



# **Defence Determination, Conditions of service Amendment (COVID-19 response) Determination 2020 (No. 9)**

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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 29 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. 9)*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

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

**1 Paragraph 7.9.11.1.e (Member not eligible for food allowance)**

Omit “14”, substitute “15”.

**2 Paragraph 11.4.9.2.a (Funeral costs)**

Omit the paragraph.

**3 Section 11.4.10 (Funeral overseas)**

After the section, insert:

### **11.4.10A Memorial services after the COVID-19 pandemic**

1. In this section:

**Beneficiary**, in respect of a member, means one of the following persons.

- a. A dependant of the member.
- b. The member’s legal personal representative.

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

**Member** means a deceased member or deceased former member.

2. A beneficiary is eligible for financial assistance towards the costs of a memorial service of a member if all the following apply.

- a. The member’s funeral occurs while COVID-19 control measures relating to funerals are in place.
- b. The memorial service is to be held in Australia.
- c. Director General Defence Community Organisation is satisfied of the following.
  - i. The memorial service is consistent with the member’s wishes.
  - ii. The memorial service is consistent with the requirements of the member’s faith, religion or culture.

**Note:** Memorial services for members on long-term postings overseas are provided for in section 15.9.3.

3. The memorial service must occur between the following days.

- a. The day COVID-19 control measures relating to funerals ends.
- b. The day 12 months after COVID-19 control measures relating to funerals ends.

4. The maximum financial assistance available is the greater of the following.
  - a. The lesser of the following.
    - i. The cost of the memorial service.
    - ii. \$14,000 less the amount paid under section 11.4.9 or 15.9.3, if any.
  - b. If there are exceptional circumstances — the amount approved by the Director General Defence Community Organisation.
5. The financial assistance available under this section may be paid to a service provider.

#### **4 Subsection 11.4.11.1 (Travel and accommodation)**

Omit the subsection, substitute:

1. In this section, **member** means a deceased member or deceased former member.
- 1A. Subject to subsection 1B, any of the following persons are eligible for travel and two nights' accommodation in Australia to attend the funeral or memorial service of a member.
  - a. A dependant of the member.
  - b. A person accompanying the dependant if the dependant is very young, aged, has an illness or is severely distressed.
  - c. The member's parents.
- 1B. Section 1A does not apply if any of the following apply.
  - a. The funeral or memorial service is to be held in the location where the person eligible for travel and accommodation under subsection 2 lives.
  - b. The funeral or memorial service is to be held overseas under one of the following.
    - i. Section 11.4.10, Funeral overseas.
    - ii. Section 15.9.3, Assistance if member dies.

#### **5 Subsection 11.4.11.2 (Travel and accommodation)**

Omit the subsection, substitute:

2. A person eligible for accommodation under subsection 1A is eligible for an additional night's accommodation if all the following apply.
  - a. The person is attending a funeral to which section 11.4.9 applies.

**Note:** This does not apply to memorial services.
  - b. The Director General Defence Community Organisation is satisfied that it is required due to travel requirements and the time of the funeral service.

# Schedule 2—Overseas conditions amendments

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

### **1 Paragraph 14.5.5.4 (Settling in/settling out allowance)**

After the subsection, insert:

5. Paragraph 4.c does not apply to a member if the member is required to isolate themselves in response to control measures, however described, to limit the spread of COVID-19 issued by a government, or government authority in the posting location overseas.

### **2 Section 14A.1.6 (Excess baggage)**

After the section, insert:

#### **14A.1.6A Transit accommodation and meals**

1. This section applies to a person whose evacuation flights requires them to stay overnight in a location (being the third location) that is not the location they are being evacuated from or Australia.
2. Subject to subsection 3, the person is eligible for accommodation, meals and incidentals that would otherwise be payable under section 13.3.6 for the period that they are in the third location.
3. The following sections apply to the calculation of benefits provided for meals and incidentals under subsection 2.
  - a. Section 13.3.9, Reduced rates for meals on day of arrival or departure.
  - b. Section 13.3.10, Reduced eligibility for incidentals.

### **3 Section 14A.1.17 (Hardship and location allowances – member in Australia)**

After the section, insert:

#### **14A.1.17A Additional recreation leave for hardship locations – member in Australia**

1. This section applies to a member eligible to receive additional recreation leave under one of the following
  - a. Part 3, Additional recreation leave – member posted before 1 July 2017.
  - b. Part 3A, Additional recreation leave – member posted on or after 1 July 2017.
2. Additional recreation leave does not accrue from the day the member ceases to receive one of the following allowances.
  - a. Hardship allowance.
  - b. Location allowance.
3. This section ceases to apply at the end of the member's evacuation period.

#### 4 Section 15.9.1 (Purpose)

After the section, insert:

##### 15.9.1A Definitions

In this Part:

**Beneficiary**, in respect of a member, means one of the following persons.

- a. A dependant of the member.
- b. The member's legal personal representative.

**COVID-19 control measure** means a measure, however described, taken to limit the spread of COVID-19 issued by a government, or government authority.

#### 5 Subsection 15.9.3.2 (Assistance if member dies)

Omit the subsection, substitute:

2. A beneficiary is eligible for financial assistance for a funeral if the member dies overseas and the assistance is approved by the Director General Defence Community Organisation.

**Note:** The funeral may be held in an overseas location or in Australia.

3. The amount of financial assistance payable under subsection 2 is the lesser of the following.
  - a. The cost of the funeral.
  - b. AUD 14,000.
4. A beneficiary is eligible for financial assistance for a memorial service of a member if all the following apply.
  - a. The member's funeral occurs while a COVID-19 control measures relating to funerals are in place in the location where the funeral is to be held.
  - b. It is approved by the Director General Defence Community Organisation.
  - c. The memorial service occurs between the following days.
    - i. The day the COVID-19 control measures relating to funerals ends.
    - ii. The day 12 months after the COVID-19 control measures relating to funerals ends.
5. The amount of financial assistance available under subsection 4 is the greater of the following.
  - a. The lesser of the following.
    - i. The cost of the memorial service.
    - ii. \$14,000 less the amount paid under section 11.4.9 or 15.9.3, if any.
  - b. If there are exceptional circumstances — the amount approved by the Director General Defence Community Organisation.

**6 Paragraph 15.9.3A (Assistance if dependant dies)**

Omit the section, substitute:

**15.9.3A Assistance if dependant dies**

1. The member is eligible for financial assistance for the reasonable costs of the following up to a total benefit of AUD 14,000 if their dependant dies overseas and the assistance is approved by the Director General Defence Community Organisation.
  - a. If the dependant is being returned to Australia, both of the following.
    - i. The preparing of the dependant's remains.
    - ii. The returning the dependant's remains to Australia.
  - b. A funeral in the overseas location.
  - c. Subject to subsection 2, a memorial service.
2. Financial assistance may only be provided for a memorial service if all the following apply.
  - a. Their funeral occurs while a COVID-19 control measures relating to funerals in the location the funeral is to be held are in place.
  - b. The memorial service occurs after the day the COVID-19 control measures relating to funerals ends.
  - c. The memorial service does not occur after 12 months from the day the COVID-19 control measures relating to funerals ends.
3. The financial assistance available under this section is to be paid to one of the following.
  - a. The member.
  - b. The member's legal personal representative.



## Schedule 3—Transitional

### Food allowance

1. This section applies to a member whose food allowance was ceased under paragraph 7.9.11.1.e of Defence Determination 2016/19, Conditions of service, before the commencement of this Determination.
2. The member is eligible for \$14.65.