



# **Defence Determination, Conditions of service Amendment (COVID-19 response) Determination 2020 (No. 6)**

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I, FIONA LOUISE McSPEERIN, Assistant Secretary, People Policy and Employment Conditions, make the following Determination under section 58B of the *Defence Act 1903*.

Dated 19 March 2020

F L McSPEERIN  
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 (COVID-19 response) Determination 2020 (No. 6)*.

## **2 Commencement**

This instrument commences the day of registration.

## **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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Domestic conditions amendments

## *Defence Determination 2016/19, Conditions of service*

### 1 Section 1.3.29A (Initial minimum period of service)

After the section, insert:

#### 1.3.29B Isolation period

Isolation period means the period a person is required to isolate themselves as set by the Department of Health.

**Notes:**

1. Different definitions apply for overseas benefits.
2. "Required to isolate" is defined in section 1.3.66A.

### 2 Section 1.3.66 (Removal)

After the section, insert:

#### 1.3.66A Required to isolate

A person is **required to isolate** themselves if they are in a class of persons required by the Department of Health to isolate themselves.

**Note:** Different definitions apply for overseas benefits.

### 3 Section 5.2.5 (Cancellation of leave is a restricted destination)

After the section, insert:

#### 5.2.6 Destinations becoming a restricted destination on 18 March 2020

1. The purpose of this section is to respond to the global 'do not travel' advice level issued by the Department of Foreign Affairs and Trade on 18 March 2020.
2. Section 5.2.5 does not apply to a member in a destination that was not a restricted destination immediately before 18 March 2020.
3. If a member enters a restricted destination other than for the purpose of returning to Australia, including through any third country, on or after the 18 March 2020, the member's leave is cancelled.

### 4 Paragraph 5.4.35.2.b (Re-credit of recreation leave)

After the paragraph, insert:

- ba. They are required to isolate themselves on return to Australia.

## 5 Section 5.11.10 (Conditions on grant of absence)

After the section, insert:

### Division 3: Short absence – Infectious diseases

#### 5.11.11 Purpose

The purpose of this Division is to enable a member to take a short absence from duty if they are required to isolate themselves on advice from the Department of Health for purposes relating to the control of an infectious disease.

#### 5.11.12 Definitions

For the purpose of this Division, for a member on one of the following, an **isolation period** also includes a period described in section 14A.2.2.

- a. A long-term posting overseas.
- b. Short-term duty overseas.

**Note:** The definition of isolation period in section 1.3.29B applies to a member in Australia.

#### 5.11.13 Member this Division applies to

This Division applies to a member required to do either of the following.

- a. Isolate themselves in response to an infectious disease.
- b. Supervise a dependant who is a child who is required to isolate themselves.

#### 5.11.14 Short absence from duty – isolation

1. Subject to subsection 2, a member is eligible for a short absence from duty for their isolation period.
2. If a member is required to perform duty at the place they are completing an isolation period, the member is not eligible for a short absence from duty for that period.

#### 5.11.15 Short absence from duty – supervision

1. Subject to subsection 2, a member is eligible for a short absence from duty if they are required to supervise a dependant who is required to complete an isolation period.
2. The following apply.
  - a. If a member is required to perform duty at the place they are completing an isolation period, the member is not eligible for a short absence from duty for that period.
  - b. If the member has a partner or spouse who is eligible for the same benefit or a similar benefit for the same purpose, the member is not eligible for short absence from duty under this section at the same time the spouse or partner is receiving the same benefit or a similar benefit.

## Division 4: Short absence – COVID-19 school closures

### 5.11.16 Purpose

The purpose of this Division is to enable a member to take a short absence from duty to supervise their child because their school or child care provider has been closed in response to COVID-19.

### 5.11.17 Member this Division applies to

This Division applies to a member who has a dependant who is a child and who attends one of the following.

- a. A secondary school.
- b. A primary school.
- c. A pre-school.
- d. A kindergarten.
- e. A child care provider.

### 5.11.18 Short absence from duty – school closure

1. Subject to subsections 2, 4 and 5, a member is eligible for short absence from duty for an approved period if both the following apply.
  - a. The dependant's school, kindergarten or child care provider is closed because of COVID-19.
  - b. The member must supervise the dependant.
2. An approved period is one of the following, but must not be longer than the duration of the closure.
  - a. A period approved by the member's Commanding Officer that is less than a cumulative total of 28 days.
  - b. A greater period approved by a decision maker that is up to the duration of the closure.

