



Defence Determination, Conditions of service Amendment (Overseas education assistance) Determination 2020 (No. 26)

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

Dated 21 December 2020

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 (Overseas education assistance) Determination 2020 (No. 26)*.

2 Commencement

This instrument commences on 7 January 2021.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect

Schedule 1—Overseas education assistance amendments

Defence Determination 2016/19, Conditions of service

1 Section 12.3.9 (Long-term overseas posting)

After the section, insert:

12.3.9A Most economic means

Most economic means the most efficient, practical and appropriate means of travel in terms of having regard to, but not limited to, the following.

- a. The cost of the travel.
- b. The availability of the travel.
- c. The total travel time.

2 Section 12.3.15 (Posting location)

Omit the section, substitute:

12.3.15 Posting location

Posting location, in relation to a long-term posting overseas, means one of the following.

- a. The location to which the member is posted.
- b. If the member is posted to a position on Manhattan Island — New York State, excluding Manhattan.
- c. If the member is posted to a position on Manhattan Island and is directed to live on Manhattan Island — Manhattan.

3 Subsection 14.6.13.2 (Education assistance during evacuation)

Omit the subsection, substitute:

2. If a member's child is evacuated to a location in Australia and the child continues to study the overseas school's curriculum, the member continues to be eligible for any of the following benefits the member was eligible for before the evacuation.
 - a. Compulsory examination fees under section 15.6.9.
 - b. Compulsory tuition fees under section 15.6.10.
 - c. Excess school transport costs under section 15.6.12.
 - d. Language and communication tuition under section 15.6.13.
 - e. Remedial tuition under section 15.6.14.

4 Subsection 14A.1.18.3 (Education assistance), note

Omit the note, substitute:

Note: A member continues to be eligible for any of the following benefits the member was eligible for before the evacuation if the child continues to study the overseas school's curriculum.

- a. Compulsory examination fees under section 15.6.9.
- b. Compulsory tuition fees under section 15.6.10.
- c. Excess school transport costs under section 15.6.12.
- d. Language and communication tuition under section 15.6.13.
- e. Remedial tuition under section 15.6.14.

5 Subsection 14A.1.21A.5 (Education Assistance – USA)

Omit "31 December 2020", substitute "30 June 2021".

6 Section 15.1.6 (Member living on Manhattan Island, USA)

Omit the section.

7 Section 15.3.15B (Cost for escort for child – Cherbourg)

Omit the section, substitute:

15.3.15B Cost of accompanying a child – Cherbourg

1. This section applies to a member if all the following apply.
 - a. The member receives education assistance – Cherbourg under section 15.6.21.
 - b. The member is authorised to use a reunion visit for the child for whom the member receives education assistance – Cherbourg.
 - c. The member's child is unable to travel without an accompanying adult due to age restrictions imposed by the carrier.
 - d. The child is not already being accompanied by an adult.
2. Subject to subsection 3, the member is eligible for the following travel for an adult to accompany the child.
 - a. To begin the reunion visit, all the following.
 - i. The adult's travel from Cherbourg to the school.
 - ii. The adult's and child's travel from the school to Cherbourg.
 - b. To end the reunion visit, all the following.

- i. The adult's and child's travel from Cherbourg to the school.
- ii. The adult's travel from the school to Cherbourg.

Note: The adult may be the member or another adult nominated by the member.

3. Both the following apply.
 - a. A member is not eligible for the benefit for the child under subsection 2 if another member has received the benefit for the same child.
 - b. A member is not eligible for the benefit for the person accompanying their child if another member has received the benefit for the same person travelling at the same time.
 4. Travel under subsection 2 is by one of the following.
 - a. If the travel is between Cherbourg, France and St. John's College, Southsea, England either of the following.
 - i. If the ferry service is available — travel by ferry.
 - ii. If the ferry service is unavailable — travel by the most economical means.
 - b. If the travel is between Cherbourg, France and Ermitage International School of France, Maisons-Laffitte, France — a means of travel that does not exceed the cost of the most economical means.
 5. If it is not practicable for the child and adult, or adult alone, to complete the travel under subsection 2 on the same day as their departure, the member is eligible for overnight accommodation costs for those travelling.
- Note:** Meals and incidental costs are not paid under this section.
6. Travel costs under this section may be reimbursed to the member or paid upfront by the Commonwealth to the provider.

8 Subsection 15.3.16.1 (Member or spouse or partner visits dependant ('reverse overseas reunion')), see note

Omit the see note.

