

Chapter 1: Introduction (Required reading)

1.1.1 Overview

This clause is reserved for publication in the *ADF Pay and Conditions Manual* of an administrative description of the aims of Chapter 1.

1.1.2 Contents

This Chapter contains the following Parts.

Part 1	About this Manual
Part 2	Determinations that apply in this Manual
Part 3	Definitions
Part 4	Equivalent ranks and classifications
Part 5	Member's rights and obligations
Part 6	Payment of entitlements in special circumstances

Part 1: About this Manual

1.1.3 Abbreviations

This table spells out abbreviations used in Chapters 1 to 17.

Abbreviation	Meaning
ADF	Australian Defence Force
APS	Australian Public Service
ATM	Automatic teller machine
CDF	Chief of the Defence Force
CTAS	Career Transition Assistance Scheme
DECA	<i>Defence Enterprise Collective Agreement 2009</i>
DFRDB Act	The <i>Defence Force Retirement and Death Benefits Act 1973</i>
DFRT	Defence Force Remuneration Tribunal
DHA	Defence Housing Australia
GST	Goods and Services Tax
HPAS	Home purchase assistance scheme
HPSEA	Home purchase or sale expenses allowance
kg	kilogram
km	kilometre
MSBS	Military Superannuation and Benefits Scheme
NATO	North Atlantic Treaty Organisation
UK	United Kingdom
UN	United Nations
US or USA	United States of America
VCDF	Vice Chief of the Defence Force

1.1.4 Overview

This clause is reserved for publication in the *ADF Pay and Conditions Manual* of an administrative description of the style and content of the Manual.

1.1.5 Structure

This clause is reserved for publication in the *ADF Pay and Conditions Manual* of an administrative description of the structure of the Manual.

1.1.6 Annexes

1. In Chapters 1 to 17, schedules are called Annexes. They contain these kinds of information.
 - a. Lists of specific rates.
Examples: Rates of salary, rates of allowances.
 - b. Detailed information.
Example: A list of remote locations, a diagram to illustrate how rent allowance works.
2. The Annexes are listed in the content tables at the beginning of each Chapter.
See: Part 2, Determinations that apply in this Manual.

Part 2: Determinations that apply in this Manual

This Part is reserved for publication in the *ADF Pay and Conditions Manual* of an administrative summary of the information provided about determinations that apply to ADF conditions of service.

Division 1: Overview – Defence determinations

This Division is reserved for publication in the *ADF Pay and Conditions Manual* of administrative information about the kinds of determinations that apply to ADF conditions of service.

Division 2: The Defence Determination on conditions of service

1.2.9 Defence Determination 2005/15 – general

Defence Determination 2005/15, Conditions of Service, is the main Determination authorising ADF conditions of service within Australia and overseas. It deals with a wide range of ADF conditions of service.

Examples: Leave, location allowances, reimbursement to members of Service-related expenses.

1.2.10 Date of effect

This Determination commences on 31 May 2005.

1.2.11 Member Chapters 1 to 17 apply to

1. Chapter 1 (other than Part 3 Division 2) applies to all ADF members, including members of the Reserves on Reserve service. Chapter 1 Part 3 Division 2 applies only to members on continuous full-time service.

Note: Chapter 1 Part 3 [Division 2](#) deals with definitions in relation to dependants. These definitions do not apply to members on Reserve service.

2. Chapters 2 to 17 apply only to members on continuous full-time service. This is unless an express intention to deal with another class of person is clear.

Example 1: A member of the Reserves on Reserve service is not entitled to housing assistance under Chapter 7. There is no express intention in that Chapter to apply housing assistance to members other than those on continuous full-time service.

Example 2: A member of the Reserves on Reserve service is entitled to payment of costs for travel on Defence business. Clause 9.5.14 states that this entitlement applies to these members.

Example 3: Some removal and housing entitlements are provided for dependants under Chapters 6 and 7 after the death of a member, or under Chapter 8 for the breakdown of their marriage. The provisions make it clear that the dependants have these entitlements.

3. These members are on continuous full-time service.
 - a. A member of the Permanent Forces.
 - b. A member of the Reserves on continuous full-time service.
4. A member of the Reserves on Reserve service is not on continuous full-time service.

See: The definitions of continuous full-time service and Reserve service in Chapter 1 Part 3 [Division 1](#).

5. This Determination may also expressly make any person or class of persons who is a cadet, or who is appointed as an officer or instructor of cadets, eligible for a benefit.

See: Chapter 4 Part 8 Division 6, Cadet forces allowance

Chapter 11 Part 3, Payment of financial entitlements on death

1.2.12 Meaning of words and phrases

[Part 3](#) of this Chapter defines terms used in Chapters 1 to 17. The definition applies to each use of the term throughout the Chapters. This is unless it is made clear otherwise.

1.2.13 References to other legislation

1. Reference may be made in Chapters 1 to 17 to any of these forms of legislation.
 - a. An Act.
 - b. A regulation made under an Act.
 - c. A determination made under any of these provisions.
 - i. Section 58B of the [Defence Act 1903](#).
 - ii. Section 58H of the [Defence Act 1903](#).
 - iii. Subsection 24 (1) of the [Public Service Act 1999](#).
2. Any such reference is to the Act, regulation or determination as in force from time to time. This is unless it is made clear otherwise.

Part 3: Definitions

1.3.1 Overview

1. This Part defines terms and explains concepts used in Chapters 1 to 17.
2. The terms defined in this Part apply to more than one Chapter. Terms with a special definition used only in particular areas are defined in that area.
3. Special definitions about dependants are in [Division 2](#) of this Part.
4. Special definitions about overseas conditions of service are in Chapter 12 [Part 3](#).
5. The *Acts Interpretation Act 1901* and the *Defence Act 1903* contain definitions of other terms that may apply.

Example 1: The [Defence Act 1903](#) defines cadet, member, officer, remuneration, the Permanent Forces and the Reserves.

Example 2: The [Acts Interpretation Act 1901](#) specifies how to work out periods of time and defines some commonly used words, including Australia, month, calendar year, financial year, the Commonwealth.

6. Time is expressed using a 24-hour clock system.

1.3.2 Contents

This Part includes the following Divisions:

- | | |
|----------------------------|--------------------------|
| Division 1 | Definitions – general |
| Division 2 | Definitions – dependants |

Division 1: Definitions – general

**FOR DEFINITIONS RELATING TO DEPENDANTS, SEE CHAPTER 1 PART 3
[DIVISION 2](#)**

WARNING – DIFFERENT DEFINITIONS FOR OVERSEAS CONDITIONS OF SERVICE

The following terms are defined differently for overseas conditions of service:

long-term posting
posting location
posting period
short-term duty

Those definitions are in Chapter 12.

See: Chapter 12 [Part 3](#), Definitions for Chapters 12 to 17.

1.3.3 Purpose

This Division defines general terms and explains important concepts used in Chapters 1 to 17.

See: [Division 2](#) for definitions and interpretations related to dependants.

1.3.4 Act

Act means the [Defence Act 1903](#).