**Note:** See subsection 6 for a list of decision makers.
3. In approving a period of short absence from duty, the decision maker must consider the following.
  - a. The duration of the closure.
  - b. The member's ability to find alternative supervisory arrangements.
4. If a member is able to perform duty at the place where they are supervising the dependant having regard to the age and welfare of the child, the member is not eligible for a short absence from duty for that period.

**Note:** Commanding Officers should work with members to establish suitable work from home arrangements if possible.

5. If the member has a partner or spouse who is eligible for the same benefit or a similar benefit for the same purpose, the member is not eligible for short absence leave under this section at the same time the spouse or partner is receiving the same benefit or a similar benefit.
6. For the purpose of paragraph 2.b, the decision maker is a person holding, or performing the duties of, one of the following positions.
  - a. For a member in the Navy, one of the following.
    - i. Director General Navy People.
    - ii. Director Navy Recruiting, Retention and Transitions.
    - iii. Deputy Director Navy Employment Conditions.
  - b. For a member in the Army, one of the following.
    - i. Director General Army People Capability.
    - ii. Director Personnel Policy – Army.
    - iii. Staff Officer Grade 1 – Personnel Policy – Army.
  - c. For a member in the Air Force, one of the following.
    - i. Director General Personnel – Air Force.
    - ii. Director Personnel Policy – Air Force.
    - iii. Deputy Director Personnel Policy – Air Force.
    - iv. Deputy Director Service Conditions – Air Force.

# Schedule 2—Overseas conditions amendment

## *Defence Determination 2016/19, Conditions of service*

### 1 Section 14.6.4 (Member this Division applies to)

After the section, insert:

#### 14.6.4A Member this Division does not apply to

This Division does not apply to a person who is eligible to receive benefits under Chapter 14A Part 1.

### 2 Section 14.6.23 (CDF decision on loss)

After the section, insert:

## Chapter 14A: COVID-19 response

### Part 1: COVID-19 evacuations

#### 14A.1.1 Purpose

This Part provides benefits to a member and their dependant who are in an overseas location for work and are evacuated, or have a dependant evacuated, from that location on a voluntary or involuntary basis because of COVID-19.

#### 14A.1.2 Definitions

In this Part the following apply.

**Evacuation period** means the period commencing on the day a person arrives in Australia on a flight provided under section 14A.1.4 and ending on the earlier of the following.

- a. The day the person leaves Australia on a flight provided under section 14A.1.5.
- b. If the person is a member, the day a member's long-term posting overseas or short-term duty overseas ends.
- c. If the person is a dependant, the earlier of the following.
  - i. The day the long-term posting overseas or short-term duty overseas of the member in relation to whom they have been recognised as a dependant ends.
  - ii. The day the dependant advises they are not going to return to the posting location or place of duty of the member in relation to whom they have been recognised as a dependant.
- d. If the person is a dependant who is a minor, the day the member advises the person is not going to return to the posting location or place of duty of the member in relation to whom they have been recognised as a dependant.
- e. A day set by the Director of Attaché and Overseas Management.



**Family group** means a group of persons consisting of any of the following.

- a. A member.
- b. A person who has been recognised as a dependant of the member in paragraph a.

**Isolation period** means the period that a person is required to remain in isolation as set by the Department of Health.

**Permitted to evacuate** means evacuation on a voluntary basis.

**Required to isolate themselves** — A person is **required to isolate themselves** on return to Australia for quarantine purposes if they are in a class of persons required by the Department of Health to isolate themselves.

**Required to evacuate** means evacuation on an involuntary basis.

## Division 1: Evacuation flights

### 14A.1.3 Person this Division applies to

1. This Division applies to any of the following persons and the CDF requires or permits the person to evacuate an overseas location.
  - a. A member on short-term duty overseas.
  - b. A member on a long-term posting overseas.
  - c. A dependant who accompanied a member specified in paragraph a or b.
2. A decision under section 1 must be made personally by the CDF.

### 14A.1.4 Evacuation flights

1. Subject to subsection 3, a person is eligible for economy class flights from their location to the airport nearest one of the following locations.
  - a. If the person is required to evacuate — the location in Australia where accommodation will be provided under section 14A.1.10.
  - b. If the person is permitted to evacuate — the capital city nearest where they will live in Australia.

