13, 17 to 19, 24 and 27 amend various provisions within the Principal Determination to correct typographical errors.

Items 10, 11 and 25 amend various provisions within the Principal Determination to replace the term “posting location” with “housing benefit location” to clarify the location which is being referred to and to promote consistency within the Principal Determination.

Items 14 and 15 amend subsection 7.8.5AA.1 of the Principal Determination which provides when a member is eligible to access the Early Eligibility for Rent Allowance Trial. The subsection has been amended to correct two typographical errors. These amendments are technical in nature and do not alter the underlying policies, or the benefits which are currently provided.

Item 16 amends section 7.8.5AA.5 of the Principal Determination which provides the definition of ‘trial locations’ for the purpose of the Early Eligibility for Rent Allowance Trial. The table has been repealed and substituted to add the following locations:

- Glenbrook, RAAF Base, NSW
- Holsworthy Barracks, NSW
- Orchard Hills, Defence Establishment, NSW
- Amberley, RAAF Base, QLD
- Kokoda Barracks, QLD
- Anglesea Barracks, TAS
- Derwent Barracks, TAS
- Campbell Barracks, WA
- Irwin Barracks, WA
- Palmer Barracks, WA

Items 20 and 21 amend Annex 13.3.A of the Principal Determination which provide meal and incidentals rates for members who are travelling on short-term duty overseas. The Annex has been amended to repeal table item 17 from the table in Part 1 and Part 2. This is as a consequence of the currency which is provided for Croatia no longer existing. If a country is not listed in Annex 13.3.A, the rate provided for “other countries” applies.

Items 22 and 23 amend section 14.3.22 of the Principal Determination which provides removal benefits for a member’s dependants who remain in Australia to another Australian location to promote the use of contemporary drafting styles.

Item 26 amends various provisions within the Principal Determination to replace the word “escort” with “chaperone” to promote the use of contemporary language when making reference to a person accompanying a member or their dependant.

Technical amendments made under this Schedule do not alter the underlying policies, or the benefits which are currently provided.

Schedule 10—Savings provisions

Item 1 updates the heading of Chapter 1 Part 2 of the Principal Determination include savings provision, which are being incorporated into the Principal Determination.

Item 2 inserts a division heading before section 1.2.1 to identify technical rules.

Item 3 inserts after section 1.2.6 the following:

- a new division which is to contain savings provisions which are made in amending determinations.

- A subdivision that contains general rules that apply to the new division, including provision a definition of Defence Determination to be used in the new division.
- A subdivision that contains transitional matters relating to this Determination. The provisions save the rules amended by Schedule 2 of this Determination for a member eligible for maternity leave or paid parental leave for a child born on or before 11 September 2025. This means that the provisions which applied immediately before Schedule 2 commenced continue to apply to the member.

Schedule 11—Transitional provision

Clause 1 defines 'Defence Determination' for the purpose of this Schedule as meaning the *Defence Determination 2016/19, Conditions of service*, as in force from time to time.

Clause 2 provides that the definition of allied health services under section 8.9.2 of the Defence Determination applies from 1 March 2024 as though the changes made by item 1 of Schedule 6 of this Determination had applied at the time. This clause ensures that allied health services were defined at the time. No claimant is adversely affected by the transitional clause as the list of allied health services remained the same.

Clause 3 provides that a member who was eligible for reimbursement under section 8.9.6A of the Defence Determination can be reimbursed the out-of-pocket expenses from 1 July 2025 as though the changes made by item 2 of Schedule 6 of this Determination had applied at the time.

Defence Determination, Conditions of service Amendment Determination (No. 10) 2025**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 do the following:

