



## **Defence Determination, Conditions of service Amendment Determination 2022 (No. 14)**

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

Dated 11 October 2022

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 2022 (No. 14)*.

## 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.

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Instrument.	13 October 2022	

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**Note:** this table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

# Schedule 1—Salary non-reduction provision extension amendments

## *Defence Determination 2016/19, Conditions of service*

- 1 Annex 3.2.B Part 2 (table item 8B)**  
Omit “6 January 2023”, substitute “20 January 2025”.
  
- 2 Annex 3.2.B Part 2 (table item 8D)**  
Omit “6 January 2023”, substitute “20 January 2025”.

## Schedule 2—Miscellaneous amendments

### *Defence Determination 2016/19, Conditions of service*

**1 Section 6.1.21 (heading)**

Omit “benefits in Australia”.

**2 Subsection 6.1.21.1**

Repeal the subsection, substitute:

1. Subject to section 6.1.23, a member is eligible for the cost of relocating a pet if the CDF is satisfied that the costs are reasonable having regard to subsection 2.
- 1A. A relocation under subsection 1 is between the following locations.
  - a. If the member is posted within Australia — from the member’s losing location to their gaining location.
  - b. If the member is posted to an external territory or Thursday Island for more than 6 months — from the member’s losing location to one of the following locations.
    - i. The posting location.
    - ii. A location within Australia chosen by the member.
  - c. If the member is posted from an external territory or Thursday Island to a location within Australia — from the location to which the pet was removed under paragraph b to the member’s gaining location.

**3 Section 6.1.23**

Before “The cost of a pet relocation”, insert “1.”.

**4 At the end of section 6.1.23**

Add:

2. If all of the following apply, the maximum cost of the pet relocation is the cost that would have been incurred if the pet were relocated to the member’s posting location.
  - a. The member is posted to an external territory or Thursday Island.
  - b. The pet is relocated to a location chosen by the member.

**5 After section 6.5.37**

Insert:

**6.5.37A Posting to RAAF Base Tindal**

1. This section applies to a member who meets all the following.

- a. They are a member without dependants or a member with dependants (unaccompanied).
  - b. They are posted to RAAF Base Tindal for 6 months or longer.
  - c. They lived out at the losing location.
  - d. They choose to occupy living-in accommodation on commencing their posting at RAAF Base Tindal.
2. The member is eligible for the removal of their furniture and effects that meets all of the following.
- a. The furniture and effects has not been removed to RAAF Base Tindal.
  - b. The furniture and effects could not be housed in their living-in accommodation at RAAF Based Tindal.

## **6 After section 6.5.54**

Insert:

### **6.5.54A Posting to RAAF Base Tindal**

1. This section applies to a member who is eligible for a removal under section 6.5.37A.  
**Note:** Section 6.5.37A provides a removal of furniture and effects for a member posted to RAAF Base Tindal for 6 months or longer if they choose to occupy living-in accommodation.
2. The member is eligible for storage at the losing location of their furniture and effects that cannot be housed in their living-in accommodation.

## **7 After subsection 6.5A.8.2**

Add:

3. If the member is posted to an external territory or Thursday Island, vehicle removal assistance may be to one of the following locations.
  - a. The member's posting location.
  - b. A location in Australia chosen by the member.

**Note:** The member may choose a different location for each vehicle removed.

## **8 Section 6.5A.9**

Before "A member is eligible for", insert "1."

## **9 At the end of section 6.5A.9**

Add:

2. This section does not apply to a vehicle being removed to a location chosen by a member posted to an external territory or Thursday Island that is not their posting location.

## 10 After subsection 6.5A.12.2

Insert:

- 2A. If the vehicle is to be transported and all of the following apply, the cost of the transportation must not exceed the cost of transporting the vehicle to the member's posting location.
- a. The member is posted to an external territory or Thursday Island.
  - b. The vehicle is to be removed to a location in Australia chosen by the member.

## 11 Section 7.4.15

Repeal the section, substitute:

### 7.4.15 Suitable living-in accommodation

1. Living-in accommodation is suitable for a member if it is available and meets all of the following conditions.
  - a. It is in the member's posting location or temporary duty location.
  - b. It is fit to live in at the time the member is issued with their room key.
  - c. It is at a level in column B that corresponds with the member's reason for occupying living in accommodation or rank group in column A of the same item in the following table.

Item	Column A Reason for living in or rank group	Column B Level of accommodation
1.	Transit or short visit to the location.	Any available level
2.	Completion of compulsory residency, training or post-graduate work experience by a medical officer, Chaplain or Maritime Spiritual Wellbeing Officer.	Any available level
3.	Exercise or preparation for deployment.	Any available level, including shared rooms, camps and tents
4.	Basic recruit training as a normal entry recruit or Reserve recruit.	Level 1
5.	Navy category school training.	Level 1
6.	Initial employment training in the Infantry Corps of the Army.	Level 1
7.	Initial employment training in the Army or Air Force other than in the Infantry Corps.	Level 3
8.	Career development training for less than 6 months.	Level 3
9.	Initial officer training.	Level 3
10.	Training for a period of 6 months or more for reasons other than those in items 3 to 8.	Level 5
11.	For an operational purpose for a period of 6 months or more.	Level 5
12.	To fill a specific position on a base for a period of 6 months or more.	Level 5

13.	To provide respite for a member posted to a seagoing submarine alongside in port that is not the vessel's home port.	Level 5
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2. If suitable living-in accommodation is not available at the level set out for the member under paragraph 1.c table items 1 to 12, the member may occupy living-in accommodation that is available closest to the level listed for them in the table.
3. If suitable living-in accommodation is not available for the member under paragraph 1.c table item 13, suitable living in accommodation is commercial accommodation provided by the contracted service provider under Chapter 9.