**Notes:**

1. If more than one dependant from the same family group are evacuated at the same time, the location under paragraph b must be the same location.
2. Flights include connecting domestic flights.
2. If more than one person in the same family group are evacuated at the same time and the following conditions apply, flights to the final destination may be broken once they have returned to Australia and completed an isolation period.
  - a. All persons in the family group are required to isolate themselves.
  - b. The final destination of the member and the dependants are different.
3. If a person is required to evacuate and no reasonable economy class flights are available before the end of the period in which the person must have evacuated the location, the

person is eligible for flights in the next higher class available.

**Note:** Only economy class flights are available to people who evacuate to a location on a voluntary basis.

#### **14A.1.5 End of evacuation flights**

1. Subject to subsection 3, a person who received an evacuation flight under section 14A.1.4 is eligible for economy class flights from the airport nearest one of the following locations to the posting location overseas or location of short-term duty overseas.
  - a. If they are occupying their own home — the location of their home.
  - b. If they are occupying accommodation provided under section 14A.1.10 — that location.
2. A return evacuation flight must not be taken before the CDF has advised it is safe to return to the posting location.
3. A person is not eligible for an end of evacuation flight if they are a dependant whose evacuation period has ended under subparagraph c.ii or paragraph d of the definition of evacuation period in section 14A.1.2.
4. A decision under section 2 must be made personally by the CDF.

#### **14A.1.6 Excess baggage**

A person who is eligible for a flight under one of the following sections is eligible to be reimbursed the cost for up to 20 kg of excess baggage for each flight.

- a. Section 14A.1.4 Evacuation flights.
- b. Section 14A.1.5 End of evacuation flights.

### **Division 2: Self-isolation**

#### **14A.1.7 Self-isolation – accommodation**

1. This section applies to a person who has received an evacuation flight under section 14A.1.4 and are required to isolate themselves on their return to Australia.
2. The person is eligible for hotel accommodation from the day they return to Australia until the end of the isolation period.
3. If the person is one part of one of the following combinations of persons in the same family group, the accommodation provided under subsection 1 must be shared by the persons if it is reasonable to do so.
  - a. A member and dependant.
  - b. More than one dependant of a member.

#### **14A.1.8 Self-isolation – meal supplement allowance**

1. This section applies to a person who is eligible for accommodation under section 14A.1.7.

2. Subject to subsection 3, a person is eligible for a meal supplement allowance for each day of the isolation period.
3. Meal supplement allowance is not payable for a day on which a person receives 3 or more meals without a fee being charged to the person.
4. The rate of meal supplement allowance is one of the following.
  - a. If the person is 13 years old or older — \$42.50 per day.
  - b. If the person is younger than 13 years old — \$21.25 per day.

## **Division 3: Required to evacuate – additional benefits**

### **14A.1.9 Person this Division applies to**

This Division applies to a person who was **required to evacuate**.

### **14A.1.10 Accommodation in Australia**

1. This section applies to a person from the later of the following until the end of their evacuation period.
  - a. The day they return to Australia.
  - b. The day they complete their isolation period.
2. Subject to subsection 4, a person who is a member and does not have a dependant is eligible to occupy one of the following.
  - a. If living-in accommodation is available in one of the following locations, living-in accommodation.
    - i. On the Defence establishment where they will be expected to work during the evacuation period.
    - ii. On a Defence establishment that is within a 30 km radius from the location in Australia from where they will be expected to work during the evacuation period.
  - b. If living-in accommodation is not available in a location in paragraph a, reasonable temporary accommodation that is within a 30 km radius from the location in Australia from where they will be expected to work during the evacuation period.
3. Subject to subsections 4 and 5, a person is eligible for reasonable temporary accommodation in one of the following locations for the duration of the evacuation period.
  - a. If the person is a member who has a dependant, a location in Australia that is within a 30 km radius from where they will be expected to work during the evacuation period.
  - b. If the person is a dependant of a member, one of the following locations.
    - i. A location in Australia that is within a 30 km radius from where the member will be expected to work if the member is, or were to be, evacuated.
    - ii. If the person does not have an own home in Australia that is available to occupy, a location approved by the Director of Attaché and Overseas Management.