- Update salary non-reduction periods to include Navy Intelligence Officers and Naval Police Coxswain Officers and remove salary non-reduction periods that have expired and no longer apply.
- Implement premature birth leave. Premature birth leave provides a member who has given birth prematurely, or a member whose partner has given birth prematurely, with a period of paid leave to support them and provide additional time with their child. This period of leave is in addition to paid maternity leave and parental leave.
- Provide food allowance to members who occupy living-in accommodation at the Navy accommodation complex at Homebush, New South Wales and North Strathfield, New South Wales due to having no access to meals at these locations.
- Correct various typographical errors relating to the rent ceiling for Glenbrook, NSW and the contribution rate a member who is receiving temporary accommodation allowance must pay when occupying temporary accommodation. These amendments will take effect immediately after the amendments made by *Defence Determination, Conditions of service (Living-in accommodation, housing contributions and allowances, and disturbance allowances) Determination (No. 7) 2025*, therefore ensuring the identified errors have no effect on the members to which they would have applied.
- Update the following rates and allowances which apply to members domestically and while posted overseas:
 - Education assistance;
 - Child supplement allowance;
 - Early childhood education assistance; and
 - Location allowance.
- Amend the definition of 'allied health services' to reference the *Health Insurance (Section 3C General Medical Services – Allied Health Services) Determination 2024* and add new services for specialists, allied health services and related products that a member is eligible to be reimbursed costs for under the ADF Family Health Program.
- Amend travel provisions relating to when a member's resident family need to travel to access a registered special medical or dental practitioner to enable a Commanding Officer to certify that the travel is necessary where the resident family is unable to access a doctor or dentist if they are in certain remote locations.
- Insert a new section that allows travel for the following people when a member or their resident family are absent from the member's housing benefit location for medical reasons.
 - A support person.
 - a child who is accompanied resident family of a member if there is no alternative care available for the child in the housing benefit location.
- Remove directly conferred decision makers within the Principal Determination as the decision makers will be placed in an Instrument of Authorisation.

- Add new locations to the list of trial locations for the purpose of the Early Eligibility for Rent Allowance Trial.
- Update Annex 13.3.A which provides meal and incidentals rates for members who are travelling on short-term duty overseas to remove the currency provided for Croatia which no longer exists.
- Make a range of technical amendments that do not alter the underlying policies, or the benefits which are currently provided.

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.

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.

Right of a child to an adequate standard of living

Recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development engages Article 27 of the Convention on the Rights of a Child. Article 27 states Parties shall take appropriate action to assist parents and others responsible for a child, to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Right of the child to education

The protection of a child's right to education engages Article 28 of the Convention on the Rights of a Child. Article 28 requires States to provide access to different types of education.

Assessment of compatibility

Schedule 1 is compatible with human rights as it promotes a member's right to just and favourable conditions of work by providing a salary non-reduction period which allows the member to undertake new training requirements for their skill grade while maintaining their rate of salary as a part of their conditions of service.

Schedule 2 is compatible with human rights as it promotes a standard of living adequate for a child's physical, mental, spiritual, moral and social development protection by providing an additional period of paid leave for a member when they, or their partner, has given birth prematurely. This leave will enable the member to spend additional time with their child.

Schedule 3 is compatible with human rights as it promotes the right to the enjoyment of just and favourable work conditions and the right to an adequate standard of living as it ensures that members are provided with appropriate benefits when they occupy living-in accommodation at a base where they do not have access to meals in a mess or are not provided meals by Defence in the absence of mess facilities.

Schedule 5 is compatible with human rights as it promotes just and favourable conditions of work and recognises the right of the member and their family to an adequate standard of living by providing members with location allowance and child supplement allowance that align with the current cost of living. It also protects the right to education of the member's child by adjusting the rates of education assistance and early childhood education assistance for members both domestically and while posted overseas as a part of their conditions of service, which will allow their child to access education that the member may not have otherwise been able to afford.

Schedule 6 is compatible with human rights as it promotes a member's right to just and favourable conditions of work through access to services and products which promote physical and psychological wellbeing of members of a member's family as a part of a member's conditions of service.

Schedule 7 is compatible with human rights as it promotes a member's right to the enjoyment of just and favourable conditions of work by:

- Enabling a support person to travel at Defence expense in circumstances where a member needs support during a medical absence.
- Enabling a member's child who lives with them to accompany the member or their resident family on a medical absence from the location they live when alternative care arrangements cannot be made.
- Providing easier access to specialist medical services for a member's family when they live in a remote location which has limited access to doctors and dentists.

Schedule 8 is compatible with human rights as it promotes a member's right to the enjoyment of just and favourable work conditions by adding new locations in which a member will have access to the Early Eligibility for Rent Allowance Trial. The Early Eligibility for Rent Allowance Trial provides members with certainty and flexibility by providing access to rent allowance earlier than usual in certain locations where other forms of Defence housing are not as readily available or accessible.

Technical amendments made Schedules 4 and 8 of this Determination and savings and transitional provisions in Schedules 10 and 11 of this Determination do not change the underlying policies or benefits, as such, they do not engage with any of the applicable rights or freedoms.

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*.