1.3.5 A day's pay

A day's pay means the daily rate of pay that a member of the Reserves is entitled to while they are on Reserve service. The service must be part of their authorised duty commitment.

See: DFRT Determination 15 of 2008, *Salaries*
Schedule B.1 – Senior officer salary rates
Schedule B.3 Parts 2 and 3 – Officer salary rates
Schedule B.4 Parts 2 and 3 – Other rank member appointed as officer – transitional salary rates
Schedule B.5 Part 2 – Specialist Officer – Chaplain salary rates
Schedule B.6 Parts 2 and 3 – Specialist Officer – Dental Officer salary rates
Schedule B.7 Part 2 – Specialist Officer – Legal Officer salary rates
Schedule B.8 Parts 3 and 4 – Specialist Officer – Medical Officer salary rates
Schedule B.10 Parts 3 and 4 – Warrant Officer Class 1 salary rates
Schedule B.12 Parts 2 and 3 – Other Rank salary rates
Schedule B.13 Part 2 – Trainee salary rates
Schedule B.14 Part 2 – Specialist Officer – Aviation
Schedule B.15 Part 2 – Senior Officer Specialist – Medical Officer

1.3.6 Baggage

1. For service within Australia – baggage means a member's personal possessions that meet either of these conditions.
 - a. They accompany the member by public transport.
 - b. They are sent by public transport unaccompanied.
2. For a removal, baggage includes parts of a member's furniture and effects that they choose

not to be carried by a contracted removalist.

1.3.7 Cadet force

Cadet force means the Australian Navy Cadets, the Australian Army Cadets or the Australian Air Force Cadets.

1.3.8 Calendar month

Calendar month means a period that meets both these criteria.

- a. It starts at the beginning of a day of a month.
- b. It ends at either of these times.
 - i. Immediately before the beginning of the corresponding day of the next month.
 - ii. If there is no corresponding day in the next month – at the end of the next month.

Examples: 12 May 2000 – 11 June 2000; 30 January 2005 – 28 February 2005.

Note: This definition is based on the definition in the [Acts Interpretation Act 1901](#).

1.3.9 Capital city

Capital city means Canberra, Darwin or the metropolitan area of the capital city of a State.

1.3.10 CDF

CDF means the Chief of the Defence Force. This includes a reference to another person that the CDF authorises to act on their behalf.

1.3.11 Commonwealth

Commonwealth includes a body corporate incorporated for a public purpose by or under a law of the Commonwealth or of a Territory. Commonwealth excludes an incorporated company, society or association.

See section 17 of the [Acts Interpretation Act 1901](#).

1.3.12 Commonwealth removalist

Commonwealth removalist means Toll Transitions Pty Ltd, its subcontractors, agents or employees who provide removal services under a contract with the Commonwealth.

1.3.13 Compulsory residency

Compulsory residency means training in a hospital undertaken by a medical officer as a condition of entry into the medical profession. It does not matter whether or not the medical officer lives in accommodation provided by the hospital.

1.3.14 Compulsory retirement age

Compulsory retirement age means a member's compulsory retirement age under the [Defence \(Personnel\) Regulations 2002](#).

1.3.15 Continuous full-time service

1. Continuous full-time service excludes [Reserve service](#). Members on continuous full-time service are paid an annual rate of salary under DFRT Determination No. 15 of 2008, Salaries. If eligible, they are entitled to the conditions of service under Chapters 2 to 17.
2. This definition applies to the service performed by these two groups of members.
 - a. Members of the Permanent Forces.
 - b. Members of the Reserves who are specifically on a period of continuous full-time service with the Permanent Forces. (To be on continuous full-time service as defined in this clause, the ADF must specifically require a Reservist to perform duty for a period of continuous full-time service.)

See also: [Clause 1.3.64](#) Reserve service.

Example: A member joined the Navy in 1990 and served 10 years in the Permanent Forces. The member then joined the Reserves and performed intermittent Navy reserve days during 2000 to 2004. The member is then called out for continuous full-time service for all of 2005.

Item	During the period...	the member was on...
1.	1990 to 1999	continuous full-time service.
2.	2000 to 2004	Reserve service .
3.	2005	continuous full-time service.

Note: 'Ceasing continuous full-time service' includes all forms of discharge. This includes on retirement, retrenchment, and on completing a period of engagement.

1.3.16 Daily rate

The daily rate of any payment that is expressed as an annual rate means the fortnightly rate divided by 14.

See: Chapter 5 Part 8 Division 2 for how to work out daily rates for members on part-time leave without pay.

Note: This does not apply to the daily rates of salary for members of the Reserves on Reserve service. These rates are prescribed by the DFRT in Determination No. 15 of 2008, Salaries.

See: DFRT Determination 15 of 2008, *Salaries*

Schedule B.1 – Senior officer salary rates

Schedule B.3 – Officer salary rates

Schedule B.4 – Other rank member appointed as officer – transitional salary rates

Schedule B.5 – Specialist Officer – Chaplain salary rates

Schedule B.6 – Specialist Officer – Dental Officer salary rates

Schedule B.7 – Specialist Officer – Legal Officer salary rates

Schedule B.8 – Specialist Officer – Medical Officer salary rates

Schedule B.10 – Warrant Officer Class 1 salary rates

Schedule B.12 – Other rank member salary rates

Schedule B.13 – Trainee salary rates

Schedule B.14 – Specialist Officer – Aviation

1.3.17 Dentist

Dentist means a dental practitioner registered under the law of a State or Territory. It includes an ADF dental officer.

1.3.18 Deployment

Deployment means warlike or non-warlike service overseas by members assigned for duty with a UN mission or a similar force.

1.3.19 Doctor

Doctor means a medical practitioner registered under the law of a State or Territory. It includes an ADF medical officer.

1.3.20 Dual entitlement

See: [Part 6](#) clause 1.6.1.

1.3.21 Effective date of posting

Effective date of posting means whichever is the later of these dates.

- a. The date in the member's posting order.
- b. The date the member starts duty at their new posting location.

See also: [Posting period](#)

1.3.22 Employment

Employment includes full-time or part-time work. It does not include voluntary work.

1.3.23 Engine capacity – rotary engine

1. The capacity of a rotary engine is the displacement of the engine according to the specifications of the engine issued by the manufacturer of the vehicle.
2. The manufacturer of a rotary engine-driven vehicle may not state the displacement of the engine in the specifications. They may state the displacement of the rotor or rotors comprising the engine instead. In this case, the capacity of the engine is taken to be either of these figures.
 - a. The displacement of the rotor that makes up the engine.
 - b. The sum of the displacements of the rotors that make up the engine.

1.3.24 Equivalent rank

See: Chapter 1 [Part 4](#).

1.3.25 Fortnightly rate

The fortnightly rate of an allowance or other payment is worked out using this formula.

$$\text{Annual rate} \times \frac{14}{365}$$

1.3.26 Gaining location

Gaining location means the posting location to which a member is posted in their posting authority.