4. A person is not eligible for accommodation under this section if they have an own home that they are able to occupy.
5. If two or more dependants are from the same family group, the family group must live in the same location.

#### **14A.1.11 Meal supplement allowance**

1. This section applies to a person who occupies accommodation provided under section 14A.1.10.
2. Subject to subsection 3, a person is eligible for a meal supplement allowance for each day from the end of their isolation period until the later of the following.
  - a. 16 April 2020.
  - b. The day that is 28 days after the day the person returned to Australia.
  - c. A later day specified by the Director of Attaché and Overseas Management.
3. Meal supplement allowance is not payable for a day on which a person receives 3 or more meals without a fee being charged to the person.
4. The rate of meal supplement allowance is one of the following.
  - a. If the person is 13 years old or older — \$42.50 per day.
  - b. If the person is younger than 13 years old — \$21.25 per day.

#### **14A.1.12 Larder establishment payment**

1. This section applies to a person who meets one of the following.
  - a. They were receiving meal supplement allowance under section 14A.1.11.
  - b. They are not eligible for accommodation under section 14A.1.10 because they are living in their own home.
2. A person is eligible for a larder establishment payment if all of the following apply.
  - a. They stop being eligible for meal supplement allowance under section 14A.1.11.
  - b. The Director of Attaché and Overseas Management decides it is not unreasonable in the circumstances.
3. The rate of the larder establishment payment is one of the following.
  - a. If the person is 13 years old or older — \$297.00.
  - b. If the person is younger than 13 years old — \$149.00.
4. A person is only eligible for a larder establishment payment once.

#### **14A.1.13 Incidentals payment**

1. A person is eligible for an incidentals payment.
2. The rate of the incidentals payment is one of the following.

- a. If the person is 13 years old or older — \$597.00.
  - b. If the person is younger than 13 years — \$298.00.
3. A person is only eligible for an incidentals payment once.

## **Division 4: Other evacuation benefits**

### **14A.1.14 Storage in the overseas location**

A person who has received an evacuation flight under section 14A.1.4 is eligible for the storage of the following at their overseas location.

- a. If the member is on a long-term posting overseas, all of the following.
  - i. One motor vehicle.
  - ii. Personal effects that cannot be reasonably secured in the accommodation occupied by the person in the posting location overseas or reasonably returned to Australia with the person.
- b. If a member is on short-term duty overseas, personal effects that cannot reasonably be returned to Australia with the person.

### **14A.1.15 Pets remaining in a overseas location**

1. This section applies to a member who meets all of the following.
  - a. The member is on a long-term posting overseas.
  - b. The member has been required to evacuate the posting location.
  - c. The member has a pet in the posting location overseas.
  - d. There is no person who could reasonably take care of the pet in the posting location for the duration of the evacuation period.
2. The member is eligible for the reimbursement of reasonable costs for the housing and day-to-day care of the pet.
3. The benefit provided in subsection 2 does not include costs associated with veterinary treatment or care of the pet.

### **14A.1.16 Cessation of overseas living allowances**

1. This section applies to a member who has received an evacuation flight under section 14A.1.4 and is receiving any allowance under one of the following.
  - a. Chapter 15 Part 2, Overseas living allowances – member posted before 1 July 2017.
  - b. Chapter 15 Part 2A, Overseas living allowances – member posted on or after 1 July 2017.
2. Payment of any allowance under Chapter 15 Part 2 or Chapter 15 Part 2A ceases on the day set by the Director of Attaché and Overseas Management until the member returns to their posting location overseas.

**Note:** If the member remains in their posting location overseas, but their dependant has returned to Australia, their overseas living allowances may be affected by section 14A.1.22.

#### **14A.1.17 Cessation of hardship and location allowance**

1. This section applies to a member who has received an evacuation flight under section 14A.1.4 and was eligible for one of the following allowances immediately before the evacuation flight.
  - a. Hardship allowance under Chapter 16 Part 2.
  - b. Location allowance under Chapter 16 Part 2A.
2. Payment of hardship allowance or location allowance ceases on the date set by the Director of Attaché and Overseas Management until the member returns to their posting location overseas.

