Defence Determination, Conditions of service Amendment Determination (No. 1) 2026

I, BRIGADIER KIRK LLOYD, Director General, People Policy and Employment Conditions, make the following Determination under section 58B of the *Defence Act 1903*.

Dated 6 February 2026

BRIG Kirk Lloyd
Director General
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 (No. 1) 2026.

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.	The day the instrument is registered.	
2. Schedules 1 to 5	12 February 2026	

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1—Members posted to seagoing submarines amendments

Defence Determination 2016/19, Conditions of service

1 Paragraph 7.4.38.c

Omit “or submarine’s”.

2 At the end of subsection 7.9.5.2

Add:

f. They meet all of the following.

i. They have no resident family or recognised other persons.

ii. They are posted to a seagoing submarine.

iii. The meal ordinarily provided by the submarine’s galley is not available.

3 At the end of paragraph 7.9.5.2A.c

Add:

iii. Meals ordinarily provided by the submarine’s galley are available.

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Schedule 2—Travel after death overseas amendments

Defence Determination 2016/19, Conditions of service

1 Subsection 1.3.2.1

Omit “Close relative”, substitute “For the purposes of providing a benefit to a member, close relative”.

2 After subsection 1.3.2.1

Insert:

1A. In any other circumstance, close relative of a member means a person in subsection 1 who is part of the member’s household or a dependant of the member.

Note: ‘Dependant’ has an ordinary dictionary meaning.

3 After paragraph 12.7.3.b

Insert:

c. A close relative of a member in paragraph a.

Note: Close relative is defined at 1.3.2.

4 After section 12.7.5

Insert:

12.7.5A Travel for a close relative following a death overseas

1. This section applies in the event of a death of any of the following.

   a. A member on short-term duty overseas.

   b. A member on long-term posting overseas.

   c. A partner accompanying a member on long-term posting overseas.

2. One close relative is eligible for the lesser of the following costs for return travel between their home to a location to attend the funeral of, or to make necessary arrangements following, the member’s or partner’s death if the decision maker is satisfied it is reasonable in the circumstances.

   a. The allowable travel cost for the travel.

   b. The actual fares paid for the travel.

3. In this section, **decision maker** means the following.

   a. For travel relating to the death of a member under paragraph 1.a, any of the following.

      i. The CDF.

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ii. Chief of Personnel.

iii. Director General Defence Member and Family Support.

iv. Director Helpline, Incidents and Welfare Policy, Defence Member and Family Support.

b. For travel relating to the death of a person under paragraph 1.b or 1.c, any of the following.

i. The CDF.

ii. Chief of Personnel.

iii. Senior ADF Representative at the overseas post.

iv. Director Attaché and Overseas Management.

v. A person not below Warrant Officer Class 2 who is authorised to manage Defence overseas personnel administration.

vi. A person not below Warrant Officer Class 2 working in the Pay and Administration Centre – Victoria who is authorised to manage Defence pay and administration at overseas posts.

vii. Senior Australian Signals Directorate representative not below Brigadier at the overseas post.

viii. Assistant Director-General Customer and International Engagement, Australian Signals Directorate.

5 Section 15.3.34

Repeal the section.

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Schedule 3—Defence Regulation consequential amendments

Defence Determination 2016/19, Conditions of service

1 Section 1.3.1 (definition of ceasing continuous full-time service)

Omit the definition, substitute:

Ceasing continuous full-time service includes all of the following.

a. Transfer from the Permanent Forces.

b. End of a period of continuous full-time service as a member of the Reserves.

c. Completion of a specified period of service that is not renewed or extended.

d. Retirement under section 23(1) of the Defence Regulation.

e. End of service under section 24(1) of the Defence Regulation.

f. Termination of service under section 101 of the Act.

g. Dismissal under the *Defence Force Discipline Act 1982*.

2 Section 1.3.1 (definition of involuntary separation)

Omit the definition.

3 Subsection 1.7.7.6

Omit “If a member’s service in the ADF was terminated”, substitute: “If a member’s service was ended”.

4 Subsection 2.2.5.1A (note)

Repeal the note, substitute:

Note: A member’s service may be ended under paragraph 24(1)(a) of the Defence Regulation if they are medically unfit for service in the Defence Force.

5 Paragraph 3.2.5.a and b

Repeal the paragraphs, substitute:

a. For a member who ceases service — on the day on which the member ceases continuous full-time service.