9 Chapter 15 Part 6 (Education costs for children)

Omit the Part, substitute:

Part 6: Education assistance for children

Division 1: General provisions

15.6.1 Purpose

The purpose of this Part is to provide additional benefits to a member to assist with any increased costs for their child's education as a result of the member's posting overseas.

15.6.2 Member this Part applies to

This Part applies to a member who meets all of the following.

- a. The member is on a long-term posting overseas.
- b. The member has a dependant who is a child that is more than 3 years old.
- c. The child is enrolled in one of the following.
 - i. Pre-school.

Note: The child enrolled in pre-school does not have to be enrolled full-time.

- ii. Full-time primary school.
- iii. Full-time secondary school.
- iv. Full-time tertiary education.
- v. Full-time junior college or similar institution in the USA.

15.6.3 Dual benefit exclusion

A member is not eligible for education assistance under this Part in respect of a child for whom they are receiving benefits under Chapter 8 Part 4.

15.6.4 Definitions

In this Part the following apply.

Compulsory tuition fees mean any of the following that is compulsory and calculated on an annual basis.

- a. Tuition fees.
- b. Other fees and charges relating to tuition.
- c. Sports fees.
- d. Travel by a child in a specially designated school bus.
- e. Building and capital fees.
- f. Any Government taxes levied on the fees described in this paragraph.

Benchmark school means one of the following.

- a. For a posting location in an item of column A of Annex 15.6.A, one of the following.
 - i. If the child is in pre-school — the school in column B of the same item.
 - ii. If the child is in primary school — the school in column C of the same item.
 - iii. If the child is in secondary school — the school in column D of the same item.
- b. If no suitable school is available at the posting location and the child uses correspondence school for education, a correspondence school operated by an Australian government body.

Posting location, for the purpose of benchmark and approved summer schools under Annex 15.6.A and Annex 15.6.B, means one of the following.

- a. If the member has been directed to live in Manhattan — the posting location is Manhattan.
- b. If the member is posted to a city, or an establishment within a city, that is listed — the posting location is that city.
- c. If the member is posted to a city or establishment that is not listed but the country where the city or establishment is located is listed — the posting location is the country or 'country — other'.
- d. If the member is posted to a city, establishment or country that is not listed — there is no benefit for the location.

15.6.5 How benefits are paid

1. Unless otherwise specified, benefits under this Part may be paid by a reimbursement to the member or provided through the service provider.

Note: If a benefit is a reimbursement, it cannot be provided through a service provider.

2. If a fee or charge for which a benefit is provided under this Part is paid by the member in instalments, the member may be reimbursed the amount paid for each instalment.

Note: The total amount reimbursed for the fee or charge must not exceed the limit of the benefit.

15.6.6 Amount repayable if member receives refund

If a member is refunded an amount from a provider for a benefit the Commonwealth has already paid to the member or to the provider, the member must repay the refunded amount to the Commonwealth.

Note: This applies to upfront payments and reimbursements.

Division 2: Education assistance for children at the posting location

15.6.7 Member this Division applies to

This Division applies to a member whose child is attending one of the following education institutions at the member's posting location overseas.

- a. Pre-school.
- b. Primary school.
- c. Secondary school.
- d. Junior college (or similar institution in the USA).

15.6.8 Initial enrolment fees

A member is eligible for an amount charged by the school in which their child is enrolled for

the child's initial enrolment.

15.6.9 Compulsory examination fees

1. Subject to subsection 2, a member is eligible to be reimbursed the costs of the child sitting an examination for any of the following.
 - a. Entry into a school.
 - b. Completion of primary or secondary school.
2. The maximum benefit under subsection 1 is the lesser of the following.
 - a. The fee for the examination charged by the school.
 - b. The fees for a similar examination at the benchmark school in the member's posting location overseas for the child's education level.

15.6.10 Compulsory tuition fees

1. A member with a child in a schooling situation described in an item in column A of the following table is eligible for the compulsory tuition fees benefit in column B of the same item.

Item	Column A Child's schooling situation	Column B Compulsory tuition fees benefit
1.	The child attends a school at the member's posting location where there is a benchmark school provided.	The lesser of the following. <ol style="list-style-type: none"> a. The compulsory tuition fees charged by the child's school. b. The compulsory tuition fees charged by the benchmark school.
2.	The child attends a pre-school in the USA that is a benchmark school and the child will not turn five years old on or before 31 December in the current USA school year.	The rate of compulsory tuition fees charged by the benchmark school for the child to attend for 15 hours per week. Note: The child may attend the school more than 15 hours per week. Assistance is limited to the amount charged for 15 hours per week.
3.	The child attends a pre-school or kindergarten in the USA and the CDF decides that the government pre-school where the member lives is not a suitable benchmark school.	The lesser of the following. <ol style="list-style-type: none"> a. The compulsory tuition fees charged by the child's school. b. USD 6,799. Note: Assistance provided under this item is not limited 15 hours per week.

