



Defence Determination, Conditions of service Amendment Determination 2021 (No. 11)

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

Dated 1 July 2021

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

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1 Name

This instrument is the *Defence Determination, Conditions of service Amendment Determination 2021 (No. 11)*.

2 Commencement

This instrument commences on 8 July 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Miscellaneous amendments

Defence Determination 2016/19, Conditions of service

1 Subsection 3.2.36.1 (Promotion after previous service at temporary or acting rank)

Omit “This section describes”, substitute “The purpose of this section is to set out”.

2 Subsection 3.2.39.1 (Salary on promotion to rank previously held)

Omit “This section describes”, substitute “The purpose of this section is to set out”.

3 Subsection 5.6.11.3 (How to apply for maternity leave)

Omit the subsection.

4 Subsection 5.6.23.1 (Required absence)

Omit “describes”, substitute “prescribes”.

5 Paragraph 8.3.6.2.a (Member who may be classified as a member with dependants (unaccompanied))

Omit “described”, substitute “set out”.

6 Subsection 8.9.5.2 (Specialists and allied health benefits)

Omit the subsection, substitute:

2. Subject to subsection 3, reimbursement under this section is limited to the out of pocket expenses incurred by an eligible dependant for the following services or products.
 - a. Consultation with a specialist.

Note: The service must have a Medicare Benefits Schedule item number.
 - b. Medically prescribed, dental and optical appliances.
 - c. An allied health service, including any listed in the following table.

Item	Service	Benefit
1.	Audiology	Consultation by an eligible audiologist under the <i>Health Insurance (Allied Health Services) Determination 2014</i> .
2.	Chiropractic and Osteopathy	Consultation by a chiropractor or osteopath registered with the Australian Health Practitioner Regulation Agency.
3.	Dental	Consultation by a dentist registered with the Australian Health Practitioner Regulation Agency. Includes items listed by the Australian Dental Association (ADA).

4.	Dietary	Consultation by an allied health professional under the <i>Health Insurance (Allied Health Services) Determination 2014</i> .
5.	Occupational Therapy	Consultation by an occupational therapist registered with the Australian Health Practitioner Regulation Agency.
6.	Optical	Consultation by an optometrist registered with the Australian Health Practitioner Regulation Agency. Includes all prescription eyewear, lenses, frames, contact lenses and repairs.
7.	Physiotherapy	Consultation by a physiotherapist registered with the Australian Health Practitioner Regulation Agency.
8.	Podiatry and Chiropody	Consultation by a podiatrist or chiropodist registered with the Australian Health Practitioner Regulation Agency.
9.	Psychology	Consultation by a psychologist registered with the Australian Health Practitioner Regulation Agency.
10.	Speech Therapy	Consultation by an allied health professional under the <i>Health Insurance (Allied Health Services) Determination 2014</i> .

7 Subsection 8.9.5.3 (Specialists and allied health benefits)

Omit “either or both”, substitute “any of”.

8 Section 9.1.2 (Travel overview)

Omit the section.

9 Subsection 9.1.3.4 (Most economical means of travel)

Omit the subsection, substitute:

4. A member is not eligible for the costs of coach travel for themselves or their dependants if air or rail travel is available unless the CDF is satisfied of all the following.
 - a. The cost is the same or less.
 - b. The time taken would not involve extra travelling leave.

10 Paragraph 9.2.6.a (Travel by the most economical means)

Omit “at a class described in”, substitute “under”.

11 Section 9.2.6 (Travel by the most economical means)

Omit “as described in” wherever occurring, substitute “under”.

12 Subsection 9.2.35.3 (Limits to travel on leaving a personal location)

Omit the subsection, substitute:

3. The member is eligible to receive an amount up to the cost of their travel between the

following locations.

- a. The current posting location or ship's home port (whichever is applicable).
- b. The location to which the member is eligible for a removal to on ceasing continuous full-time service under section 6.5.46.