#### **14A.1.18 Education assistance**

1. A member is eligible to be reimbursed the cost of up to 10 hours a week tuition for each school age dependant who has received an evacuation flight under section 14A.1.4 and continues to study the curriculum of the school at the posting location overseas until the earlier of the following.
  - a. The evacuation period for the school age dependant ends.
  - b. The school age dependant is enrolled in a school in Australia.
2. The maximum a member may be reimbursed under subsection 1 is \$106 an hour.
3. For the purpose of subsection 1 a child stops studying the curriculum of the school at the posting location overseas if they are enrolled in a school in Australia.

**Note:** A member continues to be eligible for the following benefits if a dependant is a child who received an evacuation flight under section 14A.1.4 and continues to study the curriculum of the school at the posting location overseas.

- a. Child leaves Australia to study at posting location under section 15.6.10.
- b. School transport costs under section 15.6.11.
- c. Compulsory education fee under section 15.6.12.
- d. Foreign language tuition under section 15.6.13.
- e. Remedial tuition under section 15.6.14.

#### **14A.1.19 Additional benefits**

To avoid doubt, this Division does not stop a person from being eligible for the following benefits during the evacuation period.

- a. Excess health costs under Chapter 15 Part 5.
- b. Loss or damage to possessions overseas under Chapter 14 Part 6 Division 3.
- c. Extraordinary costs under Chapter 16 Part 7.

## Division 5: Member and dependants remaining overseas

### 14A.1.20 Purpose

The purpose of this Division is to address ongoing issues for a member and their dependants if they remain in a posting location that is affected by COVID-19.

### 14A.1.21 Education assistance

1. This section applies to a member accompanied by a dependant who is a child and all the following apply.
  - a. The child usually attends school in the member's posting location overseas.
  - b. The child is unable to attend school because the school is closed for the purpose of controlling the spread of COVID-19.
2. The member is eligible to be reimbursed the reasonable cost of up to 10 hours tuition per week for the dependant for each week, or part of a week, that the school is closed.

### 14A.1.22 Reduction in overseas allowances

1. This section applies to a member if all of the following apply.
  - a. The member is an accompanied member.

The member's dependant has received an evacuation flight under section 14A.1.4.
  - b. The member is receiving the accompanied rate of an allowance under one of the following.
    - i. Chapter 15 Part 2, Overseas living allowances – member posted before 1 July 2017.
    - ii. Chapter 15 Part 2A, Overseas living allowances – member posted on or after 1 July 2017.
    - iii. Chapter 16 Part 2, Hardship allowance – member posted before 1 July 2017.
    - iv. Chapter 16 Part 2A, Location allowance – member posted on or after 1 July 2017.
2. The member ceases to be eligible for the accompanied rate of the allowance if the Director of Attaché and Overseas Management decides it is reasonable in the circumstances until the day the dependant returns to the posting location overseas.
3. If subsection 2 applies, the member is eligible for the unaccompanied rate for the period the member does not receive the accompanied rate.

### 14A.1.23 Reunion travel

1. This section applies to a member whose dependants were required to evacuate from the posting location overseas.

**Notes:**

1. Reunion travel is not available to a member whose dependant voluntarily evacuated the posting location.

2. Reunion travel under this section is independent from overseas reunion visits provided in Chapter 15 Part 3 Division 3.
2. The member is eligible for a return economy class flight between the posting locations to the nearest airport to their dependant if all of the following apply.
- a. One of the following applies.
    - i. The dependant's evacuation flight was at least 3 months before the day the member's reunion flight to Australia departs.
    - ii. The member's last return reunion flight to the posting location overseas was at least 3 months before the day the member's reunion flight to Australia departs.
  - b. The member has recreation leave credits available for the duration of the reunion visit.
  - c. The member has been granted leave for the duration of the reunion visit.
- Note:** The member may be eligible for short absence leave under Chapter 5 Part 11 Division 3 if they are required to isolate themselves on return to Australia.
- Note:** A member's ability to access reunion travel under this section may be limited by international travel restrictions.
3. A reunion visit taken under this section reduces the number of reunion visits a member is eligible for under section 15.3.12 by 1.

## Part 2: Absence from place of duty

### 14A.2.1 Purpose

The purpose of this Part is to provide a member and their dependant with accommodation in a location overseas if the person is required to isolate themselves for quarantine purposes relating to the COVID-19.

### 14A.2.2 Definitions

In this Part the following apply.

**Family group** means a group of persons consisting any of the following.

- a. A member.
- b. A person who has been recognised as a dependant of the member in paragraph a.