6 Paragraph 3.3.10.d

Repeal the paragraph, substitute:

d. The member has been given notice for one of the following purposes and a decision on that notice had not been made.

i. Terminating the member’s service under section 101 of the Act.

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ii. Ending the member's service under section 24 of the Defence Regulation.

7 Paragraph 3.3.21.1.e

Repeal the paragraph, substitute:

e. Their service is terminated under section 101 of the Act relating to a prohibited substance test returning a positive result.

ea. Their service is ended under paragraph 24(1)(c) of the Defence Regulation for a reason not in the interest of the Defence Force relating to performance or behaviour.

eb. Their service is ended under paragraph 24(1)(d) of the Defence Regulation for having engaged in sexual violence.

8 Paragraph 3.3.22.1.e

Repeal the paragraph, substitute:

e. Their service is terminated under section 101 of the Act relating to a prohibited substance test returning a positive result.

ea. Their service is ended under paragraph 24(1)(c) of the Defence Regulation for a reason not in the interest of the Defence Force relating to performance or behaviour.

eb. Their service is ended under paragraph 24(1)(d) of the Defence Regulation for having engaged in sexual violence.

9 After subparagraph 3.4.23.1.b.ii

Insert:

iii. Paragraph 24(1)(d) of the Defence Regulation for having engaged in sexual violence.

10 Paragraph 5.5.25.1.b

Omit "is terminated under", substitute "is ended under".

11 Paragraph 9.2.28.a (note)

Omit "is terminated through", substitute "is terminated or ended through".

12 Subsection 9.2.36 (heading)

Omit "Involuntary separation", substitute "Service ends".

13 Section 9.7.1.1.d

Repeal the paragraph, substitute:

d. On end of service or redundancy.

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Schedule 4—Miscellaneous amendments

Defence Determination 2016/19, Conditions of service

1 Section 1.1.1

Omit “operation”, substitute “option”.

2 Section 1.3.15

Omit “does not ceases”, substitute “does not cease”.

3 Paragraph 1.3.16.1.c

After “CDF”, insert “or the decision maker”.

4 Section 1.3.43

Repeal the section.

5 Section 1.7.7 (heading)

Repeal the heading, substitute:

1.7.7 Consequences of no finding of guilt, or conviction is quashed or set aside

6 Subsection 1.7.7.1

Repeal the subsection, substitute:

1. This section applies to a member who is, or was, in detention or imprisonment and any of the following occurs.

    a. The charge laid against the member has been withdrawn, discontinued or dismissed.

    b. The member has been acquitted of the charge laid against them.

    c. The member’s conviction or finding of guilt has been quashed or set aside.

    d. The period in which the member was held in custody has been determined to be unlawful.

7 Paragraph 4.1.4.ba (note paragraph a)

Omit “pathway/non-specialist”, substitute “pathway or non-specialist”.

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8 Section 5.1.1A (definition of transition period)

Repeal the definition, substitute:

Transition period, in relation to a senior officer who transitioned, means the period between the following days.

a. The day the member is transferred to a pool position.

b. The day the member ceases to be a member of the Permanent Forces.

9 Subsection 6.5.37A.2

Repeal the subsection, substitute:

2. The member is eligible for the removal of their furniture and effects that meets all of the following to an approved store.

a. The furniture and effects that have not been removed under section 6.5.26 to RAAF Base Tindal.

b. The furniture and effects that cannot be housed in their living-in accommodation at RAAF Base Tindal.

Note: Section 6.5.54A provides storage at the losing location of their furniture and effects that cannot be housed in their living-in accommodation.

10 At the end of subsection 6.5.75.3

Add:

Note: A member who has received a removal benefit under this section does not limit eligibility for a removal under Chapter 6 Part 5 Division 6 when they cease continuous full-time service.

11 Paragraph 6.5.80.3.c

Omit “to a one”, substitute “to one”.

12 Section 7.2.18

Repeal the section, substitute:

7.2.18 Home leased for commercial purposes

1. A member is not eligible for housing assistance if they have a suitable own home and any of the following apply.

a. It is leased for commercial purposes.

b. It is leased to Defence Housing Australia.

2. This section does not apply to assistance provided under any of the following.

a. Part 2.

b. Part 3.