4.	The child attends a primary or secondary school in the District of Columbia, USA and the member has been directed to live there.	The lesser of the following. a. The compulsory tuition fees charged by the child's school. b. USD 18,121.
5.	The child attends a primary or secondary school in the USA and the CDF decides that the benchmark school where the member lives is not suitable.	
6.	All of the following apply. a. The child has completed secondary school in the USA. b. The child is attending a junior college or similar institution in the USA to obtain admission to a tertiary institution in Australia.	

15.6.11 Member contribution

1. A member who receives the benefit under section 15.6.10 must pay an annual contribution.
2. The rate of the annual contribution for a child attending a type of school in an item in column A of the following table is the lesser of the following.
 - a. The rate in column B of the same item of the table.
 - b. The compulsory tuition fee.

Item	Column A School level	Column B Annual contribution in AUD
1.	Pre-school	524
2.	Primary school	179
3.	Secondary school	417
4.	Junior college (or similar institution in the USA)	417

15.6.12 Excess school transport costs

1. A member is eligible to be reimbursed excess transport costs if their child travels to and from school by one of the following.
 - a. Public transport.
 - b. Transport contracted by the school, but not charged by the school.
2. Subject to subsection 3, the excess cost of school transport for 12 months beginning on 1 March is calculated using the following formula.

$$\text{School transport costs (AUD)} = \text{costs} - \left(\frac{\text{days}}{157} \times 383.10 \right)$$

Where:

costs is the lesser of the following school transport costs in Australian dollars.

- a. Costs that would be payable if the child attended a benchmark school.
- b. Costs paid by the member for the child.

Note: The exchange rate used to convert the amount to Australian dollars is the rate provided to Defence by the Department of Foreign Affairs and Trade for the payday prior to 1 March of the relevant year for the currency in which the member incurred the school transport costs.

days is the number of days the member's dependant attended school in the overseas location during the year. Do not count more than 157 days.

3. A member does not receive an amount or a debt if the result of the formula under subsection 2 is negative.

15.6.13 Language and communication tuition

A member is eligible to be reimbursed reasonable tuition costs for their child to learn a new language or form of communication that is used to teach a class the child attends if the CDF is satisfied it is necessary for the child's education.

15.6.14 Remedial tuition

A member is eligible to be reimbursed the cost of up to 200 hours of remedial tuition a year for their child if the CDF is satisfied of all of the following.

- a. The tuition is required as a result of the overseas posting having regard to all of the following.
 - i. The child's education progress.
 - ii. The nature of the tuition.
 - iii. Whether there has been a decline in the child's academic performance at school.
 - iv. Whether the remedial tuition is necessary for the child to make reasonable progress at school within the limits of their ability.
 - v. Any other factor relevant to the child's educational progress.
- b. The cost is reasonable having regard to the cost of similar tuition in Australia.

Note: Language and communication tuition are not reimbursable under this section. A member may be eligible for language and communication tuition reimbursement under section 15.6.13.

15.6.15 Summer school costs

1. A member is eligible to be reimbursed the following if their child attends a summer school or summer camp.
 - a. If the summer school or summer camp is listed in Annex 15.6.B for the member's posting location — the amount charged by the summer school or summer camp attended by the child.
 - b. If the summer school or summer camp listed under Annex 15.6.B for the member's posting location is closed due to the COVID-19 pandemic, the lesser of the following.
 - i. AUD 135 for each day of attendance at an alternative summer school or summer camp.
 - ii. The cost for each day of attendance at an alternative summer school or summer camp.
2. This section does not apply to a member who is eligible for a benefit under section 15.6.16, USA – summer camps.
3. The benefit under this section is limited to either of the following periods.
 - a. For summer schools in France — three weeks per year.
 - b. For summer schools, or summer camps, in all other locations — four weeks per year.
4. A member is not eligible to be reimbursed any of the following costs associated with summer school, or summer camp, incurred by the member, partner or child.
 - a. Costs associated with stopovers, transport or travel.
 - b. Costs for accommodation, meals and incidentals during travel to or from the school.
 - c. Optional activities that incur extra costs.