**12 Subsection 7.4.19.2 (item 1)**

Omit "item 3", substitute "item 4".

**13 Subsection 7.4.19.2 (item 2)**

Omit "item 4", substitute "item 5".

**14 Subsection 7.4.19.2 (item 3)**

Omit "item 5", substitute "item 6".

**15 Subsection 7.4.48.1**

Omit "if all these conditions are met", substitute "for each day they meet all of the following".

**16 Subsection 7.4.48.2**

Repeal the subsection, substitute:

2. The daily rate of food allowance is one of the following.
  - a. If the member is provided with lunch at Commonwealth expense — \$13.00.
  - b. If the member is not provided with lunch at Commonwealth expense — \$16.00.

**17 Paragraph 14.4.11.2A.b**

Omit "30 September 2022", substitute "1 March 2023".

**18 Paragraph 14.6.17.2.c**

Repeal the paragraph.

**19 Subsection 15.3.12.1A**

Repeal the subsection.



**20 Subsection 15.3.13.3**

Repeal the subsection.

**21 Section 15.3.15B**

Repeal the section.

**22 Subsection 15.3.16.1 (exception)**

Repeal the exception.

**23 Section 15.6.21**

Repeal the section.

**24 Section 15.6.22**

Repeal the section.

**25 Annex 15.6.A (item 10)**

Repeal the item, substitute:

10.	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

**26 Annex 15.6.B (item 5)**

Repeal the item, substitute:

5.	France	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
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# Schedule 3—Flexible housing trial and Puckapunyal housing trial amendments

## *Defence Determination 2016/19, Conditions of service*

### **1 Paragraph 6.5.5.1.h**

Repeal the paragraph, substitute:

- h. They require a removal within their posting location and any of the following apply.
  - i. Before becoming a flexible housing trial member, they had a removal to their posting location.
  - ii. They cease to be a flexible housing trial member.

**Note:** A member may become a flexible housing trial member under section 7.1.15.

### **2 Subsection 6.5.5.2**

Repeal the subsection.

### **3 Section 7.1.15**

Repeal the section, substitute:

#### **7.1.15 Flexible housing trial member**

1. A member is a flexible housing trial member if the CDF extends their posting location under subsection 2.
2. The member is eligible to have their posting location extended if the CDF is satisfied of all of the following.
  - a. The member will continue to commute to their normal place of duty.
  - b. The member's daily attendance for duty will not be affected by the additional travel.
  - c. The purpose of extending the posting location is to facilitate any of the following.
    - i. The member's partner, who is a dependant, is undertaking employment, other than home based employment.
    - ii. The member is returning from a long-term posting overseas and their partner, who is a dependant, is seeking employment other than home based employment.
    - iii. The member's partner, who is a dependant, is undertaking a period of study on a face-to-face basis.
    - iv. The member has a dependant with special needs who needs access to professional services for the dependant.
    - v. The member's child, who is a dependant, attends early child care, pre-school, primary school or secondary school and the extension will enable the child to continue to attend the early child care, pre-school, primary school or secondary

school.

- d. The trial will not exceed the maximum number of participants for the posting location.
3. In this section **early child care** includes any of the following.
    - a. Long day care.
    - b. Family day care.
    - c. Pre-school.
    - d. Kindergarten.
  4. The CDF must not approve an extension of a member's posting location under subsection 2 after 31 December 2025.

#### **4 Subsection 7.1.17.3**

Repeal the subsection, substitute:

3. The CDF must not approve an extension of a member's posting location under subsection 1 after 12 October 2022.

#### **5 At the end of subsection 7.8.9.3A**

Add:

- d. If the member is a Puckapunyal housing trial member — the location is one of the following which has the higher rent ceiling.
  - i. Seymour.
  - ii. The location in column A of the table in Annex 7.E in which they live.

## **Schedule 4—Repeals**

### ***Defence (Early return of members from post) Determination 2021***

- 1        The whole instrument**  
Repeal the instrument.

# Schedule 5—Savings and transitional provisions

## 1. Definitions

In this Schedule the following apply.

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

## 2. Food allowance for seagoing member in temporary accommodation ashore

1. This section applies to a member who was eligible for food allowance under section 7.4.48 of the Defence Determination between 22 March 2021 and the commencement of Schedule 2 of this Determination.
2. The member is eligible for food allowance at the rate set out in subsection 7.4.48.2 of the Defence Determination had the change made by item 15 of Schedule 2 of this Determination applied at the time.
3. The rate under subclause 2 is reduced by any amount the member has already received for food allowance for the same period.

## 3. Excess baggage

1. This section applies if a member or dependant of a member was authorised to travel in the following circumstances between 30 September 2022 and the commencement of Schedule 2 of this Determination.
  - a. The travel is to a posting location overseas in the Pacific Islands.
  - b. The travel is from a posting location overseas to Australia.
  - c. The travel is from a posting location overseas to another posting location overseas.
2. Between 30 September 2022 and the commencement of Schedule 2 of this Determination, the member is eligible for a payment for excess baggage that exceeds the limits provided under subsection 14.4.10.1 of the Defence Determination that is equal to the amount payable had the change made by item 16 of Schedule 2 of this Determination applied at the time.