



Defence Determination 2009/19

I, BRIAN GARY PAULE, Director General Personnel Policy and Employment Conditions, make this Determination under section 58B of the *Defence Act 1903*.

Dated 17 March 2009

B G PAULE
Director General
Personnel Policy and Employment Conditions
People Strategies and Policy Group

1 Citation

This Determination is Defence Determination 2008/19, Education costs for child – amendment.

2 Commencement

This Determination commences on the date of signature.

3 Amendment

Defence Determination 2005/15, Conditions of Service, as amended,¹ is amended as set out in this Determination.

4 Clause 8.4.10 (Rate and period of reimbursement), title only

substitute

8.4.10 Face-to-face tutoring

5 Subclause 8.4.10.1 (Face-to-face tutoring)

substitute

1. This clause applies to a member who buys face-to-face tutoring for their child.

Related Information: Clause 8.4.10A, Web-based tutoring

- 1A. The member may be reimbursed for one hour of additional tuition a week for each subject certified under paragraph 8.4.9.c.

6 Clause 8.4.10 (Face-to-face tutoring)

insert at the end

8.4.10A Web-based tutoring

1. This clause applies to a member who buys web-based tutoring for their child.

Related Information: Clause 8.4.10A, Face-to-face tutoring

2. A member may be paid for the cost of a subscription to an online tutoring service. The service must be one recommended for the child by the child's teacher or principal.
3. A member may not be paid under this clause for any of the following costs.
 - a. Computer software costs.
 - b. Computer hardware costs.
 - c. Internet access costs.

4. Payment is by reimbursement of the member's costs.

Exception: If clause 8.4.11A applies.

See: Clause 8.4.11A, Payments to tutor

5. Payments under this clause are limited to an amount calculated in accordance with the following table.

Step	Action
1.	Find the maximum limit for the child and the certified subject in the table in subclause 6.
2.	Find the number of subjects that meet both these requirements. a. The subject was certified by the child's new school under paragraph 8.4.9.c. b. The child is provided with online tuition on the subject. See: Clause 8.4.9, Member this Division applies to
3.	Multiply the outcome of Step 1 by the outcome of Step 2.
4.	Find the amount paid to the member for any face-to-face tutoring under clause 8.4.10. See: Clause 8.4.10, Face-to-face tutoring
5.	Subtract the outcome of Step 4 from the outcome of Step 3.
6.	The outcome of Step 5 is the limit that may be reimbursed for web-based tutoring.

Example:

A member is posted to a new location. The member's child needs some catch-up coaching in maths. The child has face-to-face tutoring for four hours, and then the tutor advises that a web-based tutoring program would help consolidate the child's new skills. The child's teacher approves the plan.

Step	Action
1.	The child has studied maths before. The maximum limit is in Item 1 of the table in subclause 6, and is \$882.
2.	The child only has one subject recommended, and had the coaching. $\$882 \times 1 = \882
3.	The child had 4 hours of face-to-face tutoring. $4 \text{ hours face-to-face tutoring} \times \$63 \text{ an hour} = \$252$
4.	$\$882 - \$252 = \$630$
5.	The member may be reimbursed \$630 for web-based tutoring.

6. The following table provides figures used in Step 1 of the calculation in subclause 5.

Item	If the subject...	and the child...	then the maximum limit is...
1.	is offered at the new school	has studied the subject before	\$882.
2.		has not studied the subject before	\$1638.
3.	is not offered at the new school	meets both of the following conditions: 1. The child is in Year 10, 11 or 12. 2. The child needs to study the subject, as it is essential to their career aims. Example: A student wishes to pursue a career in music. Music courses are not available at the new school.	\$3276.

7 **Clause 8.4.11 (Conditions for reimbursement to member)**

insert at the end

8.4.11A **Payments to tutor**

A member who meets both the following conditions may elect to have payments made directly to the body that supplied the tutoring, instead of by reimbursement.

- a. The member is away for Service reasons.
- b. It is not practical for the member to apply for a reimbursement.

NOTE

1. Defence Determination 2005/15 commenced on 31 May 2005. For previous amendments see Note to Defence Determination 2009/1 and see also Defence Determinations 2009/2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18.

EXPLANATORY STATEMENT

Defence Determination 2009/19

This Determination amends Defence Determination 2005/15, Conditions of Service (the Principal Determination), made under section 58B of the *Defence Act 1903* (the Act). Chapter 8 of the Principal Determination sets out provisions dealing with members and their dependants, for members of the Australian Defence Force (ADF).

The purpose of this Determination is to provide access to web-based tutoring for children of members who need educational assistance as a result of the member's posting to a new location.

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

Clause 2 of this Determination provides that the Determination commences on the date of signature, as provided by subsection 58B(4) of the Act.

Clause 3 specifies that the amendment is made to the Principal Determination, as amended.

Clause 4 substitutes the title of clause 8.4.10 of the Principal Determination. Clause 8.4.10 is amended by clause 5 of this Determination so as to apply only to face-to-face tutoring, and the new title reflects this.

Clause 5 substitutes subclause 8.4.10.1 of the Principal Determination. The effect of the change is to introduce a new provision that confines the operation of clause 8.4.10 of the Principal Determination to face-to-face tutoring.

Clause 6 inserts a new subclause 8.4.10.A into the Principal Determination. The new clause provides for web-based tutoring. Web-based tutoring was not explicitly mentioned, but was not prohibited under former arrangements. The new clause more clearly sets out what web-based tutoring costs may or may not be reimbursed.

Clause 7 inserts a new clause 8.4.11 into the Principal Determination. The new clause sets out the circumstances in which a tutoring service may be paid directly by the Commonwealth, rather than reimbursement to the member.

Authority: Section 58B of the
Defence Act 1903