15.6.16 Summer camps – Manhattan Island

1. This section applies to a member who meets all of the following.
 - a. They are directed to live on Manhattan Island, USA.
 - b. They are eligible for child supplement allowance for a child under Chapter 15 Part 2 Division 4.
2. The member is eligible to be reimbursed mandatory fees for summer camp for the child, including day camps.
3. Reimbursement is the lesser of the following.
 - a. One of the following.
 - i. If the child is attending pre-school — USD 805 a year.
 - ii. If the child is attending primary or secondary school — USD 2,530 a year.
 - b. The cost of the mandatory fees for the summer camp.

15.6.17 Child leaves Australia to attend school at posting location overseas

1. This section applies to a member if all of the following apply.
 - a. The member has received compulsory tuition fees for study in Australia under Division 4.
 - b. The member's child has relocated to the member's posting location overseas to study before the end of the member's posting.
2. The member is ineligible for benefits under this Division unless all of the following apply.
 - a. One of the following applies.
 - i. The member has repaid any benefit for compulsory tuition fees for the child's study in Australia under section 15.6.28 for the period the child is not in Australia.
 - ii. The period for which the compulsory tuition fees for study in Australia has ended.
 - b. The CDF considers the cost to Defence and approves benefits under this Division.
3. If the member has paid a contribution under section 15.6.26 or section 15.6.27 and the period for which the contribution was paid has not ended, the member is eligible for a reimbursement calculated using the following formula.

$$\text{Reimbursable amount} = \frac{A}{B} \times C$$

Where:

- A** is the number of days left of the period the contribution covered from the day the Commonwealth was repaid the compulsory tuition fees it paid.
- B** is the number of days the contribution covered.
Note: The period could be a school term, number of school terms or the full school year. The dates for school terms and school years are determined by the school.
- C** is the contribution the member paid.

Division 3: Education assistance for children overseas – special circumstances

15.6.18 Education assistance – inadequate education facilities

1. A member is eligible for education assistance for their child studying by one of the following means if the CDF is satisfied the benchmark school at the posting location overseas is inadequate for the child.
 - a. By way of correspondence at the member's posting location overseas.
 - b. At an overseas location other than the member's posting location overseas.
2. Before making the decision under subsection 1, the CDF must consider all of the following.
 - a. The availability and nature of the education facilities at the member's posting location.

- b. The alternative education arrangements made for the child and their cost.
 - c. The nature and cost of other arrangements that the member could be expected to make at the posting location or in Australia.
 - d. Any other circumstance at the posting location affecting the educational welfare of the child.
3. The amount of education assistance is one of the following.
- a. If paragraph 1.a applies, one of the following.
 - i. The amount the member would be eligible for under Division 2 if their child was studying at the benchmark school at the posting location overseas.
 - ii. An amount the CDF considers reasonable.
 - b. If paragraph 1.b applies, the benefits the member would be eligible for under Division 4 if the child lived in Australia and attended a non-Government school that provided for the child's alternative education arrangements.
4. A member eligible for education assistance for a child under this section is not eligible for education assistance under section 15.6.10 for that child.

15.6.19 Travel benefit for child leaving posting location overseas

1. This section applies to a member if all of the following apply.
- a. The member's child leaves the member's posting location overseas to begin school at another location.
 - b. The member will receive education assistance for the child in the other location.
2. If the child is to attend a school in Australia, the travel benefit is the lesser of the following.
- a. The allowable travel cost for the child to travel from the posting location overseas to the school.
 - b. The actual cost of the travel.
3. If the child is to attend a school outside of Australia, the travel benefit is the lesser of the following.
- a. The allowable travel cost for the child to travel from the posting location overseas to the school.
 - b. The allowable travel cost for the child to travel from the posting location overseas to the last posting location in Australia.
 - c. The actual cost of the travel.

15.6.20 Accompanying a child to begin boarding school

1. This section applies to a member who meets all of the following.
 - a. The member's child has lived at the member's posting location overseas for at least a year or a school year.
 - b. The member's child is leaving the posting location to attend boarding school in another location.
 - c. The member's child has not previously attended a school as a boarder.
 - d. The member is eligible for education assistance for their child to attend primary or secondary school at the new location.
2. The member is eligible for the travel costs between the member's posting location and the child's school for the member or member's partner to accompany their child to begin boarding school outside the member's posting location overseas if all of the following apply.
 - a. The travel arrangements with the child cannot be made in conjunction with other travel benefits.
 - b. One of the following applies.
 - i. The child is not permitted to travel alone.
 - ii. It would be severely detrimental to the child's welfare if the member or their partner did not accompany the child.
 - c. The CDF approves the travel.
3. For the purpose of paragraph 2.c, the CDF must not approve the travel unless all of the following apply.
 - a. There are special circumstances that require the child to be accompanied to begin boarding school.
 - b. It is reasonable having regards to the following.
 - i. The time the member has been overseas on posting.
 - ii. When the member or partner last travelled to the location where the child will be attending boarding school.
 - iii. Any other factor relevant to the child beginning boarding school.
4. Travel costs under subsection 1 means the lesser of the following.
 - a. One of the following.
 - i. If the child is to attend a school in Australia — the allowable travel costs for one person to travel from the posting location overseas to the school's location and return to the posting location overseas.
 - ii. If the child is to attend a school outside of Australia — the allowable travel costs for one person to travel from the posting location to the member's last posting location in Australia and return to the posting location.
 - b. The actual cost of the travel.

