



## **Defence Determination 2003/9**

I, PHILLIP JOHN CHARLEY, Acting Director General Personnel Policy and Employment Conditions, Defence Personnel Executive, make this Determination under section 58B of the *Defence Act 1903*.

Dated 28 March 2003

P J CHARLEY  
Acting Director General  
Personnel Policy and Employment Conditions  
Defence Personnel Executive

## **1 Citation**

This Determination is Defence Determination 2003/9, Education assistance – Amendment.

[NOTE: This Determination commences on the day on which it is made: see *Defence Act 1903*, subsection 58B (4).]

## **2 Amendment**

Defence Determination 2000/1, Conditions of Service, as amended,<sup>1</sup> is amended as set out in this Determination.

## **3 Clause 5.1.1 (Purpose)**

*substitute*

The purpose of this Part is to assist members to pay children's additional education costs after disruption caused by a posting within Australia.

## **4 Paragraphs 5.1.5 (b), (c) and (d) (General criteria)**

*substitute*

- (b) the facilities offered by available schools or other educational institutions at the locality to which the member is granted a removal, and the nature of the education system at that locality; and
- (c) the facilities offered by the school or other educational institution that the child most recently attended at the member's former locality of posting, and the nature of the education system at that locality; and
- (d) advice provided by principals or classroom teachers of schools or other educational institutions at the member's new and former localities of posting; and

## **5 Paragraph 5.1.8 (c) (Application)**

*substitute*

- (c) has a certificate given under clause 5.1.10.

## **6 Clause 5.1.9 (Entitlement)**

*substitute*

- (1) The member is entitled to be reimbursed for additional education costs for the child, at the appropriate rate and for the period (if any) specified in clause 5.1.12.
- (2) The CDF may accept an invoice direct from a tutor and pay it on behalf of an entitled member if satisfied that the entitled member is unavailable to be reimbursed for reasons related to service.
- (3) The member's entitlement to be reimbursed for a service is to be taken to have been paid to the member if the CDF approves payment for the service under subclause (2), on behalf of a member.

**7 Clause 5.1.10 (Certificate by principal of child’s school)**

*retitle the clause*

**5.1.10 Certificate by principal of child’s school or classroom teacher**

*omit*

the principal of the child’s school

*insert*

the child’s school principal or classroom teacher

**8 Paragraph 5.1.11 (b) (Other conditions for reimbursement)**

*substitute*

(b) the educational services must be provided within 18 months of the child starting study at the new school; and

**9 Paragraph 5.1.11 (c) (Other conditions for reimbursement)**

*substitute*

(c) the educational services may only be provided by the new school when the member is not entitled to be reimbursed for private educational services for the subject; and

**10 Subclause 5.1.12 (1) (Rate and period of assistance)**

*substitute*

(1) Reimbursement may be paid for educational services provided to an eligible child for 1 hour of tuition each week to a maximum determined under the following table:

If the child:		Then the maximum period for reimbursement is:
(a)	has previously studied a subject that is a subject at the new school	14 weeks
(b)	has not previously studied a subject that is a subject at the new school	6 months
(c)	is in year 10,11 or 12 and is studying a subject that is essential to the child’s career aims but is not provided at the new school	one school year

(1A) The eligibility ceases before the maximum period ends if the child becomes able to maintain a sufficient standard in the subject.

**11 Subclause 5.1.12 (2)**

*omit*

The additional educational services for which a member may be reimbursed for an eligible child with a special need are:

*insert*

The additional educational services provided to an eligible child with a special need which may be reimbursed are:

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**NOTE**

1. Defence Determination 2000/1 as amended to date. For previous amendments see Note to Defence Determination 2003/1, and see also Defence Determinations 2003/1, 2, 3, 4, 5, 6, 7 and 8.

# EXPLANATORY STATEMENT

## Defence Determination 2003/9

This Determination amends Defence Determination 2000/1, Conditions of Service (the Principal Determination), made under section 58B of the *Defence Act 1903* (the Act). Chapter 5 of the Principal Determination sets out provisions dealing with education assistance for the children of members of the Australian Defence Force (ADF).

The purpose of this Determination is to make changes to education assistance for members' children, better reflecting the current education system and improving access to reimbursement for the member's family.

Clause 1 of this Determination sets out the manner in which this Determination may be cited.

This Determination commences on the day on which it is made, as provided by subsection 58B (4) of the Act.

Clause 2 specifies that the amendments are made to the Principal Determination, as amended.

Clause 3 amends the purpose clause at clause 5.1.1 of the Principal Determination to clarify the purpose of education assistance.

Clause 4 removes the requirement in clause 5.1.5 of the Principal Determination for the CDF to have regard to whether a subject studied by the child is offered at new school.

Clause 5 amends a cross-reference to reflect the addition of the child's classroom teacher as an authorised person to provide a certificate of academic competency under clause 5.1.10 of the Principal Determination.

Clause 6 amends clause 5.1.9 of the Principal Determination and provides that where a member is not available, a tutor may invoice Defence.

Clause 7 retitles and amends clause 5.1.10 of the Principal Determination. It adds the classroom teacher as an authorised person to provide a certificate of academic competency.

Clause 8 amends clause 5.1.11 of the Principal Determination to extend the time limit for provision of services from 12 months to 18 months. This is intended to provide an opportunity for tutoring to occur in the year after the posting if disruption to education is not recognised after the first year of schooling at the new location is completed.

Clause 9 removes the requirement in clause 5.1.11 of the Principal Determination for a subject to have been studied at the child's previous school before the member can be reimbursed for educational service on studying the subject outside the new school. Clause 9 substitutes a new paragraph 5.1.11 (c) which allows tutoring to be provided by the child's school, provided that the child does not receive private tutoring in the subject.

Clause 10 has been reformatted to provide an easier reference to the entitlement.

Clause 11 is a consequential change required due to clause 6. It removes the requirement for the member to receive the reimbursement personally.

Authority: Section 58B of the  
*Defence Act 1903*