



Defence Determination, Conditions of service Amendment Determination 2024 (No. 8)

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 26 July 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. 8).

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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4.	The day the instrument is registered.	
2. Schedule 1 to 5	1 August 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Nuclear qualified submariners amendments

Defence Determination 2016/19, Conditions of service

1 Section 3.2.29

Omit “specialist rate of salary under Division 4 or Division 4A”, substitute “rate of salary under Division 4, Division 4A or Division 4B”.

2 After section 3.2.47V

Add:

Division 4B: Nuclear qualified submariners – advancement and deferral of increment

3.2.47W Purpose

This Division provides for the advancement and the deferral of an increment for a nuclear qualified submariner who is posted to a seagoing nuclear powered submarine.

3.2.47X Definitions

In this Division the following apply.

Anniversary date means the date that Division 3A of DFRT Determination No. 2 of 2017, *Salaries*, applies to the member.

Increment anniversary date means the day that is 12 months after the member's anniversary date or the last increment anniversary date.

Note: An advancement in increment under section B.3A.7 of DFRT Determination No. 2 of 2017, *Salaries*, or advancement in increment that has been deferred under section 3.2.47AA does not change the member's increment anniversary date.

Nuclear Marine Engineer Officer Submariner means the employment category that is paid salary under Division 3A of DFRT Determination No. 2 of 2017, *Salaries*.

Nuclear Powered Submarine Officer means the employment category that is paid salary under Division 3A of DFRT Determination No. 2 of 2017, *Salaries*.

Nuclear Technician means an employment category that is paid salary under Division 3A of DFRT Determination No. 2 of 2017, *Salaries*.

3.2.47Y Member this Division applies to

This Division applies to a member who is in one of the following employment categories and is posted to a seagoing nuclear powered submarine.

- a. Nuclear Powered Submarine Officer.
- b. Nuclear Marine Engineer Officer Submariner.
- c. Nuclear Technician.

3.2.47Z Advance in increment

1. A member is to advance one increment of salary under Part 3 of Schedule B 14 of DFRT Determination No. 2 of 2017, *Salaries*, on their increment anniversary date if all of the following are met.
 - a. The member's rate of salary is below the top increment for the member's employment category.
 - b. The member ordinarily carries out duties at the standard of competence for the member's experience.
 - c. In the 12 months since the member's increment anniversary date, the member has completed 12 months continuous full-time service.
2. A member is not eligible to receive more than one advancement in increment under this section in any 12 month period unless any of the following apply.
 - a. They have had an advancement deferred and then granted under section 3.2.47AA.
 - b. They have had an advancement in increment under section B.3A.8 of DFRT Determination No. 2 of 2017, *Salaries*.
3. Any period a member is not entitled to salary under section A.1.4 of DFRT Determination No. 2 of 2017, *Salaries*, cannot be counted towards salary increments, unless the member is undertaking service with the United Nations.

3.2.47AA Deferral of an advance in increment

1. If a member does not meet the conditions to advance in increment under paragraph 3.2.47Z.1.b, the decision maker may defer the payment of an increment for up to 12 months.
 2. The decision to defer an increment must meet all of the following.
 - a. It must be in writing.
 - b. It must specify the period of deferral.
 - c. It must be provided to the member.
 3. A deferral decision must be reviewed by the decision maker within 4 months of the date of deferral if the deferral period is greater than 4 months.
 4. If the member is assessed as having carried out their duties and responsibilities at the standard expected on review or at the end of the deferral period, the member's increment advances by one increment on the earlier of the following.
 - a. At the end of the period of deferral.
 - b. At the end of the review.
- Note 1:** Salary at the new increment is payable from the date of the advance.
- Note 2:** If at the end of the deferral period the member is not assessed as having carried out their duties and responsibilities at the standard expected, the member does not advance an increment.
- Note 3:** A deferred increment under this section does not change the member's increment anniversary date.
5. For the purpose of this section, **decision maker** means any of the following.

- a. Director General Navy People.
- b. Director General Military Personnel Branch.

Schedule 2—Education assistance rates amendments

Defence Determination 2016/19, Conditions of service

1 Subsection 8.4.10.3

Omit “\$118”, substitute “\$123”.