5. A member is only eligible for a benefit under this section once for each child on a long-term posting overseas.

15.6.21 Education assistance – Cherbourg

1. This section applies to a member on a long-term posting overseas in Cherbourg, France who meets all of the following.
 - a. The member has a child boarding at one of the following schools.
 - i. St John’s College, Southsea, England.
 - ii. Ermitage International School of France, Maison-Laffitte, France.
 - b. The child is enrolled in one of the following years at the school.
 - i. Year 10 or higher.
 - ii. A year below Year 10 if the CDF is satisfied there are exceptional circumstances.
2. The member is eligible for the following for each year if the member pays an annual contribution of AUD 417.
 - a. Compulsory tuition fees.
 - b. Accommodation and boarding fees.

Note: This section does not affect a member’s benefit for education assistance under Division 2.
3. A member eligible for education assistance under this section for a child is not eligible for education assistance under section 15.6.10 for the same child.

15.6.22 Commencing and ceasing boarding school – Travel – Cherbourg

1. This section applies to a member if all the following apply.
 - a. The member is eligible for education assistance – Cherbourg under section 15.6.21.
 - b. The member’s child must travel for either of the following.
 - i. To commence boarding school.
 - ii. To return to Cherbourg immediately after the child ceases to be enrolled at boarding school.
2. Subject to subsection 3, the member is eligible for the following travel benefits for their child and a person to accompany the child.
 - a. At the beginning of boarding school, all the following.
 - i. The person’s and the child’s travel from Cherbourg to the school.
 - ii. The person’s travel from the school to Cherbourg.
 - b. At the end of boarding school, all the following.

- i. The person's travel from Cherbourg to the school.
- ii. The person's and the child's travel from the school to Cherbourg.

Note: The person may be the member or another adult nominated by the member.

3. Both the following apply.
 - a. A member is not eligible for the benefit for the child under subsection 2 if another member has received the benefit for the same child.
 - b. A member is not eligible for the benefit for the person accompanying their child if another member has received the benefit for the same person travelling at the same time.
4. Travel under subsection 2 is by one of the following.
 - a. If the travel is between Cherbourg, France and St. John's College, Southsea, England either of the following.
 - i. If the ferry service is available — travel by ferry.
 - ii. If the ferry service is unavailable — travel by the most economical means.
 - b. If the travel is between Cherbourg, France and Ermitage International School of France, Maisons-Laffitte, France — a means of travel that does not exceed the cost of the most economical means.
5. If it is not practicable for the child and adult, or adult alone, to complete the travel under subsection 2 on the same day as their departure, the member is eligible for overnight accommodation costs for those travelling.

Note: Meals and incidental costs are not paid in association with this benefit.
6. A member eligible for a benefit under this section for a child is not eligible for a benefit under section 15.6.20 for the same child.

Division 4: Education assistance for children in Australia

15.6.23 Member this Division applies to

1. This Division applies to a member on a long-term posting overseas who meets all of the following.
 - a. The member's child is enrolled in one of the following in Australia.
 - i. Primary school.
 - ii. Secondary school.
 - iii. A tertiary institution.
 - b. During the child's study, their primary accommodation is not the family home in Australia.

Note: This Division will continue to apply to a member after the member has been posted back to Australia until the member ceases to be eligible for education assistance under section 15.6.29.

15.6.24 Member this Division does not apply to

This Division does not apply to a member in relation to a child in Australia if the member's partner also resides in Australia unless the CDF is satisfied that it is reasonable in the circumstances to provide education assistance in relation to the child.

Note: If the member has more than one child, the CDF may make a different decision in relation to each child.

15.6.25 Initial enrolment fees

1. A member is eligible for an amount charged by the school in which their child is enrolled for the child's initial enrolment.
2. The benefit under this section may be reimbursed to the member or paid upfront to the provider.