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c. Part 4, in relation to a member required to occupy living-in accommodation.

d. Part 9.

e. Part 10.

f. Part 11.

13 Section 7.11.1

Omit:

- Schedule 1—Miscellaneous amendments
- Defence Determination 2016/19, Conditions of service

14 Section 9.6.20

Omit “The member’s benefit”, substitute “3. The member’s benefit”.

15 Section 15.2A.1

Repeal the section, substitute:

15.2A.1 Simplified outline of Part 2A

Overseas living allowances offset the likely effects of a long-term posting overseas on members and their dependants living with them at the posting location. These allowances assist the member in meeting unexpected living costs associated with the posting and the added costs at the posting location. Meal allowance and clothing allowance may be provided in limited circumstances.

Overseas living allowances consist of the following:

- Cost of living adjustment, which helps maintain the purchasing power of the member’s income and provide an equivalent standard of living at the posting location overseas. The allowance has the effect of adjusting the member’s salary by the post index rate that applies to their posting location (see Division 2).
- Cost of posting allowance, which compensates a member for financial and non-financial disadvantage due to the overseas posting. The allowance is based on a percentage of the member’s salary and is subject to lower and upper limits (see Division 3).
- Child supplement allowance, which assists a member with the additional costs inherent in maintaining a child by providing the member an allowance for each child living with a member in the posting location overseas. The base rate of allowance is a fixed amount relevant to the child’s age, which is modified by the post index rate of the posting location (see Division 4).

The overseas living allowances may be affected by the location and period of the member’s posting overseas, and the member’s categorisation. The absence of the member or their

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family from the posting location also affects the payment of overseas living allowances (see Division 5).

Meal allowances may be provided to a member who performs additional duty on a day (see section 15.2A.27) or for the costs of meals when they are in living-in accommodation (see section 15.2A.28).

An allowance for the cost of special garments is also available if the member is required to purchase additional garments due to dress codes imposed by religious custom or law at the posting location (see section 15.2A.29).

16 Subsection 15.4.18.1

Omit “15.4.6.4”, substitute “15.4.6.2”.

17 Subsection 15.4.18A.1

Omit “subsection”, substitute “section”.

18 Section 15.7.2

Omit “is it reasonable” (wherever occurring), substitute “it is reasonable”.

19 Subsection 17.7.6.1 (table item 9, column B)

Omit “vii. the Indian Ocean”, substitute “viii. the Indian Ocean”.

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Schedule 5—Transitional provisions

Defence determination 2019/16, Conditions of Service

1 Chapter 1 Part 2 Division 2 (heading)

Omit “Savings provisions”, substitute “Transitional, savings and application provisions”.

2 After Subdivision 5 of Chapter 1 Part 2 Division 2

Insert:

Subdivision 6: Transitional matters relating to Defence Determination, Conditions of service Amendment Determination (No. 1) 2026

1.2.14 Definitions

In this subdivision, the following apply.

Amending determination means Determination, Conditions of service Amendment Determination (No. 1) 2026.

Amending Regulation means Defence Amendment (RCDVS Implementation) Regulations 2025, which commenced on 13 December 2025.

1.2.15 Transitional – End of service

1. If the member’s service was ended under section 24 of the Defence Regulation, as amended by the amending Regulation, between the commencement of the amending Regulation and the commencement of Schedule 3 of the amending determination, the amending determination applies as though it had been in force at the time.

2. If the member’s service was terminated under section 24 of the Defence Regulation before the commencement of the amending Regulation, the decision to terminate the member’s service under the section 24(1) of the Defence Regulation, as in force immediately before the amending Regulation commenced, is treated as a decision to end the member’s service.

1.2.16 Application – suitable own home leased to DHA

1. This section applies to a member who meets all of the following immediately before the commencement of the amending determination.

    a. They have a suitable own home that is leased to Defence Housing Australia.

    b. They were occupying a home for which they were receiving housing assistance in the member’s housing benefit location under any of the following.

        i. Chapter 7 Part 4.

        ii. Chapter 7 Part 6.

        iii. Chapter 7 Part 7.

        iv. Chapter 7 Part 8.

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2. Item 12 of Schedule 4 of the amending determination does not apply to the member until the earlier of the following.

   a. The lease of the suitable own home to Defence Housing Australia ends.

   b. The home ceases to be a suitable own home.

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