



# **Defence Determination, Conditions of service Amendment Determination 2024 (No. 3)**

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I, COLONEL KIRK LLOYD, Acting Assistant Secretary, People Policy and Employment Conditions, make the following Determination under section 58B of the *Defence Act 1903*.

Dated 9 April 2024

COL Kirk Lloyd  
Acting 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 2024 (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.	The day the instrument is registered.	
2. Schedule 1 to 2	11 April 2024	
3. Schedule 3	4 July 2024	
4. Schedule 4	11 April 2024	

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

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

**1 Section 1.3.1 (definition *dual entitlement*)**

Omit “their partner, which is”, substitute “their partner, who is”.

**2 Section 1.3.1.b (definition *Family and Domestic violence*)**

Omit “be fearful or a member”, substitute “be fearful of a member”.

**3 Subsection 1.5.3.3**

Repeal the subsection, substitute:

3. The member must notify their Commanding Officer in writing about the change by the later of the following days.
  - a. The day that is 14 days after the member’s circumstances change.
  - b. A day that the CDF is satisfied is reasonable in the circumstance.

**4 Section 1.6.5.1**

Repeal the subsection, substitute:

1. For the purpose of payment of salary or allowances, a member ceases continuous full-time service when any of the following apply.
  - a. The member has died.
  - b. The member is missing and presumed dead.
- 1A. If paragraph 1.b applies and the member is later found alive, the period the member was missing does not count as a break in their service.

**5 Subsection 2.3.26.2**

Omit “is taken to start”, substitute “starts”.

**6 Section 3.2.13**

Repeal the section, substitute:

### **3.2.13 Reserve member attending for duty**

A Reserve member who meets a circumstance in column A of the following table is on duty for the period commencing on the day in column B and concluding on the day in column C.

<b>Item</b>	<b>Column A Circumstance</b>	<b>Column B Commencing</b>	<b>Column C Concluding</b>
1.	The member is directed to attend away from their service location.	The day the journey starts from where the member normally lives.	The day the member commences duty in the other location.
2.	The member is returning to the place they normally live after attending for duty away from it.	The day the return journey starts to the place where the member normally lives.	The day the member arrives at the place they normally live.
3.	The member is admitted to hospital while parading for approved duty.	The day that the member is admitted to hospital.	The earlier of the following days. a. The day when they are discharged from hospital. b. The first day that one of dates in item 4 occurs.
4.	The member is on a period of medical absence due to illness or injury arising out of and immediately following a period of Reserve duty.	The day that the Commanding Officer approves as the first day of the medical absence.	The earliest of the following days. a. The day that meets both of the following: i. The period of medical absence authorised has passed. ii. The member has been cleared for duty by a service medical officer. b. The day the Department of Veterans' Affairs commences payment to the member. c. The day the member starts civilian employment or receives sick leave payment from a civilian employer. d. A day for which sick leave is payable by the member's employer. e. The day the member receives unemployment or a similar benefit from Centrelink. f. The day the member has recovered from their injury and parades with their unit. g. The day the Department of Veterans' Affairs notifies the member that it has rejected the claim.

## 7 Subsection 3.2.14.2

Omit “is taken to be required to attend for duty, and to be attending that duty,”, substitute “attending duty”.

**8 Section 3.2.15**

Omit “taken to be”.

**9 Paragraph 3.2.30.1.b**

Repeal the paragraph, substitute:

- b. The member meets all of the following.
  - i. The member is not a senior officer paid salary under Schedule B.1 of DFRT Determination 2 of 2017, *Salaries*.
  - ii. The member ordinarily carries out duties at the standard of competence for the member's rank, experience, pay grade and employment category, including any applicable classification.

**Note:** Senior officers paid salary under Schedule B.1 of DFRT Determination 2 of 2017, *Salaries*, do not need to meet subparagraph i.

**10 Subparagraph 3.2.30.1.c.ii**

Repeal the subparagraph, substitute:

- ii. For a member of the Reserves on Reserve service or continuous full-time service – 20 days or more of service in a 12-month period.

**Note:** For the increment following 1 July 2015, special transitional rules apply for some members.

**11 Subsection 3.2.30.3 (table items 3 and 4)**

Omit “is taken to be attending”, substitute “attends”.