**Isolation period** means the greater period that a person is to remain in isolation as set under a law or direction of the health authorities of the person's location or the posting location or place of duty they are to return to.

**Required to isolate themselves** — A person is **required to isolate themselves** if they are in a class of persons required by the law or direction of the health authorities that applies in the person's location or the posting location or the place of duty they are to return to.

### 14A.2.3 Person this Part applies to

This Part applies to the following persons if they are away from their normal place of duty and are unable to return because of a law or direction of the health authorities that apply in



their location or normal place of duty.

- a. A member on short-term duty overseas.
- b. A member on a long-term posting overseas.
- c. A dependant who accompanied a member specified in paragraph a or b.

#### **14A.2.4 Isolation benefits – long-term posting overseas**

1. A member is eligible for reasonable temporary accommodation in their location for the isolation period if all of the following apply.
  - a. They are on a long-term posting overseas.
  - b. They are in a location other than their posting location.
  - c. They are required to isolate themselves before they return to the posting location.
2. A dependant of a member is eligible for reasonable temporary accommodation in their location for the duration of the isolation period if all of the following apply.
  - a. The member the dependant is accompanying is on a long-term posting overseas.
  - b. The dependant is in a location other than the member's posting location.
  - c. The dependant is required to isolate themselves before they return to the posting location.
3. If this section applies to any of the following persons from the same family group in the same location, the family group must occupy the same temporary accommodation.
  - a. A member.
  - b. A dependant of the member.

#### **14A.2.5 Isolation benefits – short-term duty overseas**

1. A member is eligible for reasonable temporary accommodation in their location for the duration of the isolation period if all of the following apply.
  - a. They are on short-term duty overseas.
  - b. One of the following applies.
    - i. They are not at their place of duty.
    - ii. They are required to attend another place of duty.
  - c. They are required to isolate themselves before they return to the place of duty.
2. A dependant of a member is eligible for reasonable temporary accommodation in their location for the duration of the isolation period if all of the following apply.
  - a. The member is on short-term duty overseas.
  - b. One of the following applies.
    - i. The dependant is not at the member's place of duty.

- ii. The member is required to attend another place of duty and the dependant is to accompany them.
  - c. The dependant is required to isolate themselves before they return to the member's place of duty.
3. If this section applies to any of the following persons from the same family group in the same location, the family group must occupy the same temporary accommodation.
- a. A member.
  - b. A dependant of the member.

#### **14A.2.6 Meal supplement allowance**

1. A person who is provided temporary accommodation under this Part is eligible for meal supplement allowance for each day of the isolation period.
2. Meal supplement allowance is not payable for a day on which one of the following applies.
  - a. The person is receiving an allowance for meals for that day under another section of this Determination.
  - b. They receive 3 or more meals without a fee being charged to the person.
3. Subject to subsection 4, the rate of meal supplement allowance is the rate for the place where the person is one of the following.
  - a. If the person is one of the following — Annex 13.3.A Part 1.
    - i. A member holding a rank of Brigadier or higher.
    - ii. A dependant of a member holding the rank of Brigadier or higher.
  - b. If the person is one of the following — Annex 13.3.A Part 2.
    - i. A member holding a rank of Colonel or lower.
    - ii. A dependant of a member holding the rank of Colonel or lower.
4. If a dependant is a person less than 13 years old, the rate of meal supplement allowance is 50% of the rate that would otherwise be payable.

### **Part 3: Special provisions**

#### **14A.3.1 Purpose**

The purpose of this Part is to provide additional benefits to a person who was evacuated from China between 29 January 2020 and 10 February 2020.

#### **14A.3.2 Person this Part applies to**

This Part applies to a member or a dependant of a member who was evacuated from China between 29 January 2020 and 10 February 2020.

### **14A.3.3 Authorisation**

A person who was evacuated from China between 29 January 2020 and 10 February 2020 is taken to be authorised for the purpose of section 14.6.4.

**Note:** Chapter 14 Part 6 Division 1 applies to a person who is authorised under section 14.6.4.

### **14A.3.4 Meal supplement allowance**

1. Subject to subsection 2, a person evacuated under Chapter 14 Part 6 Division 1 is eligible for meal supplement allowance for each day from the day they return to Australia until the commencement of Part 1.
2. Meal supplement allowance is not payable for a day on which a person receives 3 or more meals without a fee being charged to the person.
3. The rate of meal supplement allowance is one of the following.
  - a. If the person is 13 years old or older — \$42.50 per day.
  - b. If the person is less than 13 years old — \$21.25 per day.

