

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

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| 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

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|  | 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

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

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| 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

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| 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

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| 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

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|  | 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

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| 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. |