



Defence Determination, Conditions of service Amendment (COVID-19 response) Determination 2020 (No. 8)

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

Dated 8 April 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. 8)*.

2 Commencement

This instrument commences on the day after 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Subsection 4.9.20.2 (Payments for periods of isolation associated with military service)

Insert after “salary”, “and Reserve allowance”.

2 Chapter 5 Part 11 Division 4 (Short absence – COVID-19 school closures), heading

Omit “COVID-19 school closures”, substitute “supervision of children”

3 Section 5.11.16 (Purpose)

Omit “because their school or child care provider has been closed in response to COVID-19”, substitute “due to the implementation of COVID-19 control measures as advised by Commonwealth, State or Territory health authorities”.

4 Section 5.11.16 (Purpose)

After the section, insert:

5.11.16A Definitions

For the purpose of this Division the following apply.

COVID-19 control measure means a measure taken to limit the spread of COVID-19 issued by the Commonwealth government or a State or Territory government however described.

Note: A measure may be issued for example, in the form of guidance, a public health order or directive.

5 Section 5.11.18 (Short absence from duty – school closure), heading

Omit “school closure”, substitute “school and child care attendance”

6 Paragraph 5.11.18.1.a (Short absence from duty – school closure)

Omit the paragraph, insert:

- a. The dependant is unable to attend their school, kindergarten or child care provider because of a COVID-19 control measure.

Note: This does not include a period the child would not have otherwise attended school, such as school holidays.

7 Subsection 5.11.18.2 (Short absence from duty – school closure)

Omit “closure”, substitute “dependant’s inability to attend their school, kindergarten or child care provider because of COVID-19 control measure”.

8 Paragraph 5.11.18.2.a (Short absence from duty – school closure)

Omit “cumulative”.

9 Paragraph 7.9.11.1.d (Member not eligible for food allowance)

Insert after the paragraph:

- e. Any period between the following days.
 - i. The 14th day after the member returned to their family’s location.
 - ii. The day the member returns to their posting location.

Schedule 2—Overseas conditions amendments

Defence Determination 2016/19, Conditions of service

1 Section 14A.1.2 (Definitions), Required to isolate themselves

Omit the entry, substitute:

Required to isolate — A person is **required to isolate** themselves if they are required under a law of a State or Territory to isolate themselves.

2 Subsection 14A.1.4.1 (Evacuation flights)

Omit the subsection, substitute:

1. Subject to subsection 3, a person is eligible for an economy class flight from their location to one of the following.
 - a. If the member is evacuated – the airport nearest the location where the member will work.
 - b. If the member is evacuated at the same time as their dependants – the airport nearest the location where the member will work.
 - c. In all other cases, the capital city nearest to the location where they will live.

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 domestic flights that may not be connected with an international flight.
- 1A. Subsection 1 also applies to a person who was evacuated on or after 27 March 2020 as though it were in force at that time.

3 Subsection 14A.1.7.1 (Self-isolation – accommodation), heading

Omit the heading, substitute:

14A.1.7 Accommodation on return to Australia

4 Subsection 14A.1.7.1 (Self-isolation – accommodation)

Omit the subsection, substitute:

1. This section applies to a person who has received an evacuation flight under section 14A.1.4 for 28 days from the day they return to Australia.

5 Subsection 14A.1.7.2 (Self-isolation – accommodation)

2. Subject to subsections 2A and 3, a person is eligible for reasonable commercial accommodation with cooking facilities.

- 2A. Subsection 2 does not apply on a day that all the following apply.
- a. They are required to isolate.
 - b. The accommodation in which the person is required to isolate is provided by the State or Territory.

6 Subsection 14A.1.7.3 (Self-isolation – accommodation)

After the subsection, insert:

4. Despite subsection 1, a person who was eligible for accommodation before 9 April 2020 continues to be eligible for accommodation until one of the following.
 - a. If the person was evacuated before 27 March 2020, the 28th day after they arrived in Australia.
 - b. If the person was evacuated from China between 29 January 2020 and 10 February 2020, 2 May 2020.

7 Subsection 14A.1.8.1 (Meal supplement allowance)

After the subsection, insert:

Note: A person is not eligible for meal supplement allowance while they are in accommodation, in which the person is required to isolate, provided by the State or Territory.

8 Section 14A.1.8A (Additional temporary accommodation)

Omit the section.

9 Section 14A.1.16 (Cessation of overseas living allowances), heading

Omit the heading, substitute:

14A.1.16 Overseas living allowances – member in Australia

10 Subsection 14A.1.16.2 (Cessation of overseas living allowances)

Omit the subsection, substitute:

2. Subsection 3 applies to a member paid the accompanied rate of an allowance under Chapter 15 Part 2 or Chapter 15 Part 2A.
3. The Director of Attaché and Overseas Management may decide any the following having regard to advice from the Department of Foreign Affairs and Trade.
 - a. The rate of a specified allowance payable to the member is the unaccompanied rate.
 - b. The member ceases to be eligible for a specified allowance.
4. Subsection 5 applies to a member paid one of the following.

- a. The unaccompanied rate of an allowance under Chapter 15 Part 2 or Chapter 15 Part 2A.
 - b. An allowance that only has one rate of payment.
5. The Director of Attaché and Overseas Management may decide the member ceases to be eligible for a specified allowance having regard to advice from the Department of Foreign Affairs and Trade.
6. A decision under subsection 3 or 5 applies until the earlier of the following.
- a. The member returns to their posting location overseas.
 - b. The member stops being eligible for the allowance under Chapter 15 Part 2 or Chapter 15 Part 2A.

11 Section 14A.1.17 (Cessation of hardship and location allowances), heading

Omit the heading, insert:

14A.1.17 Hardship and location allowances – member in Australia

12 Subsection 14A.1.17.2 (Cessation of hardship and location allowances)

Omit the subsection, insert:

- 2. Subsection 3 applies to a member paid the accompanied rate of an allowance under Chapter 16 Part 2 or Chapter 16 Part 2A.
- 3. The Director of Attaché and Overseas Management may decide any the following having regard to advice from the Department of Foreign Affairs and Trade.
 - a. The rate of a specified allowance payable to the member is the unaccompanied rate.
 - b. The member ceases to be eligible for a specified allowance.
- 4. Subsection 5 applies to a member paid the unaccompanied rate of an allowance under Chapter 16 Part 2 or Chapter 16 Part 2A.
- 5. The Director of Attaché and Overseas Management may decide the member ceases to be eligible for a specified allowance having regard to advice from the Department of Foreign Affairs and Trade.
- 6. A decision under subsection 3 or 5 applies until the earlier of the following.
 - a. The member returns to their posting location overseas.
 - b. The member stops being eligible for the allowance under Chapter 16 Part 2 or Chapter 16 Part 2A.

13 Subsection 14A.1.19 (Additional benefits)

After the section insert:

14A.1.19A Temporary duty in Australia

A member is eligible for travel under Chapter 9 if all of following apply.

- a. The member is required to undertake duty in another location on a temporary basis.
- b. It is not reasonable to expect the member to commute to and from the location by either of the following.
 - i. Car.
 - ii. Metropolitan public transport.

Schedule 3—Transitional

1 Food allowance

1. This section applies to a member who meets all of the following.
 - a. They were eligible for food allowance under section 7.1.10 of Defence Determination 2016/19, Condition of service, immediately before the commencement of this Determination.
 - b. They returned to their family's location before the commencement this Determination.
 - c. On commencement of this determination, they would cease to be eligible for food allowance.
2. The member continues to be eligible for food allowance for 14 days from the commencement of this Determination.