13 Subsection 9.3.5.3 (Basic benefits)

Omit the subsection, substitute:

3. The member may travel by a means that is not the most economical If the CDF approves.
4. If subsection 3 applies, the member must pay the difference between the amount they would have been paid under subsection 2 and the cost of the travel under subsection 3 before commencing the travel.

14 Subsection 9.3.73.5 (Assistance with accommodation)

Omit the subsection.

15 Subsection 9.3.74.2 (Assistance with meals)

Omit the subsection, substitute:

16 Subsection 9.4.27.1 (Scheme A – member with dependants (unaccompanied))

Omit “describes the conditions that apply”, substitute “applies”.

17 Subsection 9.4.29.1 (Basic benefit – member with dependants)

Omit “describes the basic remote location leave travel benefit for”, substitute “applies to”.

18 Subsection 9.4.32.1 (Scheme A – offset of benefit to another destination)

Omit “describes the offset conditions that apply”, substitute “applies”.

19 Subsection 9.4.33.1 (Schemes A and B – advances of benefit)

Omit “describes the advance conditions that apply”, substitute “applies”.

20 Subsection 9.4.34.1 (Schemes A and B – lapsing of benefit)

Omit “describes the lapsing conditions that apply”, substitute “applies”.

21 Subsection 9.4.37.1 (Schemes A and B – spouse or partner is a member)

Omit “describes the conditions that apply”, substitute “applies”.

22 Subsection 9.4.37.2 (Schemes A and B – spouse or partner is a member)

Omit the subsection, substitute:

2. Despite section 9.4.29, a member in a location listed in an item column A of the following table who arrives at a time in column B accrues their leave at the time provided in column C of the same item.

Item	Column A Location	Column B Arrival	Column C Time of accrual
1.	Grade A.	The member who first arrives at the location.	The member's second credit accrues two years after arrival.
		The member who arrives at the location second.	The member's second credit accrues on the same day as their spouse or partner.
2.	Grade B, C, D or E.	The member who first arrives at the location.	The member's second credit accrues one year after arrival.
		The member who arrives at the location second	The member's second credit accrues on the same day as their spouse or partner.

23 Subsection 9.4.38.1 (Schemes A and B – spouse or partner is a Defence APS employee)

Omit “describes the conditions that apply”, substitute “applies”.

24 Subsection 9.4.38.2 (Schemes A and B – spouse or partner is a Defence APS employee)

Omit the subsection, substitute:

2. A member's partner accrues one less remote location leave travel than is provided for in section 9.4.29.

25 Subsection 9.5.12.2 (Travel period – ceasing continuous full-time service)

Omit “a travel period for a member described in subsection 1”, substitute “A member's travel period”.

26 Section 9.6.23 (Benefit)

Omit the section, substitute:

9.6.23 Benefit

A member is eligible for the sum of the following amounts while undertaking travel

authorised under this Division.

- a. Vehicle allowance at the rate worked out under section 9.6.25.
- b. Unless this Division specifically prevents it, the following.
 - i. Any increase to the allowance that applies under section 9.6.26.
 - ii. Any additional costs.

27 Paragraph 10.4.4.1.b (Payment for loss or damage), note

Omit “If this is the case,”, substitute “If the member contributed to the loss or damage”.

28 Section 11.2.7 (Entitlement to additional death benefit)

Omit “spouse” wherever occurring, substitute “partner”.

29 Section 11.2.8 (Calculation of the ADB)

Omit “spouse” wherever occurring, substitute “partner”.

30 Subsection 11.2.9.1 (Who the ADB is payable to)

Omit “spouse”, substitute “partner”.

31 Subsection 11.2.9.2 (Who the ADB is payable to)

Omit the subsection, substitute:

2. Subsection 3 or 4 applies if the deceased member is survived by a dependent child and one of the following conditions is met.
 - a. The deceased member is not survived by a partner.
 - b. The partner does not have primary responsibility for the daily care of the child.

32 Paragraph 11.2.10.1.b (Entitlement to a severe injury adjustment)

Omit “described” wherever occurring, substitute “set out”.