2 Subsection 8.4.11.3 (table)

Omit the table, substitute:

Item	Column A Condition	Column B Maximum limit
1.	The child has studied the subject before and the subject is offered at the new school.	\$1,722
2.	The child has not studied the subject before and the subject is offered at the new school.	\$3,196
3.	The child meets both of the following and the subject is not offered at the new school. a. The child is in Year 10, 11 or 12. b. The child needs to study the subject, as it is essential to their career aims.	\$6,392

3 Subsection 8.4.14.3

Omit “\$118”, substitute “\$123”.

4 Subsection 8.4.14.4

Omit “\$864”, substitute “\$905”.

5 Subsection 8.4.14.5

Omit “\$33,683”, substitute “\$36,336”.

6 Subsection 8.4.14.5A

Omit “\$422”, substitute “\$441”.

7 Subsection 8.4.21.1 (table)

Omit the table, substitute:

Item	Column A Purpose	Column B Maximum reimbursement	Column C Contribution
1.	Compulsory tuition fees.	\$36,336	The higher of the following. a. \$441. b. The amount equal to the contribution they would normally have incurred for their child's continued attendance at that school.
2.	If in boarding school or a commercial establishment, the cost of board.	\$31,638	Either of the following. a. For the first year of boarding — \$3,336. b. For every other year of boarding — \$3,754.
3.	If accommodated privately, the cost of board.	\$18,332	

8 Subsection 8.4.25.1

Omit "\$467", substitute "\$530".

9 Subsection 15.6.11.2 (table)

Omit the table, substitute:

Item	Column A School level	Column B Annual contribution in AUD
1.	Pre-school or kindergarten	590
2.	Primary school	201
3.	Secondary school	469
4.	Junior college (or similar institution in the USA)	469

10 Paragraph 15.6.26.2.b

Omit "AUD 33,683", substitute "AUD 36,336".

11 Paragraph 15.6.26.3.a

Omit "AUD 192", substitute "AUD 201".

12 Paragraph 15.6.26.3.b

Omit "AUD 448", substitute "AUD 469".

- 13 Subparagraph 15.6.27.2.a.ii**
Omit “AUD 29,375”, substitute “AUD 31,638”.
- 14 Subparagraph 15.6.27.2.b.ii**
Omit “AUD 17,650”, substitute “AUD 18,332”.
- 15 Subparagraph 15.6.27.3.a.i**
Omit “AUD 3,191”, substitute “AUD 3,336”.
- 16 Subparagraph 15.6.27.3.a.ii**
Omit “AUD 3,606”, substitute “AUD 3,754”.
- 17 Paragraph 15.6.27.3.b**
Omit “AUD 3,606”, substitute “AUD 3,754”.

Schedule 3—Summer schools amendments

Defence Determination 2016/19, Conditions of service

1 Section 15.1.3

Insert the following definitions:

Dangerous recreational activity includes the following activities.

- a. Scuba diving.
- b. Free diving.
- c. Mountain climbing above 5,500 metres.
- d. Snow sports.
- e. Bungee jumping.
- f. Skydiving.
- g. Base-jumping.
- h. Paragliding.
- i. Hang-gliding.
- j. White water rafting.
- k. Motor vehicle, motor cycle or boat racing.
- l. Any professional sporting activity where a payment is received for participation or performance.
- m. Any other activity that the dangerous recreational activity decision maker is satisfied involves an obvious significant risk of serious physical harm to a person.

Dangerous recreational activity decision maker means any of the following.

- a. Senior ADF Representative at the overseas post.
- b. Director of Attaché and Overseas Management.
- c. A person holding a rank not below E08 or APS classification not below APS 5 who is authorised to manage Defence overseas personnel administration.
- d. For a member posted to the Australian Signals Directorate, any of the following.
 - i. Senior Australian Signals Directorate representative holding a rank not below 1 Star.
 - ii. Australian Signals Directorate classification not below ASD SES Band 1 at the overseas post.
 - iii. Assistant Director-General Customer and International Engagement Australian Signals Directorate.

2 Section 15.1.7

Omit “and approved summer schools under Annex 15.6.A and Annex 15.6.B”, substitute “schools under Annex 15.6.A”.

