



Defence Determination, Conditions of service Amendment (COVID-19 response) Determination 2020 (No. 16)

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

Dated 4 August 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. 16)*.

2 Commencement

This instrument commences on 6 August 2020.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Defence Determination 2016/19, Conditions of service

1 Section 12.3.7 (Head of Post)

After the section, insert:

12.3.7A Isolation period

Isolation period means a period that a person is required to isolate themselves.

Note: An isolation period may also be known as quarantine period.

2 Section 12.3.16 (Posting period overseas)

After the section, insert:

12.3.16A Required to isolate

A person is **required to isolate** themselves if they are required under a law of a State or Territory, or a law of a foreign government, to isolate themselves.

Note: Isolation may also be known as quarantine.

3 Chapter 12 Part 4 (Service with the United Nations)

After the Part, insert:

Part 5: International travel and isolation periods

12.5.1 Purpose

This Part provides benefits for members and their dependants who are required to isolate for the purpose of responding to public health and safety emergencies that is related to a member's service overseas.

12.5.2 Persons this part applies to

This Part applies to any of the following persons.

- a. A member on short-term duty overseas.
- b. A member on long-term posting overseas.
- c. A member travelling for the purpose of commencing either of the following.
 - i. Short-term duty overseas.
 - ii. Long-term posting overseas.

- d. A dependant who accompanied a member specified in paragraph a, b or c.

12.5.3 Cost of isolation accommodation

1. A person who meets all of the following is eligible to receive the costs associated with a requirement isolate if they satisfy all of the following.
 - a. They are required to isolate in specified accommodation.
 - b. They are required to pay a charge for the accommodation.
 - c. The requirement to isolate is in connection with travel provided under Chapters 12 to 17 of this Determination.

Note: A benefit is not available under this section for travel undertaken for any other purpose.

2. The member is eligible for the amount of charge for the accommodation occupied during isolation period.

Note: A person may receive this benefit more than once for a journey.

3. This section does not apply in any of the following circumstances.
 - a. The charge is for board or rent that the person would pay had they not been required to isolate.
 - b. The member has received a benefit for the same accommodation under this Determination.
 - c. The charge has been paid by another organisation.
4. The benefit under this section may be provided as a reimbursement to the member or by direct payment to the organisation responsible for collecting the charge.

12.5.4 Alternative accommodation

1. This section applies to a member who meets the following.
 - a. The member is not required to isolate.
 - b. The member's dependants are required to isolate.
 - c. The member's dependants isolate in the member's home at the posting location overseas.
 - d. The member occupies temporary accommodation for the dependant's isolation period.
2. The member is eligible for temporary accommodation for themselves in their posting location for the dependant's isolation period.

12.5.5 Meal supplement allowance

1. This section applies to any of the following.
 - a. A person who is required to isolate.

- b. A member who occupies alternative accommodation under section 12.5.4.
- 2. Subject to subsection 3, a person is eligible for 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 required to isolate in Australia, one of the following applies.
 - i. If the person is 13 years old or older — \$42.50 per day.
 - ii. If the person is younger than 13 years old — \$21.25 per day.
 - b. If the person is required to isolate outside of Australia and the country where the person is required to isolate is listed in Annex 13.3.A Part 2, one of the following applies.
 - i. If the person is 13 years old or older — two-thirds of the rate specified for the limit for each day: meals in the table at in Annex 13.3.A Part 2.
 - ii. If the person is younger than 13 years old — two-thirds of the rate specified in subparagraph i.
 - c. If the person is required to isolate outside of Australia and the country where the person is required to isolate is not listed in Annex 13.3.A Part 2 — the rate that would apply under paragraph a. if they were in Australia.

Schedule 2—COVID-19 evacuations (Return to post) amendments

Defence Determination 2016/19, Conditions of service

1 Section 14A.1.3 (Person this Division applies to)

Omit the section, substitute:

14A.1.3 Person this Division applies to

This Division applies to any of the following persons.

- 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 Subsection 14A.1.4.1 (Evacuation flights)

Omit “the following”, substitute “the following if the CDF requires or permits them to evacuate”.

3 Subsection 14A.1.5.1 (End of evacuation flights)

Omit the subsection, substitute:

1. Subject to subsection 3, any of the following persons is eligible for an economy class flight from their nearest capital city in Australia to their posting location overseas or location of short-term duty.
 - a. A person who received an evacuation flight under section 14A.1.4.
 - b. A person who meets all of the following.
 - i. They departed the posting location overseas to return to Australia before 19 March 2020.
 - ii. They, or the member they accompanied to the posting location, continue to be posted to the posting location overseas that they left.
 - iii. They have been unable to return to the member’s posting location as a consequence of COVID-19 pandemic.