33 Subsection 11.2.12.2 (Who the SIA is payable to)

Omit the subsection, substitute:

2. If an amount is payable under subsection 11.2.11.2 and the member does not have primary responsibility for the daily care of the child, the payment is payable to the person who has primary responsibility for the daily care of the child.

34 Section 12.3.16 (Posting period overseas)

Omit the section, substitute:

12.3.16 Posting period overseas

1. A posting period overseas means the period between the following days.
 - a. The day the member starts duty at the posting location after any rest period.
 - b. The day the member leaves their settling-out accommodation at the posting location.
2. Despite subsection 1, if the member arrives or departs on a day observed locally as a weekend or public holiday, the following applies.
 - a. If the member arrives at the posting location on a day observed locally as a weekend or public holiday and starts duty on the next working day — the posting period begins the day the member arrives at the posting location.
 - b. If the member departs the posting location on a day observed locally as a weekend or public holiday and finishes duty on the preceding working day — the posting period ends on the day the member departs from the posting location.

35 Subsection 13.1.3.2 (Member this Chapter does not apply to)

Omit “an officially approved activity overseas, as described in”, substitute “officially approved activities under Part 4 Division 2”.

36 Subsection 13.2.11.2 (Rest period benefits)

Omit the subsection, substitute:

2. A member is eligible for 1 rest period if they travel by the direct route for at least four time zone hours, or with a travelling time of at least 12 hours.
- 2A. A member is eligible for 2 rest periods if they travel by the direct route for at least six time zone hours.

37 Subsection 14.4.15.2 (Rest period benefits)

Omit the subsection, substitute:

2. A member is eligible for 1 rest period if they travel by the direct route for at least four time zone hours, or with a travelling time of at least 12 hours.
- 2A. A member is eligible for 2 rest periods if they travel by the direct route for at least six time zone hours.

38 Subsection 15.4.3.2 (Member this Part does not apply to)

Omit the subsection.

39 Section 16.7.2 (Member this Part applies to)

Omit the section, substitute:

16.7.2 Member this Part applies to

This Part applies to a member on a long-term posting overseas where normal supplies have been disrupted who meets one of the following.

- a. The member is unable to leave the posting location.
- b. The member is required to stay at the posting location.

40 Subsection 17.4.12.3 (Assistance with accommodation)

Omit the subsection, substitute:

3. An approved visitor ceases to be eligible for accommodation assistance after the approved period has ended.

Note: The CDF may extend an approved period under subsection 17.4.14.2.

41 Section 17.4.13 (Assistance with meals)

Omit the section, substitute:

17.4.13 Assistance with meals

1. An approved visitor is eligible to be reimbursed reasonable costs for meals after providing a receipt.
2. The cost of alcoholic beverages are not reimbursable.
3. An approved visitor ceases to be eligible for meals after the approved period has ended.

Note: The CDF may extend an approved period under subsection 17.4.14.2.

Schedule 2—Geomatic Technician non-reduction provision extension amendment

Defence Determination 2016/19, Conditions of service

- 1 Annex 3.2.B Part 2 (Members with the rank of Warrant Officer Class 2 or lower), table item 11**
Omit “30 June 2021”, substitute “30 June 2022”.

- 2 Annex 3.2.B Part 2 (Members with the rank of Warrant Officer Class 2 or lower), table item 18**
Omit “30 June 2021”, substitute “30 June 2022”.

- 3 Annex 3.2.B Part 2 (Members with the rank of Warrant Officer Class 2 or lower), table item 23**
Omit “30 June 2021”, substitute “30 June 2022”.

Schedule 3—Education assistance rates and benchmark school amendments

Defence Determination 2016/19, Conditions of service

1 Subsection 8.4.10.3 (Face-to-face tutoring)

Omit “\$109”, substitute “\$111”.