3 Section 15.6.15

Repeal the section.

4 Section 15.6.16

Repeal the section.

5 After subsection 15.6.17A

Insert:

Division 2A: Education assistance for children at the posting location – School holiday programs

15.6.17B Definitions

In this Division, the following apply.

Reimbursement period means the total number of weekday of school holidays in the academic year for the school the child attends less 60 days.

Note: A public holiday that falls on a weekday within the school holidays included when determining the number of days of school holidays.

An **academic year** commences on the first day of the first teaching period in a school year and ends on the day before the first day of the first teaching period of the next school year.

15.6.17C Member this Division applies to

This Division applies to a member whose child attends a primary or secondary school at the overseas posting location where, when combined, the school holiday period is greater than 60 weekdays in an academic year.

15.6.17D School holiday program costs

1. Subject to subsection 2, a member is eligible for reimbursement of costs for each weekday, that their child attends a school holiday program that meets all of the following.
 - a. It meets any of the following.
 - i. It is associated with an educational institution.

Note: The educational institution the school holiday program is associated with does not need to be the school the child attends.

- ii. It is an educational, vocational or developmental program, provided by a person qualified to deliver the program.
 - b. It is held in a school type setting and is not a camp or an overnight program.
 - c. It does not include any dangerous recreational activities.
2. The number of days the member can receive reimbursement must not exceed the reimbursement period.

15.6.17D Reimbursement

1. The maximum reimbursement for each day in the reimbursement period is the lesser of the following.

- a. The amount calculated using the following formula.

$$\text{Maximum rate of reimbursement (AUD)} = \frac{\text{AUD140} \times A}{100}$$

Where:

- A** is the post index applicable to the member's posting location at the time of reimbursement.
 - b. The amount charged for the day of school holiday program.
2. A member is not eligible to be reimbursed any of the following costs associated with a school holiday program.
- a. Accommodation, transport or travel incurred as a consequence of participating in the school holiday program.
 - b. Costs incurred for traveling to or from the school holiday program, including transport or travel, accommodation, meals and incidentals.
 - c. Optional activities offered as part of the school holiday program that incur extra costs.
3. Reimbursement under this Division is payable to the member on end of the school holiday program.

6 Annex 15.6.B

Repeal the annex.

Schedule 4—Miscellaneous amendments

Defence Determination 2016/19, Conditions of service

1 Section 1.3.1

Insert:

Most economical means of travel has the same meaning as given by Chapter 9 Part 1A and Chapter 9 Part 1.

2 Paragraph 2.2.3.b

Omit “SERCAT” (wherever occurring), substitute “service category”.

3 Section 5.11.24

Omit “, as defined in Chapter 9 Part 1,” (wherever occurring).

4 Subsection 5.12.3.1

Omit “23 December 2023 to 2 January 2024”, substitute “24 December 2024 to 1 January 2025”.

5 Paragraph 6.5.16.1.b

Omit “privately arrange”, substitute “privately arranged”.

6 Section 6.5.69

Repeal the section, substitute:

6.5.69 Removal from outside Australia

1. If a member serving in Australia marries outside Australia or is recognised as having an ADF recognised partnership in a location outside Australia, the removal benefits provided under section 6.5.68 apply.
2. The partner's point of entry into Australia is taken to be the place in Australia the marriage or partnership is registered.

7 Subsection 9.1.3.1

Omit “available to the Commonwealth”.

8 Subsection 9.2.21.1

Omit “Commonwealth assistance”, substitute “Assistance”.

9 Subsection 9.2.25.1

Repeal the subsection, substitute:

1. The member is eligible for travel if the CDF is satisfied the travel is for any of the following purposes.
 - a. To assist the member to leave hospital to recover.
 - b. To assist the member to reach a location where they are able to wait to go back to hospital.
 - c. To assist the member to reach a location that the senior medical advisor recommends to assist the member's recovery.

10 Subsection 9.3.5.2

Repeal the subsection, substitute:

2. If a member chooses a means of travel for their resident family that is not the most economical means, the member is only eligible for the costs up to the cost of travel by the most economical means.

11 Section 9.3.82

Repeal the section.