**12 Subsection 3.2.30.5**

Repeal the subsection, substitute:

- 5. Any period a member meets all of the following cannot be counted for salary increments, unless the member is undertaking service with the United Nations or a member on a flexible service determination.
  - a. They are a member of the Permanent Forces.
  - b. They are not entitled to salary.

**13 Section 3.2.35 (exception)**

Repeal the exception, substitute:

**Note:** Section 3.2.38 provides the effect a reduction in rank for disciplinary reasons, or an administrative sanction, has on a member's salary.

**14 Subsection 3.2.39.3**

Repeal the subsection, substitute:

3. The CDF may approve earlier periods of the member's service in the higher rank to be counted towards the member's increment in the higher rank if the reduction in rank was not due to inefficiency.

**15 Subsection 3.2.47K.5**

Omit "A member who holds", substitute "Subject to subsection 5A, a member who holds".

**16 Subsection 3.2.47K.5, exception**

Repeal the exception.

**17 After subsection 3.2.47K.5**

Insert:

- 5A. Subsection 5 does not apply to a member who meets all of the following.
  - a. The member is not in an air traffic control employment category.
  - b. The member has been promoted from Flight Lieutenant to Squadron Leader.
  - c. The member was paid an increment between O3 – 0 and O3 – 4, inclusive, in Schedule B.3 of DFRT Determination No. 2 of 2017, *Salaries*, immediately before being promoted to Squadron Leader.
  - d. The member is in a competency progression employment category between pay grade 5 and pay grade 9, inclusive, in Part 4 of Schedule B.2 of DFRT Determination No. 2 of 2017, *Salaries*.

**18 Paragraph 3.5.14I.1.b**

Repeal the paragraph, substitute:

- b. The member has completed one of the following in service category 4.
  - i. If the CDF has extended the period under subsection 2 — the period set by the CDF.
  - ii. 12 months.

**19 Subparagraph 3.6.4.c.iii (exception)**

Repeal the exception.

**20 Subsection 3.6.6.2 (table item 6)**

Omit "to be".

**21 Subsection 4.4.11.2 (exception)**

Repeal the exception, substitute:

**Note:** The following sections may affect the payment of ADF district allowance under this section.

- a. Section 4.4.12 if a member goes on a period of leave.
- b. Section 4.4.13 if a member is absent from duty due to a reason set out in subsection 4.4.13.1.
- c. Section 4.4.14 if a member's primary service location changes from one remote location to another.
- d. Section 4.4.15 if a member's primary service location changes from a remote location to non-remote location.

**22 Subsection 5.5.6.4**

Omit "is taken to have", substitute "has".

**23 Section 6.5.11**

Repeal the section, substitute:

**6.5.11 Items not removed**

1. An item that is not portable and meets all of the following will not be removed.
  - a. It requires a crew of more than two people to move it, after dismantling if required.
  - b. Additional equipment, such as a crane or forklift, is needed to move it.
2. Items of the following types will not be removed.
  - a. Dangerous items.
  - b. Anything living, excluding pets.
  - c. Irreplaceable items.
  - d. Bulk fuel and building items.
  - e. Hard to trace items.

**24 Subsection 6.5.14.1**

Repeal the examples.

**25 Subsection 7.4.46.2**

Repeal subsection, substitute:

2. A member on board an uninhabitable ship in the location in column A of the table for the period in column B of the same table item must pay the contribution in column C of the same table item.



Item	Column A Location	Column B Duration	Column C Contribution
1.	At the home port	Less than 6 months	\$0.
2.	At the home port	6 months or more	The amount for accommodation, utilities and meals that applies for their rank, level of accommodation and mess arrangements.
3.	Away from the home port	Less than 6 months	\$0.
4.	Away from the home port	6 months or more	The amount for accommodation, utilities and meals that applies for their rank, level of accommodation and mess arrangements.

- 2A. A member posted to an uninhabitable ship who is shore bound in the location in column A of the table for the period in column B of the same table item must pay the contribution in column C of the same table item.