2 Subsection 8.4.11.3 (Web-based tutoring), Table

Omit the table, substitute:

Item	Column A Conditions	Column B Maximum limit
1.	The child has studied the subject before and the subject is offered at the new school.	\$1,563
2.	The child has not studied the subject before and the subject is offered at the new school.	\$2,901
3.	The child meets both of the following and the subject is not offered at the new school. 1. The child is in Year 10, 11 or 12. 2. The child needs to study the subject, as it is essential to their career aims.	\$5,801

3 Subsection 8.4.14.3 (Children with special needs), Table

Omit the table, substitute:

Item	Column A Services	Column B Maximum benefit
1.	A therapy service or tuition not provided by the school, but critical to educational progress.	One hour a week for 14 weeks — up to \$111 an hour for each service needed.
2.	An assessment of their needs, critical to the development of an educational program.	A private assessment of the need — up to \$821.

4 Subsection 8.4.14.5 (Children with special needs)

Omit “\$29,939”, substitute “\$30,145”.

5 Subsection 8.4.14.5 (Children with special needs)

Omit “\$393”, substitute “\$401”.

6 Subsection 8.4.15.4 (CDF discretion to extend education assistance)

Omit "\$109", substitute "\$111".

7 Subsection 8.4.21.1 (Rates of reimbursement), Table

Omit the table, substitute:

Item	Column A Purpose	Column B Maximum reimbursement	Column C Contribution
1.	Compulsory tuition fees.	\$30,145	\$401
2.	If in boarding school or a commercial establishment, the cost of board.	\$27,601	Either of the following. a. For the first year of boarding — \$2,825.
3.	If accommodated privately, the cost of board.	\$17,199	b. For every other year of boarding — \$3,232.

8 Subsection 8.4.25.1 (Rate and period of assistance)

Omit "\$384", substitute "\$425".

9 Subsection 14A.1.18.2 (Education assistance)

Omit "\$109", substitute "\$111".

10 Subsection 14A.1.21A.5 (Education assistance – USA)

Omit "2021", substitute "2022".

11 Subsection 15.6.11.2 (Member contribution), Table

Omit the table, substitute:

Item	Column A School level	Column B Annual contribution in AUD
1.	Pre-school	535
2.	Primary school	182
3.	Secondary school	426
4.	Junior college (or similar institution in the USA)	426

12 Subsection 15.6.21.2 (Education assistance – Cherbourg)

Omit “417”, substitute “426”.

13 Paragraph 15.6.26.2.b (Compulsory tuition fees)

Omit “29,939”, substitute “30,145”.

14 Paragraph 15.6.26.3.a (Compulsory tuition fees)

Omit “179”, substitute “182”.

15 Paragraph 15.6.26.3.b (Compulsory tuition fees)

Omit “417”, substitute “426”.

16 Subparagraph 15.6.27.2.a.ii (Accommodation costs)

Omit “30,207”, substitute “27,601”.

17 Subparagraph 15.6.27.2.b.ii (Accommodation costs)

Omit “19,866”, substitute “17,199”.

18 Subparagraph 15.6.27.3.a.i (Accommodation costs)

Omit “2,798”, substitute “2,825”.

19 Subparagraph 15.6.27.3.a.ii (Accommodation costs)

Omit “3,203”, substitute “3,232”.

20 Paragraph 15.6.27.3.b (Accommodation costs)

Omit “3,182”, substitute “3,232”.

21 Annex 15.6.A (Benchmark schools), table item 10

Omit the table item, substitute:

10.	France – Cherbourg	Ecole Montessori Bilingue Les Petits Bateaux	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

Schedule 4—Overseas definitions

Defence Determination 2016/19, Conditions of service

1 Section 14.1.3 (Member this Chapter does not apply to)

Omit the section, substitute:

14.1.1 Member this Chapter does not apply to

1. This Chapter does not apply to a member if any of the following conditions apply.
 - a. They are not entitled to salary.
 - b. They are on a scholarship, bursary or endowment for studying overseas from an organisation other than the Commonwealth.
 - c. They are on short term duty overseas.

14.1.2 Definitions

In this Chapter the following apply.

Evacuation means members and dependants are directed by the Commonwealth to withdraw from the location because of international relations, political, security or other special circumstances at the location.