12 Section 9.4.13

Repeal the section, substitute:

9.4.13 Transfer of benefit

1. Subject to subsection 2, a member may transfer their benefit to their nominated family to provide for one or more of their nominated family with return travel between their home and the member's service location.
2. The following conditions apply to the transfer of a benefit under subsection 1.
 - a. The cost of the travel is limited to what the member would have been eligible for under section 9.4.7.
 - b. The member cannot transfer their benefit if the nominated family would be required to isolate on entering the service location.

13 Annex 12.3.B (after table item 37)

Insert:

37A.	REPUBLIC OF KOREA	Seoul
37B.	- Changwon	Busan

14 Annex 12.3.B (table items 38A and 38B)

Repeal the items.

15 Section 14.3.7A

Repeal the section, substitute:

14.3.7A Items placed in temporary storage

1. A member is eligible for the storage of items removed under section 14.3.5 if the accommodation provided under Chapter 15 Part 4 Division 1 is not available when the member arrives in the posting location.
2. The member is eligible for the removal of items stored under subsection 1 to their accommodation when the accommodation becomes available.

16 Subsection 14.4.5.1

Omit “The Commonwealth will pay the cost of members’ and dependants’”, substitute “The member is eligible for the cost of their and their dependant’s”.

17 Paragraph 14.4.17.2.d

Omit “at Commonwealth cost”, substitute “under this Determination”.

18 Section 14.6.20

Omit “at Commonwealth expense” (wherever occurring), substitute “under this Determination”.

19 Subsection 15.1.11.3

Omit “2023-2024 is 23 December 2023 to 2 January 2024”, substitute “2024-2025 is 24 December 2024 to 1 January 2025”.

20 Chapter 16 Part 4 Division 4 (heading)

Omit “When travel costs must be repaid”, substitute “After travel”.

Schedule 5—Transitional provisions

Defence Determination 2016/19, Conditions of service

1 Definitions

The following apply in the Schedule.

Academic year means the period that commences on the first day of the first teaching period in a school year and ends on the day before the first day of the first teaching period of the next school year.

Annex 15.6.B means Annex 15.6.B of the Defence Determination, as in force immediately before the commencement of Schedule 1.

Defence Determination means *Defence Determination 2016/19, Conditions of service*.

New school holiday program benefits means the benefits provided by Chapter 15 Part 6 Division 2A of the Defence Determination, on or after the commencement of Schedule 3.

Previous summer school benefits means the benefits provided by section 15.6.15 of the Defence Determination, as in force immediately before the commencement of Schedule 3.

2 Application

1. This Schedule applies to a member who meets any of the following.
 - a. The member is on long-term posting overseas.
 - b. The member had received official written notice of their long-term posting overseas, but had not commenced the posting on the day this Determination commenced.
2. This Schedule does not apply to a member in respect of a child for whom they are receiving benefits under Chapter 8 Part 4 of the Defence Determination, as in force from time to time.
3. This Schedule ceases to apply to a member on the earlier of the following.
 - a. The end of the member's long-term posting overseas.
 - b. 30 June 2027.

3 Benefit

1. A member may elect to receive the previous summer school benefits.
2. If the member elects to receive the previous summer school benefits, all the following apply.
 - a. They are eligible to receive the previous summer school benefits for the duration of their long-term posting overseas.
 - b. They are not eligible to receive the new school holiday program benefits for the duration of their long-term posting overseas.
 - c. If they have received a reimbursement for their child's attendance at the summer school or summer camp under the previous summer school benefits before the commencement of Schedule 3 of this Determination for the current academic year — all of the following apply.

- i. The member is not eligible for reimbursement under the new school holiday program benefits for the current academic year of the school the child attends.
 - ii. The election to receive the previous summer school benefits does not apply until the commencement of the next academic year of the school their child attends.
3. An election to receive benefits under the previous summer school benefits must be made by a member before they can receive the reimbursement.
4. If a member does not elect to receive the previous summer school benefits under subclause 1 and all of the following are met, the member is eligible to receive the new school holiday program benefits from 1 June 2024 as though the changes made by this Determination had applied at the time.
 - a. The academic year for the school their child attends has commenced.
 - b. The member has not received reimbursement under the previous summer school benefits for the child for the current academic year.