1.3.27 Home port – for a member

1. This table lists the home port for different members.

Item	If the member was recruited in...	and the member is in the...	the member's home port is...
1.	South Australia	Navy	Adelaide.
		Army, posted to a seagoing ship	
2.	Queensland	Navy	Brisbane or Cairns.
		Army, posted to a seagoing ship	Brisbane or Townsville.
3.	New South Wales	Navy	Sydney or Nowra.
		Army, posted to a seagoing ship	Sydney.
4.	Victoria	Navy	Melbourne.
		Army, posted to a seagoing ship	
5.	Tasmania	Navy	Hobart.
		Army, posted to a seagoing ship	
6.	Western Australia	Navy	Fremantle.
		Army, posted to a seagoing ship	Perth.
7.	Northern Territory	Navy	Darwin.
		Army, posted to a seagoing ship	
8.	Australian Capital Territory	Navy	Canberra.
		Army, posted to a seagoing ship	

2. Where there is more than one option in column 4 of the table in subclause 1, the CDF may decide which of the options will apply. The CDF must have regard to both these criteria.
 - a. Where the member was enlisted or appointed.
 - b. The efficient operation of Defence.

3. A member may apply to have a location listed in this table approved as their home port.

Item	If the member is...	then the locations that may be selected are...	
1.	a member of the Navy	Adelaide Brisbane Cairns Canberra Darwin	Fremantle Hobart Melbourne Nowra Sydney
2.	a member of the Army posted to a seagoing ship	Adelaide Brisbane Canberra Darwin Hobart	Melbourne Perth Sydney Townsville

4. The CDF may approve the application. The CDF must consider all of these criteria.
- a. Where the member was enlisted or appointed.
 - b. The member's needs.
 - c. The efficient operation of Defence.

1.3.28 Home port – for a ship

For a seagoing ship, home port means the port from which the ship regularly operates for a period of more than one year.

1.3.29 Leave year

Leave year means a year beginning on 1 July.

1.3.30 Legal officer

Legal officer means an officer who is, or is eligible to be, admitted as a barrister or solicitor of the High Court or the Supreme Court of a State or Territory. This does not include an officer who is a Judge of the Federal Court or a Judge of a court of a State or Territory.

1.3.31 Living in

Living in means occupying living-in accommodation.

1.3.32 Living-in accommodation

Living-in accommodation means either of these forms of accommodation.

- a. A barracks or similar kind of residential accommodation that meets both these conditions.
 - i. It is owned or controlled by the Commonwealth.
 - ii. It is provided primarily for the use of members without dependants.
- b. Accommodation like that described in paragraph a. that a foreign government or other organisation provides for members without dependants.

1.3.33 Living out

Living out means not living in.

See: [Clause 1.3.32](#), Living in

1.3.34 Location of residence – within Australia

For service within Australia, location of residence means an area surrounding a member's residence. It is the area defined by the distance the member can travel from their residence and back, door to door. The distance is the greater of these two distances.

- a. How far the member can travel in 150 minutes by the most appropriate and efficient means of public transport.
- b. 30 km each way by public road.

See also: [Clause 1.3.52](#) Posting location – within Australia

1.3.35 Long-term posting

1. Within Australia – long-term posting means a period of duty that the member's Service has directed to be for more than six months.
2. For duty overseas – see Chapter 12 [Part 3](#) clause 12.3.9 Long-term posting overseas.

1.3.36 Losing location

This table defines losing location for a member granted a removal.

Item	If the member is...	then their losing location is the location in Australia...
1.	a member with dependants on their first removal after joining or rejoining the Permanent Forces	of the current or last permanent home of their dependants when they joined or rejoined.
2.	any other member with dependants	to which they were last granted a removal for their dependants.
3.	a member with dependants (unaccompanied)	
4.	a member without dependants	to which they were last granted a removal.

1.3.37 Meal costs

1. Meal costs include compulsory service charges and taxes, such as goods and services tax (GST).
2. Meal costs exclude these items.
 - a. Voluntary tips.
 - b. The cost of alcoholic drinks.

1.3.38 Meal period

Meal period means one hour beginning at these times.

- a. 0700 hours for breakfast.
- b. 1300 hours for lunch.
- c. 1900 hours for dinner.

1.3.39 Member

Member has the same meaning as in sections 4 and 58A of the [Defence Act 1903](#).

Section 4 of the Act: 'Member includes any officer, sailor, soldier and airman.'

Section 58A of the Act: 'Member includes a person who has ceased to be a member, whether by reason of death or otherwise.'

See also:

- a. [Part 2](#) clause 1.2.11. This clause restricts the application of Chapters 1 to 17 to existing ADF members on continuous full-time service. This is unless a provision makes it clear that the provision applies to members on Reserve service, or former members.
- b. The definitions of [continuous full-time service](#) and [Reserve service](#) in this Part.

1.3.40 Member of a cadet force

Member of a cadet force means any of these persons.

- a. An officer or cadet in a cadet force.
- b. A person who is appointed under regulation 5 of the *Cadet Forces Regulations 1977* as an instructor in a cadet force.

See: [Cadet Forces Regulations 1977](#)

1.3.41 Member undergoing training

Member undergoing training means a member of the Permanent Forces who is paid salary under a Schedule other than Schedule B.13 and who commences a form of in-service training mentioned in Schedule B.13 to DFRT Determination No. 15 of 2008, Salaries. These members are entitled to salary non-reduction under Chapter 3 Part 2 Division 2 clause 3.2.22.

Note: This definition does not apply to new entrants to the ADF who are on a trainee rate of salary under Schedule B.13 of DFRT Determination No. 15 of 2008, Salaries.

See: Clause 1.3.70, Trainee

1.3.42 Month

See: [Calendar month](#)

1.3.43 Non-warlike service

Non-warlike service means both these kinds of service for the purposes of the [Veterans' Entitlements Act 1986](#).

- a. Service with a peacekeeping force for the purposes of Part IV.
- b. Hazardous service for the purposes of section 120.

1.3.44 Normal departmental liability

See: Chapter 9 [Part 1](#) clause 9.1.4.

1.3.45 Normal working hours

1. There are no minimum prescribed working hours for the ADF. Members on continuous full-time service are paid on a 24-hour day, seven-day week basis.
2. There is no such thing as payment for overtime. However, commanders set a normal working day taking account of normal community standards, operational requirements and occupational health and safety factors.

1.3.46 Operational area

For a deployment, operational area means the operational area specified for the deployment in [Annex 17.9.A](#).

1.3.47 Own home

Own home is defined in Chapters 6 and 7.

See:

Chapter 6 [Part 2](#) Home sale or purchase

Chapter 7 [Part 1](#) Division 3, Definitions and key concepts.

1.3.48 Paid leave

Paid leave means a period of leave when a member is entitled to salary.

1.3.49 Pay Grade

Pay grade means the pay grade for a member under DFRT Determination No. 15 of 2008, Salaries.

1.3.50 Pay to the Commonwealth

Pay to the Commonwealth means a member's obligation to pay (or repay) money to the Commonwealth. This is if the member incurs a debt or liability to the Commonwealth.

Example 1: The member has been overpaid an entitlement.