### **14A.3.5 Incidentals payment**

1. A person is eligible for an incidentals payment.
2. The rate of the incidentals payment is one of the following.
  - a. If the person is 13 years old or older — \$597.00.
  - b. If the person is less than 13 years old — \$298.00.

### **14A.3.6 Additional flights**

1. A person who is a child and was evacuated from China to Australia on 29 January 2020 is eligible for an economy class flight from Brisbane airport to Canberra airport.
2. Subject to subsection 3, a member who is a parent of the child under subsection 1 is eligible for one return economy class flight between Brisbane airport and Canberra airport to accompany the child during the flight to Canberra under subsection 1.
3. If the member has more than one child who is eligible for a flight under subsection 1, the member is only eligible for one flight under subsection 2.

### **14A.3.7 Transition to Part 1 benefits**

1. The following sections apply to a person to whom this Part applies as though they had received an evacuation flight under section 14A.1.4.
  - a. Section 14A.1.5 End of evacuation flights.
  - b. Section 14A.1.6 Excess baggage to the extent that it applies to end of evacuation flights under section 14A.1.5.
  - c. Section 14A.1.11 Meal supplement allowance.

- d. Section 14A.1.12 Larder establishment payment.
  - e. Section 14A.1.16 Cessation of overseas living allowance.
  - f. Section 14A.1.17 Cessation of hardship and location allowance.
  - g. Section 14A.1.18 Education assistance.
  - h. Section 14A.1.19 Additional benefits.  
Section 14A.1.21 Education assistance.
  - i. Section 14A.1.22 Reduction in overseas living allowance.
  - j. Section 14A.1.23 Reunion visits.
2. The following sections cease to apply to a person to whom this Part applies.
- a. Section 14.6.7, Accommodation and meals during evacuation to the extent that it relates to settling in allowance.
  - b. Section 14.6.8 Conditions of service during evacuation.
  - c. Section 14.6.9 Overseas living allowances.
  - d. Section 14.6.10 Purchase of clothes during evacuation.
  - e. Section 14.6.13 Education assistance during evacuation.
  - f. Section 14.6.14 Reunion visits during evacuation.
  - g. Section 14.6.15 Loss or damage to possessions.
  - h. Section 14.6.16 Extraordinary costs incurred at the posting location.

# Schedule 3—Overseas allowances amendment

## *Defence Determination 2016/19, Conditions of service*

### 1 Section 15.1.1 (Purpose)

After the section, insert:

#### 15.1.2 Definitions

In this Chapter the following applies.

**Required to isolate themselves** — A person is **required to isolate themselves** if they are in a class of persons required by the law or direction of the health authorities that applies in the person's location or the posting location.

### 2 Subsection 15.2.31.3 (Absence from posting location)

After the subsection, insert:

- 3A. Subsections 2 and 3 do not apply to a member who would have been absent from the posting location for less than four weeks if one of the following applies and the member left the posting location on or after 20 March 2020.
- a. They were required to isolate themselves in response to an infectious disease.
  - b. Transport back to the posting location is disrupted because of travel restrictions or limited travel opportunities in response to an infectious disease.
- 3B. A member who ceased to be eligible for an allowance under subsections 2 or 3 is eligible for the allowance from the day they were required to isolate themselves if all of the following apply and the member left the posting location on or after 20 March 2020.
- a. They would have been eligible for the allowance on return to the posting location.
  - b. They are required to isolate themselves.

### 3 Subsection 15.2A.23.2 (Temporary absence from the posting location – accompanied member)

After the subsection, insert:

- 2A. Subsections 1 and 2 do not apply to a member who would have been absent from the posting location for less than 28 days if one of the following applies and the member left the posting location on or after 20 March 2020.
- a. They are required to isolate themselves in response to an infectious disease.
  - b. Transport back to the posting location is disrupted because of travel restrictions or limited travel opportunities in response to an infectious disease.

**4 Subsection 15.2A.23.3 (Temporary absence from the posting location – accompanied member)**

Omit “on the day the member returns to the posting location”, substitute “on the earlier of the following.