Item	Column A Location	Column B Duration	Column C Contribution
1.	At the home port	Any duration	The amount for accommodation, utilities and meals that applies for their rank, level of accommodation and mess arrangements.
2.	Away from the home port	Less than 6 months	\$0, while they contribute for living-in accommodation in their home port. Otherwise, the amount for accommodation, utilities and meals that applies for their rank, level of accommodation and mess arrangements.
3.	Away from the home port	6 months or more	The amount for accommodation, utilities and meals that applies for their rank, level of accommodation and mess arrangements. <b>Note:</b> The member is not eligible to keep their living-in accommodation in the ship's home port.

## 26 Subsection 7.4.46.3

After "subsection 2", insert "and 2A".

**27 Section 7.6.42 (table item 4, column C)**

Omit “, for example, while on leave”.

**28 Subsection 7.6.59.3**

Omit “the members Service residence”, substitute “the member’s Service residence”.

**29 Subparagraph 7.6.60.2.b.iv**

Omit “person”, substitute “person’s”.

**30 Section 7.8.18**

Repeal the section, substitute:

**7.8.18 When rent contribution ceases for a member who has no resident family or recognised other persons**

A member who has no resident family or recognised other persons and is usually required to contribute to their rent in a situation set out in an item in column A of the following table is not required to make a contribution towards their rent from the day set out in column B of the same item until the day set out in column C of the same item.

<b>Item</b>	<b>Column A Member’s situation</b>	<b>Column B Day contributions ceases</b>	<b>Column C Day contribution recommences</b>
1.	The member is living under field conditions.	The twenty-second day of a continuous period in which the member was living under those conditions. This applies even if the period after that day is broken by either or both of the following events. a. The member returns to their accommodation for up to 7 days. b. The member takes up to 7 days of leave.	The day after the period in which the member was living under those conditions is broken by more than 7 days, provided the member contributes for those 7 days.

2.	The member is living on a seagoing ship.	The twenty-second day of a continuous period in which the member was living under those conditions. This applies even if the period after that day is broken by either or both of the following events. a. The member returns to their accommodation for up to 7 days. b. The member takes up to 7 days of leave.	The day after the period in which the member was living under those conditions is broken by more than 7 days, provided the member contributes for those 7 days.
3.	The member is posted to a seagoing submarine.	The day the posting period starts.	The day the posting period ends.
4.	The member is on one of the following: a. a warlike deployment b. a non-warlike deployment.	The day they board a ship or aircraft for the journey from Australia to the operational area.	When they disembark in Australia at the cessation of their warlike or non-warlike deployment. <b>Note:</b> Contributions do not recommence for a member who returns part-way through their deployment. They only recommence at the cessation of their deployment.

### 31 Subsection 7.8.41.3

Repeal the subsection, substitute:

3. A member who must pay the costs in column A of the table is eligible for the assistance in column B of the same table item.

Item	Column A Cost	Column B Assistance
1.	A rental bond	An advance payment of up to a maximum of twice the member's fortnightly rent ceiling. <b>Note:</b> The member may apply for less than the full amount.
2.	Rent in advance	An advance payment of up to a maximum of twice the member's fortnightly rent ceiling. <b>Note:</b> The member may apply for less than the full amount.
3.	A utility connection deposit	An advance payment of the cost of the deposit.
4.	Commonwealth, State or Territory stamp duty of the lease	Reimbursement of the amount that was paid. <b>Note:</b> This amount is not repayable.
5.	Fees to a lawyer for preparing a lease	Reimbursement of up to \$1,000. <b>Note:</b> This amount is not repayable.

**Note:** The member may apply for assistance for the costs under both table items 1 and 2.

4. A member who received an advance under table items 1, 2 or 3 must repay the amount they received.

**32 Paragraph 7.9.5.2.e (note)**

Omit “For example, a ship's galley is closed down for a period.”.

**33 Subsection 9.4.4.1**

Omit “(see item 1 or 4 of the table in section 9.4.3)”, substitute “under table item 1 or 3 of the table in subsection 9.4.3.2.”.

**34 Subsection 9.6.13.2**

Repeal the subsection, substitute:

2. The member's benefit under subsection 1 must be reduced if all of the following apply.
  - a. The travel does not require an overnight absence.
  - b. The total distance travelled is more than the return journey from one of the following by the normal means of travel.
    - i. If the member is on continuous full-time service — the member's primary service location.
    - ii. If the member is providing Reserve service — the member's service location for the day.