Example 2: The member is liable to contribute money towards the cost of a particular conditions of service benefit that the Commonwealth provides to them.

1.3.51 Period of prospective service

Period of prospective service has the same meaning as in Part 8 of the [Military Superannuation and Benefits Act 1991](#).

Note: The definition in that Act reads as follows.

"*period of prospective service*, in relation to a member to whom retention benefit is payable or has been paid, means the period:

- (a) commencing:
 - (i) if the member is or was, at the time when the benefit becomes or became payable, subject to a return of service obligation—immediately after the end of the period of service that the member is required to complete because of that obligation; or
 - (ii) if subparagraph (i) does not apply—on benefit computation day in relation to the member; and
 - (b) ending at the end of:
 - (i) the day on which the member will, if he or she does not cease beforehand to serve in the Permanent Forces:
 - (A) complete 20 years of continuous eligible service; or
 - (B) if, at the time when, or at any time after, the benefit becomes or became payable, the member is, or was, subject to a return of service obligation—complete a period of continuous eligible service that, excluding the period of service that the member is required to serve because of that obligation, is equal to 20 years; or
 - (ii) the day on which the member will reach his or her retiring age;
- whichever occurs first."

1.3.51A Personal location

1. A personal location is a location in which the member's dependants choose to live.

Exception: The location where the member lives cannot be a personal location.

2. Not all situations where dependants live in a personal location attract the same benefits.

- a. A benefit may be made available to a member on compassionate grounds. If the member satisfies any eligibility requirements for that benefit and the member's dependants live in a personal location, that personal location is known as a **personal location where benefits are provided**.

Example: A member's dependants need to live near a children's hospital while the member's child undergoes chemotherapy. The member meets the compassionate test for every benefit that can apply and lives in a **personal location where benefits are provided**.

- b. A benefit may be expressed as not applying in relation to a member with dependants in a personal location. The member and dependants are not eligible for that benefit.
3. A personal location may be inside or outside of Australia. A personal location outside of Australia attracts a more limited level of benefits.

Related Information: Chapter 8 Part 3A, Member with dependants (unaccompanied) summary has more information about removal and housing for members in different situations.

1.3.52 Posting location – within Australia

1. For service within Australia, posting location means an area surrounding a member's normal place of duty. It must be one of these areas.
 - a. An area defined by the distance the member can travel from their usual residence to their normal place of duty and back, door to door. The distance is the greater of these two distances.
 - i. How far the member can travel in 150 minutes by the most appropriate and efficient means of public transport available during their normal hours of duty.
 - ii. 30 km each way by public road.
 - b. An area greater than the area described in paragraph a. that the member proposes and the CDF approves. Approval may only be given if the CDF is satisfied that both these criteria are met.
 - i. The member's daily attendance for duty would not be affected by any additional travelling time.
 - ii. The member commutes daily to their normal place of duty.
 - c. Any greater area in which a Service residence is located, if the Service residence is made available for members serving at the member's normal place of duty.
2. This subclause applies to a member with dependants (unaccompanied) or a member who is posted to a seagoing ship. Their posting location includes a location that their dependants live in.

See also: [Clause 1.3.34](#), Location of residence – within Australia.

1.3.53 Posting location – overseas

See: [Clause 12.3.15](#), Posting location.

1.3.54 Posting period – within Australia

1. For service within Australia, a member's posting period starts on the day they begin duty at a posting location and ends on the day they finish duty there. This is subject to subclauses 2 to 6.
2. The posting period starts on the day the member arrives at the location if they arrive on any of these days.
 - a. A Saturday, Sunday or public holiday immediately before the day they begin duty.
 - b. A day during a period of paid leave immediately before the day they begin duty.
 - c. The day they are granted a removal to the location, or any later day.
3. The member's dependants may be granted a removal to the posting location and arrive there before the member. In this case, the posting period starts on the day the dependants arrive.
4. The posting period ends on the day the member leaves the location, if they leave on any of these days.
 - a. A Saturday, Sunday or public holiday immediately before the day they finish duty.
 - b. A day during a period of paid leave immediately before the day they finish duty.
 - c. The day they are granted a removal from the location, or any later day.
5. The member's dependants may be granted a removal from the posting location and depart after the member. In this case, the posting period ends on the day the dependants depart.
6. The CDF may decide it is reasonable for a member's posting period to start on an earlier day or end on a later day. The CDF must consider all these criteria.
 - a. The circumstances of the member's removal to or from the location.
 - b. The number, age, gender and circumstances of the member's dependants.
 - c. The availability of rental accommodation at the location.
 - d. Any other factor relevant to the posting.

Note: Other Chapters have specific provisions about when particular entitlements start and stop. These provisions override this definition for those entitlements.

Examples: Seagoing allowance, ADF district allowance and housing assistance.

1.3.55 Posting period overseas

See: [Clause 12.3.16](#), Posting period overseas.

1.3.56 Private vehicle

Private vehicle means a motor vehicle that is registered in the name of the member or their dependant.

Examples: Cars, trucks, motor cycles (and sidecar), motor scooters.

Non-examples: Recreational or hobby vehicles that cannot be registered.

1.3.57 Presumed date of death

The CDF may determine that a member died on a particular date. The relevant conditions of service apply as if the member had died on that date.

See also:

[Part 6](#) clause 1.6.4, Payment of amounts on death of a member.

Chapter 3 Part 2 Division 1 clause 9, Death or presumed death of member.

1.3.58 Public holiday

Public holiday means a day, or part of a day, that a member is entitled to take as a public holiday under Chapter 5 [Part 10](#), Public holidays – Australia.

1.3.59 Public transport

Public transport means transport available to the public by regular services over fixed routes.

1.3.60 Rank

1. Rank includes both these meanings.
 - a. Equivalent rank under [Part 4](#) clause 1.4.1.
 - b. Substantive, acting (paid), temporary, provisional and probationary rank.
2. Rank does not include either of these meanings.
 - a. Unpaid acting rank.
 - b. Honorary rank.

1.3.61 Refitting port

Refitting port means the port where a ship refits, if this is different from the ship's [home port](#), clause 1.3.28.

1.3.62 Remote location

Remote location means a location listed in [Annex 4.4.A](#).

1.3.63 Removal

Removal means a removal by a Commonwealth removalist.

See: [Clause 1.3.12](#), definition of *Commonwealth removalist*.

1.3.64 Reserve service

1. Reserve service means part-time service by a member of the Reserves. Members on Reserve service are paid a daily rate of salary under DFRT Determination No. 15 of 2008, Salaries.

See: DFRT Determination 15 of 2008, *Salaries*

Schedule B.1 – Senior Officer salary rates

Schedule B.3 – Officer salary rates

Schedule B.4 – Other rank member appointed as officer – transitional salary rates

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Schedule B.13 – Trainee salary rates

Schedule B.14 – Specialist Officer – Aviation

Schedule B.15 – Senior Officer Specialist – Medical Officer

See also: Chapter 3 Part 2 Division 1, About salaries

2. Members on Reserve service are not on continuous full-time service. This is so even if they serve for a continuous number of days of Reserve service. To be on continuous full-time service as defined in clause 1.3.15, the ADF must specifically require them to perform duty for a period of continuous full-time service.