15.6.26 Compulsory tuition fees

1. Subject to subsection 3, a member with a child attending pre-school, primary or secondary school in Australia is eligible for the costs of compulsory school fees for the child.
2. The maximum benefit under subsection 1 is the lesser of the following.
 - a. The amount of the compulsory school fees.
 - b. AUD 29,939.
3. A member who receives a benefit under subsection 1 must pay one of the following contributions.
 - a. If the child is in pre-school or primary school — AUD 179.
 - b. If the child is in secondary school — AUD 417.

15.6.27 Accommodation costs

1. Subject to subsection 2, a member with a child living in a boarding school, tertiary institution or a commercial establishment or in other private accommodation is eligible for the costs of accommodation.
2. The maximum payable under subsection 1 is one of the following.
 - a. If the child is staying in a boarding school, tertiary institution or a commercial establishment, the lesser of the following.
 - i. The actual cost.
 - ii. AUD 30,207.
 - b. If the child is living in other private accommodation, the lesser of the following.
 - i. The actual cost.
 - ii. AUD 19,866.
3. A member who receives a benefit under subsection 1 must pay one of the following

contributions.

- a. If the child is living in a boarding school, tertiary institution or a commercial establishment or in other private accommodation, the lesser of the following.
 - i. For the first year — AUD 2,798.
 - ii. For every other year — AUD 3,203.
- b. If the child is staying in private accommodation — AUD 3,182.
- c. If the child was not living with the member before the member was given notice of their long-term posting overseas — the annual costs of the accommodation for the child paid before the notice was given.

15.6.28 Remedial tuition

1. Subject to subsection 2, a member is eligible to be reimbursed the cost of up to 200 hours of remedial tuition a year for their child if the CDF is satisfied the tuition is required as a result of the overseas posting having regard to all of the following.
 - a. The child's education progress.
 - b. The nature of the tuition.
 - c. Whether there has been a decline in the child's academic performance at school.
 - d. Whether the remedial tuition is necessary for the child to make reasonable progress at school within the limits of their ability.
 - e. Any other factor relevant to the child's educational progress.
2. The benefit amount is calculated using the following formula.

$$\text{Reimbursable amount} = A - B$$

Where:

- A** The amount the member paid for remedial tuition.
- B** The amount the member would have paid for remedial tuition if the member was in Australia.

15.6.29 Child leaves the posting location overseas to attend school in Australia

1. This section applies to a member if all of the following apply.
 - a. The member has received compulsory tuition fees for study at the posting location overseas under Division 2 or Division 3.
 - b. The member's child has relocated to Australia to study before the end of the member's posting.
2. The member is ineligible for benefits under this Division unless all of the following apply.
 - a. One of the following applies.

- i. The member has repaid any benefit for compulsory tuition fees for the child's study overseas under section 15.6.10 for the period the child is not in the posting location.
 - ii. The period for which the compulsory tuition fees for study at the posting location overseas has ended.
 - b. The CDF considers the cost to Defence and approves benefits under this Division.
- 3. If the member has paid a contribution under section 15.6.10 and the period for which the contribution has not ended, the member is eligible for a reimbursement calculated using the following formula.

$$\text{Reimbursable amount} = \frac{A}{B} \times C$$

Where:

A is the number of days left of the period the contribution covered from the day the Commonwealth was repaid the compulsory tuition fees it paid.

B is the number of days the contribution covered.

Note: The period could be a school term, number of school terms or the full school year. The dates for school terms and school years are determined by the school.

C is the contribution the member paid.

15.6.30 End of education assistance

- 1. A member ceases to be eligible for education assistance under this Division on the earlier of the following days.
 - a. The day a parent of the child lives in Australia on a permanent basis unless the CDF is satisfied it is not reasonable for the child to live with the parent.

Note: If the member has more than one child, the CDF may make a different decision in relation to each child.
 - b. The day the child changes schools after the member is posted back to Australia.
 - c. If the child is in primary school — the end of the school year after the member is posted back to Australia.
 - d. If the child is in secondary school and subsection 3 applies, one of the following.
 - i. If the child is enrolled in a school year that is not one of the last 2 years of secondary school — the end of the school year after the member is posted back to Australia.
 - ii. If the child is enrolled in a school year that is either of the last two years of high school — the end of the last year of secondary school.
 - e. If the child is enrolled in tertiary education — the child turns 18 years old.
- 3. For the purpose of paragraph 2.d, the child must have been enrolled in a secondary school in the year in an item in column A of the following table for the period prescribed in column B of the same item.