## Schedule 2—Overseas Miscellaneous amendments

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

**1 Paragraph 13.2.11.8.a**

Repeal the paragraph, substitute:

- a. The accommodation costs they would be eligible for under section 13.3.6.

**2 Subsection 13.2.12.2**

Repeal the subsection.

**3 Section 13.3.12.1**

Repeal the subsection, substitute:

1. A member may apply for additional travel costs under section 13.3.11 if all of the following apply.
  - a. A non-Commonwealth organisation has given the member an allowance for accommodation, meals or incidentals for a period and location.
  - b. The amount given to the member under paragraph a. is less than the amount to which the member would be eligible under this Part.

**4 Section 14.4.9**

Repeal the section, substitute:

**14.4.9 Travel by private vehicle**

1. If a member has travel approved by private vehicle under section 14.4.8 they are eligible for the following.
  - a. Vehicle allowance payable under Chapter 9 Part 6.
  - b. An amount for meals up to the rate payable under Annex 13.3.A.
  - c. Costs for incidentals, which is payable at half the normal rate applicable under Annex 13.3.A.
2. The benefit payable under subsection 1 must not be more than what would have been paid for the member's transport if the member had not used the vehicle.

**5 Paragraph 14.4.11.2A.b**

Omit "2024", substitute "2025".

**6 Subsection 14.4.12.2**

Repeal the subsection, substitute:

2. If the member sends their baggage unaccompanied, the maximum benefit is the same that applies to moving the baggage by air at the accompanied rate under section 14.4.11.

**7 Paragraph 14.4.15.8.a**

Repeal the paragraph, substitute:

- a. The accommodation costs they would be eligible for under section 13.3.6.

**8 Section 14.4.18**

Repeal the section, substitute:

**14.4.18 Baggage charges**

A member may claim costs involved in obtaining assistance for carrying their dependant's personal baggage where the cost is unavoidable, and the dependant meets one of the following.

- a. The dependant has a disability that prevents them from carrying their baggage.
- b. The dependant is a child who cannot carry their baggage.
- c. The dependant is elderly and requires assistance to carry their baggage.

**9 Subsection 15.3.8.2 (table)**

Repeal the table.

**10 Subsection 15.4.7.3**

Omit "A CDF", substitute "The CDF".

**11 Section 17.1.4**

Repeal the section, substitute:

**17.1.4 Limited application of this Chapter**

1. The following Parts and Divisions of this Chapter apply to the specified members.
  - a. Part 4 applies to the following members.
    - i. A member on long-term posting overseas.
    - ii. A member on short-term duty overseas.

- iii. A member on peacetime deployment.
    - iv. A member with diplomatic status.
  - b. Division 4 of Part 7 applies to a member on peacetime deployment.
- 2. The remaining provisions of Chapter 17 do not apply to a member listed under subsection 1.

# Schedule 3—Motor vehicle allowance

## Defence Determination 2016/19, Conditions of service

**1 Subsection 9.6.25.1 (table column C)**

Repeal the column, substitute:

<b>Column C Rate per km (cents)</b>
82
105
106
82
105
106
82

**2 Subsection 9.6.26.1**

Omit “1.06”, substitute “1.12”.



## Schedule 4—Transitional provision

### 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 Excess baggage

1. This section applies to a member who would have been eligible for payment for excess baggage under section 14.4.11 of the Defence Determination between 1 March 2024 and the commencement of this Determination had the change made by item 5 of Schedule 2 applied at the time.
2. The member and each dependant who was authorised to travel to or from an overseas posting location is eligible for payment for excess baggage as though the change made by item 5 of Schedule 2 of this Determination applied at the time.

### 3 Relief out-of-country travel fare assistance for peacetime deployment

1. This clause applies to a member who was on a peacetime deployment for a period of greater than 6 months between 9 November 2023 and the commencement of this Determination.
2. The member is eligible for the period that they served on the peacetime deployment during the period under subclause 1 to count towards relief out-of-country travel fare assistance under Division 4 of Part 7 of Chapter 17 as if the change made by item 11 of Schedule 2 had applied at the time.