See: [Clause 1.3.15](#), Continuous full-time service.

Example: A member joined the Navy in 1990 and served 10 years in the Permanent Forces. The member then joined the Reserves and performed intermittent Navy reserve days during 2000 to 2004. The member is then called out for continuous full-time service for all of 2005.

Item	During the period...	the member was on...
1.	1990 to 1999	continuous full-time service .
2.	2000 to 2004	Reserve service.
3.	2005	continuous full-time service.

3. Members on Reserve service are not entitled to many of the conditions of service under Chapters 2 to 17. They are entitled to other conditions of service only under limited conditions. Some conditions of service are provided only for members on Reserve service.

Example 1: Members on Reserve service are not entitled to leave under [Chapter 5](#).

Example 2: Members on Reserve service are entitled to payment of costs for travel on Defence business. Chapter 9 Part 5 [Division 2](#) clause 9.5.14 states that this entitlement applies to these members.

Example 3: Attendance allowance is only available to members on Reserve service under Chapter 4 Part 8 [Division 5](#).

1.3.65 Return of service obligation

Return of service obligation means a period of service determined by the relevant Service Chief under the [Defence \(Personnel\) Regulations 2002](#). It is period of service a member must complete in return for some kinds of service opportunities.

Examples:

- a. Undergoing expensive training.
- b. Getting marketable skills through Service training.
- c. Being employed on special duties.
- d. Serving outside Australia.
- e. Travelling to Australia with any dependants at Commonwealth expense if the member has joined the ADF from outside Australia.

1.3.66 Seagoing ship

Seagoing ship has the same meaning as in DFRT Determination No. 1 of 1996, Seagoing Allowance.

See: Chapter 4 Part 3 [Division 11](#)

Note: The definition in that Determination reads as follows.

“seagoing ship means:

- (a) a ship in commission in the service of the Royal Australian Navy; or
- (b) a ship or other vessel approved by the Chief of the Defence Force for the purposes of this Determination, being a ship under the direction of the Commonwealth or a foreign government.”

1.3.67 Seagoing submarine

Seagoing submarine has the same meaning as in DFRT Determination No. 14 of 2008, Submarine Service Allowance.

See: Chapter 4 Part 3 [Division 15](#)

Note: The definition in DFRT Determination No. 9 of 1995 reads as follows.

“seagoing submarine” means:

- (a) a submarine in commission in the service of the Royal Australian Navy; or

- (b) a submarine under Australian or foreign government control, that is approved in writing by the Chief of the Defence Force as a seagoing submarine for the purposes of this Determination.

1.3.68 Service residence

Service residence means residential accommodation provided by the Commonwealth. It does not include [living-in accommodation](#).

See: Chapter 7 [Part 3](#)

1.3.69 Short-term duty

1. Within Australia - short-term duty means a period of duty that the member's Service has directed to be for six months or less.
2. For duty overseas – see Chapter 12 [Part 3](#) clause 12.3.18, Short-term duty overseas.

1.3.70 Trainee

Trainee means a new entrant to the ADF who is on a trainee salary. This means a rate of salary under Schedule B.13 to DFRT Determination No. 15 of 2008, Salaries.

Note: This definition does not apply to existing members of the Permanent Forces who are undergoing a form of in-service training mentioned in Schedule B.13. These members are entitled to salary non-reduction under Chapter 3 Part 2 Division 2 clause 3.2.22. They are defined as **members undergoing training**.

See: Clause 1.3.41, Member undergoing training

1.3.71 Training commitment

Training commitment means an obligation for a member to do specified reserve service for a specified period. The obligation is created under regulation 100 of the [Defence \(Personnel\) Regulations 2002](#).

Note: That regulation reads as follows.

- "(1) A Chief may determine a training period for each category of the Reserves in the Chief's Service.
- (2) A Chief may determine requirements for the training that is to be carried out during a training period.
- (3) A Chief may determine that a member is not required to comply with a requirement determined under subregulation (2).
- (4) A member is bound to render, in each training period, service for the required period.

Note 1 See regulation 69.

Note 2 Different training periods, or training requirements, may be determined for:

- (a) different parts of the categories of the Reserves; or
- (b) different classes of members of the Reserves; or
- (c) different periods.

See: [Acts Interpretation Act 1901](#), subsection 33 (3A)."

1.3.72 Travel card

Travel card means a charge card that the Department of Defence provides to a member. The member can use the card for any of these purposes, up to the specified monetary limits.

- a. To pay accommodation, meals and incidental costs directly on behalf of the Commonwealth.
- b. To get a cash advance to pay for accommodation if the travel card cannot be used to pay for the accommodation.
- c. To get a cash advance to pay for meals and incidentals.

Note: The travel card is a Diner's Club card. When the member pays for their Defence travel with the card, the cost is charged direct to the Commonwealth.

Example: A hotel does not accept the travel card as the method of payment for a member's accommodation. The member could use the card to withdraw cash at an ATM, pay for the accommodation and get a receipt for their stay.

See: Defence Travel Management site.

1.3.73 Warlike service

Warlike service means service in the Defence Force of a kind determined as warlike service for the purposes of the *Veterans' Entitlements Act 1986*.

See: Section 5C of the *Veterans' Entitlements Act 1986*

Division 2: Definitions – dependants

FOR OTHER DEFINITIONS, SEE CHAPTER 1 PART 3 [DIVISION 1](#)

WARNING – DIFFERENT DEFINITION FOR OVERSEAS CONDITIONS OF SERVICE

The following term is defined differently for overseas conditions of service:

dependant

That definition is in Chapter 12.

See: Chapter 12 [Part 3](#), Definitions for Chapters 12 to 17.

1.3.74 Marriage

Marriage includes a recognised de facto marriage. Date of marriage includes the date on which the ADF recognises a de facto marriage.

1.3.75 Child

Child includes all these children.

- a. Children of the member.
- b. Children of the member's spouse or interdependent partner.
- c. Adopted children.
- d. Stepchildren.
- e. Wards.

Note: To be considered a dependant of the member, a child must meet the tests in clause 1.3.78 or 1.3.79

1.3.76 Dependants

1. Any of these persons who normally lives with a member is the member's dependant.
 - a. The member's spouse.
 - b. The member's interdependent partner, if that relationship is recognised under Defence Instruction (General) Personnel 53-1, Recognition of Interdependent Partnerships.
 - c. The member's dependant child.

Note: This includes dependent children of the member's spouse or interdependent partner – see the definition of dependent children in clause 1.3.78.

See: subclause 1.3.78.2 for the meaning of 'normally live with the member' in the case of a dependent child.
 - d. A person acting as a guardian or housekeeper, if the member has a dependent child and any of these other conditions is met.
 - i. The member has no spouse or interdependent partner.
 - ii. The member's spouse or interdependent partner is an invalid or has a disability.