Item	Column A Year at School	Column B Prescribed period
1.	The first year of secondary school	From the beginning of the school year.
2.	Any other year of secondary school	For at least four school terms before the day on which the posting ends.

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1 **Annex 15.6.A (Benchmark schools)**

Omit the annex, substitute:

Annex 15.6.A: Benchmark schools

Item	Column A Posting location	Benchmark school		
		Column B Pre-school/Kindergarten	Column C Primary school	Column D Secondary school
1.	Belgium	International School, Brussels	International School, Brussels	International School, Brussels
2.	Brunei	International School Brunei	International School Brunei	International School Brunei
3.	Cambodia	–	International School, Phnom Penh	–
4.	Canada	Turnbull School, Ottawa	For grades 1–3, Turnbull School, Ottawa For grades 4-6, Ashbury College, Ottawa	Ashbury College, Ottawa
5.	China	British School, Beijing	British School, Beijing	British School, Beijing
6.	Cook Islands	Te Uki Oh School	Te Uki Oh School	–
7.	East Timor	Quality Schools International, Dili	Quality Schools International, Dili	Quality Schools International, Dili
8.	Ethiopia	International Community School Addis Ababa	International Community School Addis Ababa	International Community School Addis Ababa
9.	Fiji	International School, Suva	International School, Suva	International School, Suva
10.	France – Cherbourg	–	Ermitage International School of France	Ermitage International School of France
	– Paris	International School, Paris	International School, Paris	International School, Paris
	– other	EPIM School, Aix-en-Provence	EPIM School, Aix-en-Provence	EPIM School, Aix-en-Provence

11.	Germany – Bremen	The International School of Bremen	The International School of Bremen	The International School of Bremen
	– Hamburg	The International School of Hamburg	The International School of Hamburg	The International School of Hamburg
	– other	Brandenburg Berlin International School	Brandenburg Berlin International School	Brandenburg Berlin International School
12.	India	American Embassy School, New Delhi	American Embassy School, New Delhi	American Embassy School, New Delhi
13.	Indonesia	Jakarta International School	Jakarta International School	Jakarta International School
14.	Italy - Pisa	American Overseas School of Rome	American Overseas School of Rome	American Overseas School of Rome
		International School of Florence	International School of Florence	International School of Florence
15.	Japan	American School, Tokyo	American School, Tokyo	American School, Tokyo
16.	Jordan	American Community School, Amman	American Community School, Amman	American Community School, Amman
17.	Kiribati	–	Ruruboa School	–
18.	Kuwait	The English School	The English School	The English School
19.	Laos	Vientiane International School	Vientiane International School	Vientiane International School
20.	Malaysia			
	- Kuala Lumpur	Children's House	International School	International School
	- other	St Christopher's School, Butterworth	St Christopher's School, Butterworth	Uplands School, Butterworth
21.	Marshall Islands	Majuro Cooperative School	Majuro Cooperative School	Majuro Cooperative School
22.	Micronesia	Calvary Christian Academy	Calvary Christian Academy	Calvary Christian Academy
23.	Myanmar	The International School Yangon	The International School Yangon	The International School Yangon
24.	Netherlands (including The Hague)	The British School in The Netherlands	The British School in The Netherlands	The British School in The Netherlands
25.	New Caledonia	James Cook International School	James Cook International School	James Cook International School
26.	New Zealand	Any government school	Any government school	Any government school
27.	Palau	Emmaus Gospel Kindergarten	Seventh Day Adventist Elementary School	–

28.	Papua New Guinea - Port Moresby	Ela Beach	Any Australian curriculum primary school administered by the Papua New Guinea Government or the International Education Agency	Any Australian curriculum secondary school administered by the Papua New Guinea Government or the International Education Agency
	- Lae	-		
29.	Philippines	International School, Manila	International School, Manila	International School, Manila
30.	Samoa	Baha'i Montessori	Vaiala Beach School	Robert Louis Stevenson Secondary School
31.	Saudi Arabia	American International School, Riyadh	American International School, Riyadh	American International School, Riyadh
32.	Singapore	Australian International School	Australian International School	Australian International School
33.	Solomon Islands	Woodford International School	Woodford International School	Woodford International School
34.	South Korea	Seoul Foreign British School	Seoul Foreign British School	Seoul Foreign British School Seoul Foreign School
35.	Spain - Madrid	American School of Madrid	American School of Madrid	American School of Madrid
	- La Coruna/Ferrol	Colegio Obradorio		
36.	Sri Lanka	Overseas School of Colombo	Overseas School of Colombo	Overseas School of Colombo
37.	Thailand	NIST International School	NIST International School	NIST International School
38.	Tonga	ACTS Community School	ACTS Community School	Ocean of Light International School
39.	Turkey	-	The George C Marshall School	The George C Marshall School
40.	UK	Southbank International School	Southbank International School	Southbank International School
41.	United Arab Emirates	The GEMS American Academy	The GEMS American Academy	The GEMS American Academy
42.	USA - Manhattan	Dwight School, New York	Dwight School, New York	Dwight School, New York
	- other	The government pre-school where the member lives that offers part-time tuition for at least 15 hours a week.		