2 Section 14.6.3 (Evacuation)

Omit the section.

3 Chapter 15 Part 1 (General Provisions)

Omit the part, substitute:

Part 1: General provisions

Division 1: Purpose, application and definitions

15.1.1 Purpose

This Chapter sets out conditions of service for members living and working on a long-term posting overseas. It covers the period from when a member has settled in and is living in permanent accommodation at the posting until the end of the posting period.

15.1.2 Member this Chapter does not apply to

This Chapter does not apply to a member if any of the following conditions apply.

- a. They are not entitled to salary.

- b. They are on a scholarship, bursary or endowment for studying overseas from an organisation other than the Commonwealth.
- c. They are on short term duty overseas.

15.1.3 Definitions

In this Chapter the following apply.

Benchmark school has the meaning given by section 15.1.3A.

Beneficiary, in respect of a member, means one of the following persons.

- a. A dependant of the member.
- b. The member's legal personal representative.

Close relative has the meaning given by section 15.1.4.

Compulsory tuition fees has the meaning given by section 15.1.5.

COVID-19 control measure means a measure, however described, taken to limit the spread of COVID-19 issued by a government, or government authority.

Official vehicle has the meaning given by section 15.1.6.

Posting location for the purpose of benchmark and approved summer schools, has the meaning given by section 15.1.7.

Private use means using an official vehicle for non-work related purposes and includes travel to and from the member's private residence to the normal place of duty.

Rent group, for a member who meets the requirements in an item in one of the following columns of the table in Annex 15.4.A, means the rent group in column D of the same item.

- a. If the member is in the Navy — column A.
- b. If the member is in the Army — column B.
- c. If the member is in the Air Force — column C.

Utilities has the meaning given by section 15.1.8.

15.1.3A Benchmark school

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.

15.1.4 Close relative

Close relative means any of the following people who are not accompanying the member on the long-term posting.

- a. The member's parent, sibling, child, dependant, or partner.
- b. The parent, child, or sibling of the member's partner.
- c. If the member's partner is also a member, a dependant of the member's partner.
- d. Any other person approved by the CDF as a close relative of any of the following people.
 - i. The member.
 - ii. The member's partner.

15.1.5 Compulsory tuition fees

Compulsory tuition fees means 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 listed in this section.

15.1.6 Official vehicle

Official vehicle means any of the following vehicles.

- a. A motor vehicle provided to a member by the Commonwealth.
- b. A vehicle controlled by any of these organisations.
 - i. An Australian diplomatic mission.
 - ii. The ADF.
 - iii. A Commonwealth department or entity represented at the posting location.
- c. A pool vehicle made available to Commonwealth personnel at the posting location for casual private use during normal working hours and weekends.

15.1.7 Posting location

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.

15.1.8 Utilities

1. **Utilities** means all of these services.
 - a. Water.
 - b. Gas and electricity.
 - c. Other fuel for ordinary household purposes.
 - d. Garbage.
 - e. Sewerage.
2. Paragraph 1.a includes the provision of drinking water if the CDF has decided that the water at the member's residence is not fit for consumption.
3. For the purpose of subsection 2, the CDF must consider all of the following.
 - a. The standards for Australian drinking water quality, established by the National Health and Medical Research Council.
 - b. The quality of the water ordinarily available at the member's residence.

Division 2: Public holidays and Christmas stand-down

15.1.10 Public holidays overseas

1. A maximum of 13 public holidays can be observed in any calendar year at any posting location.
2. The decision maker may direct which days members are to observe as part of the 13 days, having regard to all of the following.
 - a. The public holidays generally observed at the posting location.
 - b. The efficient operation of the ADF at the posting location.
3. If subsection 2 does not apply to the posting location, then the Canberra public holiday schedule applies.
4. Unless otherwise required for duty, a member is granted short absence from duty for a public holiday in the location where the member would, but for the short absence, be performing duty.
5. Subject to the decision maker's approval, a member may substitute a different day for a public holiday they would otherwise observe.
6. For the purpose of subsection 4, the decision maker must consider all of the following

criteria.