- iii. The member's spouse or interdependent partner is a member serving at another posting location.
- e. A person who has an interdependency relationship with the member that is recognised by the CDF under clause 1.3.79.

See: Clause 1.3.79, CDF-recognised dependants.

- 2. For duty overseas – see Chapter 12 Part 3 clause 12.3.5, Dependant.
- 3. A person who applies to be recognised as an interdependent partner of a member between 1 December 2005 and 1 February 2006 is to be taken to have been a dependant for the purposes of paragraph 1.b. from 1 December 2005, if the CDF determines that the person would have met the interdependency and residency related conditions for recognition, had they been able to be assessed on that date.

1.3.77 Spouse

Spouse, for a member, means a person who is married to the member in accordance with the Marriage Act 1961.

1.3.77A Interdependent partner

- 1. A member's interdependent partner, if the member's relationship is recognised under Defence Instruction (General) Personnel 53-1, Recognition of Interdependent Partnerships or under subclause 1.3.76.3. This may also be known as partner.
- 2. The following positions may approve an interdependent partnership in exceptional circumstances, in accordance with Defence Instruction (General) Personnel 53-1, Recognition of Interdependent Partnerships.
 - a. Director General Navy People.
 - b. Director General Personnel – Air Force.
 - c. Director General Personnel – Army.

1.3.77B Partner

This term may be used interchangeably with the term 'interdependent partner'. It has the same meaning as that term in clause 1.3.77A.

See: Clause 1.3.77A, Interdependent partner

1.3.78 Dependent children

- 1. A child is a dependent child if they meet all these conditions.
 - a. They are a child of the member or the member's spouse or the member's interdependent partner.
 - b. They normally live with the member.

See: Subclause 2 for the meaning of 'normally live'.
 - c. They are under 21 years old.

Exception: This age limit does not apply if the child is an invalid or infirm.

Note: No means test is applied in assessing whether a child is a dependant.

2. A child normally lives with a member if one of these conditions is met.
 - a. The child is provided with overnight care in the member's home at their posting location for at least 90 nights a year.
 - b. The child is only absent from the member's home because the child is in full-time education. This can be primary, secondary or undergraduate tertiary education.

Example: A degree or TAFE course.
 - c. The CDF recognises that the child is expected to live with the member at their posting location on a frequent and regular basis. The CDF must consider all these criteria.
 - i. The arrangements for the child's contact or residence with the member.
 - ii. The member's access to the child.
 - iii. The distance and transport between the child's location and the member's location.
 - iv. The nature and extent of the member's duty commitments.
 - v. Other factors that may be relevant to the relationship of the child and the member.

1.3.79 CDF-recognised dependants

1. ...
2. The CDF can recognise a person as a dependant on the basis that the person has an interdependency relationship with a member. The CDF must have regard to these factors.
 - a. The person has a close personal relationship to the member. The CDF may consider circumstances, including but not limited to, any of the following.
 - i. Whether the dependency relationship is permanent, including evidence that the parties intend the relationship to be permanent.

Example: A non-dependent child who is orphaned may be recognised as a dependant when the member applies to adopt the child.
 - ii. Ownership, acquisition and use of property.
 - iii. The degree of mutual commitment to a shared life.
 - iv. The care and support of children.
 - v. The reputation and public aspects of the relationship.

Example 1: A statutory declaration that the relationship is one of interdependency.
 - vi. The degree of emotional support.
 - b. The person lives with the member.

Exception: The person is unable to live with the member because of an intellectual, physical or psychiatric disability.
 - c. The member provides the person with substantial financial support.

Non-example: A self-funded retiree in good health with their own home is not a dependant.

- d. One or each of them provides the other with interdependent support and personal care.

Example 1: A parent of the member or spouse. The parent is of pensionable age and suffering from a disabling illness. They are dependant on the member to provide a home and aged care.

Example 2: Evidence from doctors or specialists may show the person has medical conditions or disabilities for which the member provides care.

- 2A. If it is reasonable having regard to any Service requirements, the CDF may recognise a person who does not normally live with the member as a dependant for conditions of service purposes, if the person could be recognised as a dependant under paragraph 1.3.76.1.a or 1.3.76.1.b had they normally lived with the member.

See: Subclause 1.3.76.1, Dependants

- 2B. The CDF may recognise a member's live-in carer as a dependant for one or more of the benefits listed in the following table if satisfied that both the following circumstances apply.
 - a. The live-in carer is for the member.
 - b. The live-in carer is included on the member's rehabilitation plan.

Item	Benefit	Reference
1.	Removal	Chapter 6 Part 6
2.	Service residence	Chapter 7 Part 5
3.	Rent allowance	Chapter 7 Part 6

Note: The recognition of a live-in carer as a dependant ceases when the member no longer needs the carer.

- 3. The CDF must not recognise a person as a dependant under this clause if they are satisfied that either, or both, of these circumstances apply.

- a. The person's relationship with the member is one of mere convenience.

Example 1: A member's 25-year-old child who is unemployed lives with the member for reasons of convenience, not interdependency.

Example 2: A person who acts as a housekeeper or guardian to a dependent child, when the member and spouse live together and are both working.

Example 3: A parent of the member or spouse. The parent is of pensionable age and looks after the member's children at the member's home but is otherwise able to live independently.

- b. There is alternative support, care or accommodation available to the person.

Example: A member looks after their grandchild while the child's mother is on holiday overseas. The child's father is working but does not want to pay for child care. The CDF determines that the child is not a dependant of the member since the child's parents remain responsible for the child's care and support.

Non-example 1: A member's grandchild has been orphaned. The member has assumed primary care of the child and has legal guardianship. The child has no other source of care or support. The CDF determines that the grandchild is a dependant of the member.

Non-example 2: A member's son has become permanently incapacitated after a car accident. The member's son was the primary carer of his child. The member has assumed care of their grandchild because they are the child's closest relative and have applied for legal guardianship. The CDF determines that the child has no other source of care or support, and is a dependant of the member.

4. The member may make their own arrangements for a person who is not recognised as a dependant under this Division but the Commonwealth may not provide dependant benefits under this Determination in relation to that person.

1.3.80 Member with dependants

1. A member with dependants means a member who provides and lives in a home at their posting location with at least one dependant.
- 1A. A member with a dependant recognised under subclause 1.3.79.2A is recognised as a member with dependants even if the dependant does not normally live with the member.

Exception: If the circumstances on which the dependant was recognised change, this subclause ceases to apply.

Example: A member couple are unable to form a common household as a de facto couple because they have not been granted the posting to adjacent locations that they requested. They are recognised as dependants for the period of the posting. However, the couple separate after eight months. From that point on, the interdependency relationship ceases and the two members are no longer recognised as **member with dependants**.

See: Subclause 1.3.79.2A, CDF recognised dependants

2. A member with dependants (unaccompanied) is a subset of the category defined as a member with dependants.

1.3.81 Member with dependants (unaccompanied)

1. A member with dependants (unaccompanied) is a member who meets the conditions set out for that category in Chapter 8 Part 3A Division 1, Becoming a member with dependants (unaccompanied).