- a. The day the member returns to the posting location.
- b. If the member left the posting location before 20 March 2020 and they are required to isolate themselves in response to an infectious disease — the day they commence the isolation period.
- c. If the member left the posting location before 20 March 2020 and their transport back to the posting location is disrupted because of travel restrictions or limited travel opportunities in response to an infectious disease — the day they would have returned to the posting location had the travel restriction or limited travel opportunities not existed.”

**5 Subsection 15.2A.24.1 (Temporary absence from the posting location – unaccompanied member)**

After the subsection, insert:

- 1A. Subsection 1 does not apply to a member who would have been absent from the posting location for less than 28 days if one of the following applies and the member left the posting location on or after 20 March 2020.
  - a. They have not been required to isolate themselves in response to an infectious disease.
  - b. Transport back to the posting location had not been disrupted because of travel restrictions or limited travel opportunities in response to an infectious disease.

**6 Subsection 15.2A.24.2 (Temporary absence from the posting location – unaccompanied member)**

Omit “on the day the member returns to the posting location”, substitute “on the earlier of the following if the member left the posting location before 20 March 2020.

- a. The day the member returns to the posting location.
- b. If the member left the posting location before 20 March 2020 and they are required to isolate themselves in response to an infectious disease — the day they commence the isolation period.
- c. If the member left the posting location before 20 March 2020 and their transport back to the posting location has been disrupted because of travel restrictions or limited travel opportunities in response to an infectious disease — the day they would have returned to the posting location had the travel restriction or limited travel opportunities not existed.”

**7 Section 16.1.2 (Definitions), table**

After the entry for “Relief leave centre”, insert:

Required to isolate themselves	A person is <b>required to isolate themselves</b> if they are in a class of persons required by the law or direction of the health authorities that applies in the person's location or the posting location.
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**8 Subsection 16.2.4.2 (Payment of hardship allowance)**

After the subsection, insert:

3. Despite subsection 2, if any of the following events occur and the member left the hardship location on or after 20 March 2020 payment of hardship allowance will recommence on the day the member or their dependant would have returned to the hardship location had the event not occurred.
  - a. The member is required to isolate themselves in response to an infectious disease.
  - b. The member's transport back to the posting location has been disrupted because of travel restrictions or limited travel opportunities in response to an infectious disease.

**9 Subsection 16.2A.4.2 (Payment of location allowance)**

After the subsection, insert:

3. Despite subsection 2, if any of the following occur and the member left the posting location on or after 20 March 2020 payment of location allowance will recommence on the day the member or their dependant would have returned to the hardship location had the event not occurred.
  - a. The member is required to isolate themselves in response to an infectious disease.
  - b. The member's transport back to the posting location has been disrupted because of travel restrictions or limited travel opportunities in response to an infectious disease.

# Schedule 4—Overseas reunion visits amendment

## *Defence Determination 2016/19, Conditions of service*

### **1 Section 15.3.13 (Time period for reunions)**

Omit the section, substitute:

#### **15.3.13 Time period for reunions**

1. A member is not permitted to take a reunion visits within 3 months of the start or end of a posting unless approved by the CDF.
2. For the purpose of subsection 1, the CDF must consider the following.
  - a. If other relatives in Australia can provide short-term housing for the dependant.
  - b. If care can be arranged for the dependant.
  - c. Any other factor relevant to the dependant's welfare.
3. A member is not permitted to take a reunion visit during the COVID-19 pandemic.

**Note:** Member may be eligible for travel benefits for their dependant in Australia under section 15.3.17A.

### **2 Section 15.3.17 (Reverse dependant overseas reunion travel to a non-dependant)**

After the section, insert:

#### **15.3.17A Reunion visits with guardians in Australia**

1. This section applies to a member who is not eligible for a reunion visit under subsection 15.3.13.3.
2. The member is eligible for the reasonable costs of the following if a dependant of the member is attending a boarding school in Australia.
  - a. Return door-to-door travel for the dependant from the boarding school where the dependant is attending to the home in Australia of a person approved by the member.
  - b. Return door-to-door travel for the person by the member to accompany the dependant in the following circumstances.
    - i. To meet the dependant at the boarding school and to accompany then to the person's home in Australia.
    - ii. To accompany the dependant to the boarding school and to return to the person's home in Australia.
3. If travel provided under this section is by air, the travel is to be economy class travel.