- a. Any Service requirement that the member remain on duty that day.
 - b. If the substitute day is of cultural or religious significant to the member.
7. In this section, **decision maker** means Assistant Director – Overseas Conditions of Service, People Policy and Employment Conditions.

15.1.11 Christmas stand-down

1. A member is eligible for a short absence for each day in a Christmas stand-down period if they are not required for duty.
2. If a member is required to perform duty on a day in the Christmas stand-down period, the member is eligible for a short absence on another day set by a person in the member's chain of command or line management.
3. The Christmas stand-down period for the year listed in an item in Column A of the following table includes the days listed in Column B of the same item.

Item	Column A Year	Column B Stand-down days
1.	2021-2022	24 December 2021
		26 December 2021
		29 December 2021
		30 December 2021
		31 December 2021
2.	2022-2023	28 December 2022
		29 December 2022
		30 December 2022
		31 December 2022
		1 January 2023
		3 January 2023

4. A member is not prevented from taking a type of leave under Chapter 5 either before or after a day of short absence during the Christmas stand-down.

4 Section 15.2A.9 (Dual Commonwealth benefit rule)

Omit the section, substitute:

15.2A.9 Dual Commonwealth benefit rule

1. This section applies to a member if all of the following apply to their partner.
 - a. The member's partner is posted to the same location as the member.
 - b. The member's partner is eligible for a benefit from the Commonwealth that is for the same or a comparable purpose to the benefits provided under this Part.
2. The member ceases to be eligible for a benefit under this Part if the member's partner has a higher salary than the member and has been nominated to receive the comparable benefit.

3 If subsection 2 applies, and the member receives a benefit under this Part, the member must repay the amount received.

5 Section 15.3.24 (Definition)

Omit the section.

6 Section 15.3.31 (Definitions)

Omit the section.

7 Section 15.4.14 (Definition – utilities)

Omit the section.

8 Section 15.4.17A (Definitions)

Omit the section.

9 Section 15.6.4 (Definitions)

Omit the section.

10 Section 15.8.2 (Definitions), title

Omit the title, substitute:

15.8.2 Member's location and approved club

11 Section 15.9.1A (Definitions)

Omit the section.

12 Chapter 16 Part 1: General conditions and definitions

Omit the Part, substitute:

Part 1: General conditions and definitions

16.1.1 Purpose

The purpose of the overseas hardship package is to provide assistance for members and their dependants for difficulties or hardships experienced on either of these kinds of overseas service.

- a. Long-term posting at certain posting locations overseas.
- b. Short-term duty at certain overseas locations

16.1.2 Definitions

In this Chapter the following apply.

Capital city means the capital city in Australia with the lowest allowable travel cost where the locations for the allowable travel costs are the member's posting location and a capital city in Australia other than Hobart or Darwin.

Hardship location means one of the following.

- a. A location listed in Annex 16.B column 1.
- b. A provisional hardship location.

Provisional hardship location has the meaning given by section 16.1.3.

Qualifying location means any of the following.

- a. A hardship location.
- b. A location for which the member received deployment allowance.

Qualifying period has the meaning given by section 16.1.4

Regional leave centre means one of the following.

- a. A location listed as a regional leave centre in Annex 16.B column 3.
- b. During the COVID-19 pandemic — unless the location in paragraph a is in the country in which the member is posted, a capital city in Australia.

Relief leave centre means one of the following.

- a. A location listed as a relief leave centre in Annex 16.B column 3.
- b. During the COVID-19 pandemic — unless the location in paragraph a is in the country in which the member is posted, a capital city in Australia.

16.1.3 Provisional hardship location

1. Provisional hardship location means a location determined by the CDF, taking all of the following into consideration.
 - a. Whether the ADF is required to provide humanitarian aid, disaster relief or reconstruction assistance.
 - b. The level of assistance required of the ADF.
 - c. The level of hardship expected.
 - d. The nature of duties expected.
 - e. The expected duration of duty at the location.
 - f. Any other factors relevant to the location.
2. When determining a location under subsection 1, the CDF must also determine all of the following.
 - a. The hardship location grade for the location.
 - b. The period the hardship location grade applies, but not longer than 3 months.