See: Chapter 8 Part 3A Division 1, Becoming a member with dependants (unaccompanied)

2. The purpose of the **member with dependants (unaccompanied)** category is described in clause 8.3A.3.

See: Chapter 8 Part 3A Division 1 clause 8.3A.3, Purpose

3. The package provided to a member with dependants (unaccompanied) and their dependants may recognise the additional costs of maintaining dependants in two locations. It may include benefits such as the following.

- a. Fully-subsidised accommodation for the member at the member's duty location.
- b. Reunion travel, food and utilities, and separation allowances.
- c. Partly-subsidised accommodation for the dependants.
- d. Removal at Commonwealth expense.

See: Chapter 8 Part 3A Division 1 clause 8.3A.6, Member who may be classified as a member with dependants (unaccompanied)

1.3.81A ...

1.3.82 Dependant with special needs

1. A dependant who is assessed or recognised for the purpose of a condition, in accordance with the table and who is recognised by the Director General Defence Community Organisation is a **dependant with special needs**. In the case of a dependant child, this includes an academically gifted child.

Item	These conditions regarded as special needs...	must be assessed or recognised by...	And the dependant must meet these qualifying criteria...
1.	Physical	a specialist medical practitioner	Not applicable
2.	Intellectual		
3.	Sensory		
4.	Multiple impairments		
5.	Medical condition, illness or disability		
6.	Speech or language disorders	a. a specialist medical practitioner b. a paramedical practitioner Example: a speech therapist	
7.	Social, emotional or behavioural	a. a specialist medical practitioner	
8.	Specific learning difficulties	b. a psychologist	
9.	Academically gifted or talented	a psychologist with qualifications and experience in assessing children	The child must achieve a score at or above the 95 th percentile on: a. any individual or group IQ test b. on a subscale of an individual IQ test

2. A member must do all of the following to have a dependant recognised as a dependant with special needs.
 - a. Apply using form AC 832.
See: Annex 1.3.A, Form AC 832, Application for recognition of member with dependant with special needs
 - b. Include copies of relevant supporting documents with the application.
 - c. Send the completed application to the Defence Community Organisation.

3. ...
4. The Director General Defence Community Organisation will decide if the member's application for the recognition of a dependant with special needs is approved or not approved. A letter stating the decision will be forwarded to the following people.
 - a. The member.
 - b. The member's unit.
 - c. The Defence Community Organisation area team at the member's posting location.
 - d. The career managers of the member's relevant service.
5. The recognition of a dependant with special needs is valid until there is any change in the circumstances that generated the original request for recognition. The member must advise the Director General Defence Community Organisation of any change in circumstances that may affect any assistance provided.

1.3.83 Member without dependants

A member without dependants is a member who does not meet either of these definitions.

- a. The definition of a member with dependants under clause 1.3.80.
- b. The definition of a member with dependants (separated) under clause 1.3.81.

Example 1: The member has no recognised dependants.

Example 2: The member lives in an interdependent relationship not recognised by the ADF.

See:

Clause 1.3.81, Member with dependants (unaccompanied)

Chapter 8 Part 3A Division 1, Becoming a member with dependants (unaccompanied)

Example 3: The member does not provide a home for recognised dependants.

Example 4: The member provides a home for dependants, but chooses not to live with them for personal reasons.

Example 5: Two members marry or have an interdependent partnership recognised under Defence Instruction (General) Personnel 53-1, Recognition of Interdependent Partnerships, and both of these conditions are met.

- a. Each member in the couple is posted to a different location.
- b. They have not established a home together in one of the posting locations.

1.3.84 Non-Service spouse and non-Service interdependent partner

A member's spouse or interdependent partner who is not a member.

Annex 1.3.A: Application for recognition of member with dependant with special needs

See: Chapter 1 Part 3 Division 2 Clause 1.3.82

Copy of:
Application for recognition of member with dependant with special needs (AC 832)

Part 4: Equivalent rank and classifications

1.4.1 Overview

1. In Chapters 1 to 17, a reference to a rank is a reference to an Army rank. It includes a reference to the equivalent rank in the Navy and Air Force. This is unless it is made clear otherwise.

Note: This is consistent with long-standing Defence practice whereby Army ranks are used, often followed by the letter (E) for Equivalent rank. To simplify and save space, the text does not include the (E) symbol. Where there is a reference to the three Services, the normal order is followed – Navy, Army, Air Force.

2. Equivalent rank means the corresponding rank set out under Regulation 8 of the [Defence Force Regulations 1952](#).

1.4.2 Chaplain taken to hold rank

1. A Chaplain who holds a fixed tenure appointment is taken to hold the rank set out in this table.

Item	If a Chaplain's classification is...	then they are taken to have the rank of...
1.	Division 1	Captain
2.	Division 2	Major
3.	Division 3	Lieutenant Colonel
4.	Division 4	Colonel
5.	Division 4 – Head of Denomination	Colonel
6.	Division 5	Brigadier

2. A Chaplain who holds an indefinite appointment is taken to hold the same rank as an officer on the same rate of salary as the Chaplain.

Note: This clause is a deeming provision that allows Chaplains to get pay and conditions, as they hold honorary rank only.

Part 5: Member's rights and obligations

1.5.1 Purpose

A member must meet certain obligations when they have an entitlement. This Part sets out those obligations.

1.5.2 Change in member's circumstances

1. Members are responsible for keeping themselves informed about their entitlements.
2. This clause applies if a member or their dependants meet both these conditions.
 - a. They have qualified for an entitlement.
 - b. There is a change in the circumstances by which they qualified.
3. The member must tell their Commanding Officer about the change as soon as practicable.

Note: This requirement helps the Commonwealth prevent overpayments being made.

4. The member must also inform the approving authority for any housing assistance that the member is in receipt of about the change as soon as practicable.
5. A member must fill in and provide the relevant form at Annex 1.5.A to their Commanding Officer as soon as practicable after any of these events.

See: Annex 1.5.A, Categorisation forms

- a. If the number of dependants a member has changes.

Example: The member's relationship is recognised as an interdependent partnership under Defence Instruction (General) Personnel 53-1, Recognition of Interdependent Partnerships.

- b. The member is notified of a change of posting location which will result in a change from one of these categories to another.

- i. Member with dependants.

See: Clause 1.3.80, Member with dependants

- ii. Member with dependants (unaccompanied).

See:

Clause 1.3.81, Member with dependants (unaccompanied)
Chapter 8 Part 3A Division 1, Becoming a member with dependants (unaccompanied)

- iii. Member without dependants.

See: Clause 1.3.83, Member without dependants

- c. If there is any other change in the facts set out in the member's application.

1.5.3 Overpayment

1. This clause applies if a person has been paid more than the amount they are entitled to.
2. The person must repay to the Commonwealth the difference between their entitlement and the amount they were paid.

Example: A member is paid vehicle allowance in advance of travel. They do not travel, or they travel less than they expected to. They must repay all or part of the allowance, whichever applies.

Exception: Where tax has been deducted from an amount overpaid and the amount was paid in a previous financial year.

