



**Determination under the *Defence Collective Agreement 2006–2009*
No. 9 of 2009, Overseas conditions of service – education assistance**

1 Authority

I, PETER ARTHUR ELLIS BAVINGTON, acting in accordance with the delegation of powers to me under section I3 of the *Defence Collective Agreement 2006–2009* (DeCA) by the Secretary to the Department of Defence, hereby determine under section H12 of the DeCA that the conditions of service for employees travelling and working overseas are to be adjusted as set out below.

2 Amendment

This administrative instrument amends the *ADO Guide to Overseas Conditions of Service*, as published in the *Defence Pay and Conditions Manual Overseas Conditions of Service* volume.

3 Definitions

For the purpose of applying the conditions in the *Defence Pay and Conditions Manual Overseas Conditions of Service* volume, the terms in the following table that apply to ADF members are to be taken to include the corresponding terms in the table that apply to APS employees, except where there is an express contrary intention (such as supporting a specified ADF operation):

	ADF term	Corresponding APS term
1.	member	employee
2.	Brigadier or higher	Senior Executive Service (SES) employee
3.	Chief of the Defence Forces (CDF)	Secretary
4.	additional duty	overtime
5.	recreation leave	annual leave
6.	rank	classification
7.	ADF	APS

4 Determination

I determine that the conditions of service relating to overseas location are to be varied in accordance with clauses 12, 13, 14, 15, 16, 17 and 18 of Defence Determination 2009/28, Education assistance - amendment, as published in the *Defence Pay and Conditions Manual Overseas Conditions of Service* volume.

5 Transitional

1. In this clause the following definitions apply.

Term	Definition
Commencement day	means the day on which this Determination commences.
Relevant period	means the period from 1 January 2009 to the day before the commencement day.

2. This clause applies to an APS employee who was entitled, during the relevant period, to education assistance for a child under clause 4 of this Determination.
3. If this Determination had applied for the relevant period, and would have resulted in the APS employee's entitlement to education assistance exceeding the amount of education assistance previously paid for that period, the APS employee is entitled to additional education assistance equal to the amount of the excess.

6 Commencement

DeCA Determination 2009/9 is effective from the date of signature.

Dated 24 April 2009

P A E BAVINGTON
Acting Director General Personnel Policy and Employment Conditions
People Strategies and Policy Group