16.1.4 Qualifying period

1. Qualifying period means the lesser of the following periods of duty performed by a member.
 - a. A period of 28 continuous days.
 - b. A period determined by the CDF.
2. For the purpose of paragraph 1.b, the CDF must consider all of the following.
 - a. Whether the ADF is required to provide humanitarian aid, disaster relief or reconstruction assistance.
 - b. The level of assistance required of the ADF.
 - c. The level of hardship expected.
 - d. The nature of duties expected.
 - e. The expected duration of duty at the location.
 - f. Any other factors relevant to the location.

16.1.5 Member this Chapter applies to

This Chapter applies to a member performing duty in a hardship location.

16.1.6 Member this Chapter does not apply to

This Chapter does not apply to a member on warlike or non-warlike deployments.

13 Section 16.2A.3A (Definitions)

Omit the section, substitute:

16.2A.3A Dual Commonwealth benefit rule

1. This section applies to a member if all of the following apply to their partner.
 - a. The member's partner is posted to the same location as the member.
 - b. The member's partner is eligible for a benefit from the Commonwealth that is for the same or comparable purpose to the benefits provided under this Part.
2. The member ceases to be eligible for a benefit under this Part if the member's partner has a higher salary than the member and has been nominated to receive the comparable benefit.
3. If subsection 2 applies, and the member receives a benefit under this Part, the member must repay the amount received.

14 Subsection 16.2A.3B.2 (Eligibility for location allowance)

Omit "under section 16.1.5".

15 Section 17.1.2 (Definitions)

Omit the section, substitute:

17.1.2 Definitions

In this Chapter the following apply.

Approved period means the period decided under section 17.4.7.

Approved visitor means a person who has been approved under section 17.4.6.

Assigned for duty means assigned by an authorised officer of the ADF for warlike or non-warlike service.

Hospital means a military health care facility, public or private hospital or psychiatric facility.

Hospital treatment means the period the member is accommodated in a defence or civilian hospital for the purpose of medical or nursing care of an illness or injury sustained during eligible duty.

Medical authority means a person who is a qualified medical practitioner responsible for determining a medical condition of a member.

Serious illness has the meaning given by item 2 of the table in section 1.3.72, Serious illness.

Specified area means the area where the nature of service applies as declared by the Minister for Defence under section 5C of the *Veterans Entitlement Act 1986*.

Threat level means the level of operational threat and environmental hazard.

Very Serious illness has the meaning given by item 2 of the table in section 1.3.78, Very serious illness.

16 Section 17.4.3 (Definitions)

Omit the section.

17 Section 17.7.4 (Definitions)

Omit the section.

Schedule 5—Child supplement and location allowance amendments

Defence Determination 2016/19, Conditions of service

1 Subsection 15.2A.20.2A (Amount of allowance), table

Omit the table, substitute:

Item	Column A Child's age	Column B Base rate (AUD)
1.	Under 3 years old	349
2.	Between 3 and 12 years old	268
3.	Between 12 and 18 years old	322

2 Subsection 16.2A.5.1 (Rate of allowance), table

Omit the table, substitute:

Item	Column A Hardship location grade	Column B Rate for an unaccompanied member (AUD per year)	Column C Rate for an accompanied member (AUD per year)
1.	A	Nil	Nil
2.	B	Nil	Nil
3.	C	16,767	25,150
4.	D	22,356	33,534
5.	E	27,945	41,917
6.	F	33,534	50,300

Schedule 6—Transitional provisions

1 Definitions

In this Schedule the following apply.

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

2 Geomatic Technician salary non-reduction – transitional

A member who was eligible for salary non-reduction under Annex 3.2.B, Part 2 table items 11, 18 or 23 on 30 June 2021, is eligible for salary non-reduction between 1 July 2021 and the commencement of this Determination had Schedule 2 of this Determination applied during the period.