



## **Defence Determination, Conditions of service Amendment Determination 2023 (No. 3)**

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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 31 January 2023

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 2023 (No. 3)*.

## 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.

<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. Sections 1 to 4 and anything in this Instrument not elsewhere covered by this table.	The day after the instrument is registered.	
2. Schedules 1 and 3	2 February 2023	
3. Schedule 2	2 March 2023	

**Note:** this table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

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

### **1 Subsection 12.3.14A.1**

Repeal the subsection, substitute:

1. Subject to subsection 2, the post index for a post index location in an item in column A of the table in Annex 12.3.B is the standard figure provided to Defence by a data service provider for a location specified in column B of the same item.

### **2 Chapter 14A Part 4**

Repeal the Part, substitute:

## **Part 4: Effect of travel restrictions in China**

### **14A.4.1 Purpose**

The purpose of this Part is to provide temporary accommodation for members and their dependants who are either required to isolate before returning to China or are unable to return to China due to ongoing restrictions and lockdowns there.

### **14A.4.2 Person this Part applies to**

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

- a. They are in Australia on temporary absence from a posting in China.
- b. They are undertaking travel provided under Chapter 14, 15 or 16 of this Determination.
- c. Any of the following applies.
  - i. They are required to isolate before returning to China.
  - ii. They are unable to return to China due to China's ongoing restrictions and lockdowns.

### **14A.4.3 Accommodation, meals and incidentals in Australia**

The person is eligible for the daily cost of accommodation, meals and incidentals provided under Annex 9.5.A or 13.3.A for any of the following.

- a. An isolation period.
- b. A period they are unable to return to China due to the ongoing restrictions and lockdowns in China.

### **14A.4.4 Application of this Part**

This Part ceases to apply on 30 June 2023.

### 3 After section 15.6.15

Insert:

#### 15.6.15A Additional education support costs – China

1. This section applies to a member who is posted to China.
2. The member is eligible to be reimbursed the costs of up to 10 days for their child to attend any of the following at the posting location.
  - a. An organised program.
  - b. Online or face-to-face tutoring support.
3. The member may be reimbursed the lesser of the following.
  - a. The cost of the program or tutoring support.
  - b. The amount calculated using the following formula.

$$\textit{Reimbursement amount} = \textit{AUD135} \times \left( \frac{\textit{post index}}{100} \right)$$

4. This section ceases to apply on 31 August 2023.

### 4 Subsection 16.4.11A.4

Omit “31 December 2022”, substitute “30 June 2023”.

## Schedule 2—Rent ceilings amendments

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

**1 Annex 7.E (Part 1.1)**

Repeal the entry for “Ballarat, Delecombe and Alfredton”, substitute:

Ballarat, Delecombe and Alfredton	830	876	906		
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**2 Annex 7.E (Part 1.2)**

Repeal the entry for “Ballarat, Delecombe and Alfredton”, substitute:

Ballarat, Delecombe and Alfredton	747	788	815		
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**3 Annex 7.E (Part 2.1)**

Repeal the entry for “Ballarat, Delecombe and Alfredton”, substitute:

Ballarat, Delecombe and Alfredton	747	788	815		
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**4 Annex 7.E (Part 2.2)**

Repeal the entry for “Ballarat, Delecombe and Alfredton”, substitute:

Ballarat, Delecombe and Alfredton	374	394	408		
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**5 Annex 7.E (Part 2.3)**

Repeal the entry for “Ballarat, Delecombe and Alfredton”, substitute:

Ballarat, Delecombe and Alfredton	277	292	302		
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**6 Annex 7.E (Part 2.4)**

Repeal the entry for “Ballarat, Delecombe and Alfredton”, substitute:

Ballarat, Delecombe and Alfredton	228	241	249		
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## Schedule 3—Transitional provisions

### 1. Definitions

1. In this schedule, **Defence Determination** means the Defence Determination 2016/19, Conditions of service.

### 2. Travel between 15 December 2022 and 2 February 2023

1. This clause applies to a person who met all of the following between 15 December 2022 and the commencement of Schedule 1 of this Determination.
  - a. They were in Australia on temporary absence from a posting in China.
  - b. They were undertaking travel provided under Chapter 14, 15 or 16 of the Defence Determination.
  - c. Any of the following applied.
    - i. They were required to isolate before returning to China.
    - ii. They were unable to return to China due to China's ongoing restrictions and lockdowns.
2. The person is eligible for benefits provided under Chapter 14A Part 4 of the Defence Determination had the changes made by Schedule 1 of this Determination applied at the time.

### 3. Out of pocket costs incurred

1. This clause applies to a person who has incurred a cost for accommodation, meals or incidentals between December 15 2022 and the commencement of Schedule 1 of this Determination that they would otherwise have been eligible for under Chapter 14A Part 4 of the Defence Determination had the changes made by Schedule 1 of this Determination applied at the time.
2. The person is eligible for reimbursement of the costs incurred up to what they would have been eligible for had the changes made by Schedule 1 of this Determination applied at the time.