43.	Vanuatu	Mrs Parrett's Pre-school Kindergarten	Port Vila International School	-
44.	Vietnam	United Nations International School Hanoi	United Nations International School Hanoi	United Nations International School Hanoi

1 **Annex 15.6.B (Approved summer schools)**

Omit the annex, substitute:

Annex 15.6.B: Approved summer schools

Item	Column A Posting location	Column B Approved summer school
1.	Belgium	International School Brussels
2.	Cambodia	Northbridge International School of Cambodia The Canadian International School The International School of Phnom Penh
3.	China	Atelier Art School Canadian International School of Beijing Imagine China Sports Beijing That's Mandarin
4.	East Timor	Quality Schools International – Dili (excluding the daily program)
5.	France - Cherbourg - other	École Des Roches, Paris American School, Paris École Privée Internationale de Marseille (EPIM School), Aix-en-Provence International School, Paris Centre International Privé pour l'Education et la Culture (CIPEC), France International Bilingual School of Provence (IBS), France
6.	Italy	American Overseas School of Rome, Rome
7.	India	American Embassy School, New Delhi
8.	Indonesia	Bandung International School Bambino International Pre-school Jakarta International School
9.	Japan	ABC International School, Tokyo EtonHouse International School, Tokyo International School of the Sacred Heart, Tokyo Montessori School of Tokyo, Tokyo STEAM Lab +E Tokyo International School, Tokyo Willowbrook International School, Tokyo
10.	Jordan	My Gym Summer School
11.	Malaysia	International School, Kuala Lumpur
12.	Philippines	British School, Manila International School, Manila
13.	South Korea	British International Kindergarten, Seoul Seoul Club Summer Program, Seoul Seoul Foreign School, Seoul

14.	Spain: - La Coruna/Ferrol	Colegio Eiris Colegio Obradoiro Enforex
	- Madrid	American School of Madrid Centro Educativo Internacional El Jarama Enforex Day Camp Summer Program (See: Subsection 15.6.17)
	- other	Enforex Day Camp Summer Program (See: Subsection 15.6.17)
15.	Thailand	NIST International School Noddy Playgroup St Andrews International School
16.	Vietnam	United Nations International School, Hanoi

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1 Section 15.7.1 (Purpose), see note

Omit the see note, substitute:

Note: Foreign language training benefits for a child is provided in section 15.6.13.

Schedule 2—Transitional and savings provisions

1 Definitions

In this Schedule, the following apply.

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

2 Education assistance – Cherbourg

1. This section applies to a member who meets the following.
 - a. The member is on a long-term posting overseas.
 - b. The member has a child who is a dependant.
 - c. The child was enrolled at Ermitage International School, Maison-Laffette, France to commence schooling at the beginning of the 2020/2021 French school year before the commencement of this Determination.
 - d. The member was not eligible for benefits under section 15.6.21 of the Defence Determination in relation to that period.
2. The member is eligible for the amount they would have received between the following dates under section 15.6.21 of the Defence Determination had it been in force at the time of the child's enrolment.
 - a. The day the child was enrolled at Ermitage International School, Maison-Laffette, France to commence schooling at the beginning of the 2020/2021 French school year.
 - b. The commencement of this Determination.
3. If a person accompanied the child to the school for the purpose of commencing boarding school and the member would have received a benefit under section 15.6.22 for that travel, the member is eligible for a benefit that is equal to the amount they would have received had section 15.6.22 applied at the time.

3 Education assistance – USA

A member who was eligible for education assistance under section 14A.1.21A of the Defence Determination immediately before 31 December 2020 continues to be eligible for the benefit as though section 5 of Schedule 1 of the Determination applied on that day.

4 Savings

A member who was eligible for a benefit under Chapter 15 Part 6 of the Defence Determination immediately before the commencement of this determination continues to be eligible for that benefit until a circumstance relevant to the eligibility of the benefit changes.