1.5.4 Recovery by the Commonwealth

1. This clause applies if a member must repay an overpayment of salary or allowances to the Commonwealth.
2. The Commonwealth may recover the overpaid amount from the salary and allowances that the member has been – or may be – paid. The Commonwealth still has the right to recover the overpaid amount by other means.

1.5.5 Decision-makers to avoid conflict of interest

1. This clause applies if a member would get a personal benefit from a decision they are authorised to make.
2. The member must refer the decision to another decision-maker at or above their rank or classification.

1.5.6 Member to provide evidence of payment

1. This clause applies to a member who is entitled to be reimbursed a payment they made.
2. The member must provide either of the following as evidence that they made the payment.
 - a. Written evidence, including any original receipts.
 - b. A statutory declaration if written evidence is not available.
3. The member must provide the items when they lodge their claim for reimbursement or as soon as practical after that time.

Note: A person who knowingly makes a false statement in a statutory declaration under the [Statutory Declarations Act 1959](#), as amended, is guilty of an offence under section 11 of that Act. They could go to prison for four years.

Part 6: Payment of entitlements in special circumstances

1.6.1 Dual entitlement – member's adult dependant is also a member

1. This clause applies if both these conditions are met.
 - a. A member's adult dependant is also a member.
 - b. Both members have any of the entitlements in this table for the same period.

Item	Entitlement	Reference
1.	Disturbance allowance	Chapter 6 Part 1 Division 2
2.	Reimbursement for childcare on removal	Chapter 6 Part 1 Division 3
3.	Assistance or reimbursement for home purchase or sale	Chapter 6 Part 2
4.	Reimbursement for loss on sale of furniture and effects	Chapter 6 Part 3 clause 6.3.2
5.	Reimbursement for loss on sale of a vehicle	Chapter 6 Part 3 clause 6.3.4
6.	Reimbursement for cost of insurance on removal of urgently needed household items	Chapter 6 Part 5 clause 6.5.8
7.	Reimbursement for education costs for a child	Chapter 8 Part 4
8.	Reimbursement in place of a child's scholarship	Chapter 8 Part 4 Division 3

2. This table sets out how the entitlement is provided.

Item	If the members...	then the entitlement is provided to the member who...
1.	jointly nominate one of them to receive the entitlement	is nominated.
2.	do not jointly nominate one of them to receive the entitlement, and they:	–
	a. hold different ranks	has the higher rank
	b. hold the same rank	has the greater seniority in the rank.

3. A member may have an entitlement listed in subclause 1 while their adult dependant has a similar entitlement that is not under Chapters 1 to 11. In this case, the listed entitlement is reduced by the amount of the similar entitlement.

Example: A member is entitled to disturbance allowance under Chapter 6 Part 1 [Division 2](#). Their spouse is an APS employee in Defence. The member's entitlement to the allowance is reduced by any amount the adult dependant gets for similar purposes under DECA clause H2, Relocation assistance.

Note: The following provisions in other Chapters provide special rules about situations where a member and their adult dependant both have the same entitlement. Those special rules may override this clause.

- a. Indemnity for loss or damage arising from removal within Australia.
See: Chapter 6 [Part 5](#), Compensation for loss or damage to items stored or removed
- b. Trainees' dependant allowance.
See: Chapter 4 Part 7 [Division 1](#)

4. **WARNING:** This clause does not apply in relation to **housing assistance**. Special rules apply to dual entitlement for the following housing entitlements – see [Chapter 7](#).

Item	Entitlement	Reference
1.	Temporary accommodation allowance	Chapter 7 Part 4 Division 5 clause 7.4.27
2.	Contribution for Service residence	Chapter 7 Part 5 Division 9 clause 7.5.55
3.	Rent allowance	Chapter 7 Part 6 Division 4 clause 7.6.22

5. **WARNING:** This clause does not apply in relation to **overseas conditions of service**. Special rules apply to dual entitlement for the following overseas allowances and other conditions – see Chapters 14 to 16.

Item	Entitlement	Reference
1.	Overseas removals and related entitlements	Chapter 14 Part 3
2.	Settling in and settling out overseas – meal costs	Chapter 14 Part 5
3.	Overseas living allowance	Chapter 15 Part 2
4.	Hardship allowance	Chapter 16 Part 2
5.	Assisted leave travel	Chapter 16 Part 4

1.6.2 Payment of entitlement to another person

1. A member may seek to have their entitlement paid to their adult dependant or another person. These conditions apply.
 - a. The member must nominate in writing the person to receive the payment on their behalf.
 - b. The other person must consent to the disclosure of their personal or financial information, and to receiving the payment.
 - c. The member must provide the alternative payment details.

Example: A member who is deployed has to pay rent at home. They may choose to have their rent allowance paid to their adult dependant, who will arrange the rent payments on their behalf.
2. Alternatively, the entitlement will be paid as specifically provided for under another Chapter.

1.6.3 Payment of amount to a person under legal disability

1. This clause applies if an amount is payable to a person who has a legal disability.

Examples: A child under 18 years old. A member who is seriously injured and unable to act on their own behalf.
2. The amount may be paid to a trustee appointed by the CDF to act on behalf of the person. The CDF must consider any instructions the member gave before the legal disability began.
3. Both these conditions apply to an amount paid to a trustee under subclause 2.
 - a. The trustee will hold it on trust for the benefit of the person in accordance with any directions of the CDF.
 - b. It is taken to have been paid to the person.

1.6.4 Payment of amounts on death of a member

1. An amount payable to a member on their death may be paid to either of these parties.
 - a. The member's dependants.
 - b. The member's legal personal representative, if both these conditions are met.
 - i. The member has no dependant.
 - ii. The CDF considers it appropriate.
2. The amount may be payable to more than one dependant. In this case, the CDF must consider the losses each dependant suffers through the loss of the member's earnings.
3. A payment should be made under subclause 1 within 12 months after the member's death. If it is not, the amount must be paid to the member's legal personal representative.
4. If no-one is entitled to a payable amount, no payment will be authorised.

1.6.5 Effect of death on eligibility for salary and allowances

1. For the purpose of payment of salary or allowances, a member is taken to have ceased continuous full-time service when the member is in either of the following situations.
 - a. The member has died.
 - b. The member is missing and presumed dead.

Exception: If the member is later found alive, the period for which the member was missing is taken not to break their service.

Example: A member was deployed on overseas service on 31 August 2010.

The member was reported missing, presumed dead, on 30 June 2011 but was later found alive on 30 April 2012.

For the 10 months when the member was missing, presumed dead (30 June 2011 – 30 April 2012), they would not normally be entitled to payment of salary as their continuous full-time service was taken to have ceased. But because the member was later found, they were considered to be on continuous full-time service for that period and therefore entitled to salary.

2. If a certificate of death has not been provided to state a date of death or presumed death for a member under a relevant Commonwealth, State or Territory law, then for the purpose of the benefits provided under this Determination, the CDF, a Service Chief or the Director-General Defence Community Organisation may determine that a member died on a particular date.

See: Chapter 11 Part 3, Payment of financial entitlements on death