4 Subsection 14A.1.5.2 (End of evacuation flights)

Omit the subsection.

5 Subsection 14A.1.5.4 (End of evacuation flights)

Omit the subsection.

6 Subsection 14A.1.6A.1 (Transit accommodation and meals)

Omit the subsection, substitute:

1. This section applies to any of the following persons.
 - a. A person eligible for an evacuation flight under section 14A.1.4 who is required to stay overnight in a transit location (being the third location) that is not the location they are being evacuated from or in Australia.
 - b. A person eligible for an end of evacuation flight under section 14A.1.5 who is required to stay overnight in a transit location that is not their posting location overseas or their short-term duty location.

7 Subsection 14A.1.7.2 (Accommodation on return to Australia)

After the section, insert:

Note: Benefits for the cost of isolation accommodation and meals during periods of isolation are provided in Chapter 12 Part 5.

8 Subsection 14A.1.7.4 (Accommodation on return to Australia)

Omit the subsection.

9 Section 14A.1.8 (Meal supplement allowance)

Omit the section.

10 Section 14A.1.11 (Accommodation limits and contributions)

After the section, insert:

14A.1.11A Furniture and household items

1. The purpose of this section enables a person and their dependants to live in their own home while in Australia when their furniture and effects are in storage by providing the reimbursement for the cost of hiring necessary furniture and household items.

Note: This benefit does not provide for the purchase of new items.

2. This section applies to a member if all of the following apply.
 - a. Any of the following people lived in the member's own home.

Note: Own home is defined in section 7.1.14.

 - i. The member.
 - ii. The member's dependants.
 - b. The people living in the own home were eligible for evacuation flights under section 14A.1.4.

- c. The member's furniture and effects are in storage under section 14.3.7.
- 3. The member is eligible to be reimbursed the cost of hiring necessary furniture and household items if the decision maker is satisfied that the cost of the hire is reasonable.
- 4. The maximum reimbursement under subsection 3 is one of the following.
 - a. If up to two people live in the home and share a room — \$995 each week.
 - b. If a family with up to 2 children live in the home — \$1,250 each week.
 - c. If a family with 3 or more children live in the home — \$1,920 each week.
- 5. For the purpose of subsection 3, the decision maker is a person who meets all of the following.
 - a. They work in the Pay and Administration Centre – Victoria.
 - b. They manage pay at overseas posts for members of the ADF and Defence APS employees.
 - c. They hold one of the following.
 - i. A rank of WO2 or higher.
 - ii. An APS classification of APS 5 or higher.

Schedule 3—Summer schools and assisted leave travel amendments

Defence Determination 2016/19, Conditions of service

1 Subsection 15.6.15.1 (Summer school costs)

Omit the subsection, substitute:

1. A member is eligible for either of the following if the member's dependant who is a child attends a summer school or summer camp.
 - a. If the summer school or summer camp is listed in Annex 15.6.B for the member's posting location — the reimbursement of the amount charged by the summer camp or summer school.
 - b. If the summer school or summer camp listed under Annex 15.6.B for the member's posting location is closed due to the COVID-19 pandemic — AUD 135 for each day of attendance at a summer school or summer camp.
- 1A. This section does not apply to a member who is eligible for a benefit under section 15.6.8, USA – summer camps.

2 Subsection 15.6.15.2 (Summer school costs)

Omit the subsection, substitute:

2. The benefit under this section is limited to either of the following periods.
 - a. For summer schools in France — three weeks per year.
 - b. For summer schools, or summer camps, in all other locations — four weeks per year.

3 Section 16.1.2 (Definitions)

Omit the section, substitute:

16.1.2 Definitions

In this Chapter the following apply.

Capital city means the capital city in Australia with the lowest allowable travel cost where the locations for the allowable travel costs are the member's posting location and a capital city in Australia other than Hobart or Darwin.

Hardship location means one of the following.

- a. For a member posted before 1 July 2017 — a location listed in Annex 16.A column 1.
- b. For a member posted on or after 1 July 2017 — a location listed in Annex 16.B column 1.

Provisional hardship location has the meaning given by section 16.1.8.

Regional leave centre means one of the following.

- a. A location listed as a regional leave centre in Annex 16.A Part 1 column 3 or Annex 16.B column 3.
- b. During the COVID-19 pandemic — unless the location in paragraph a is in the country in which the member is posted, a capital city in Australia.

Relief leave centre means one of the following.

- a. A location listed as a relief leave centre in Annex 16.A Part 1 column 3 or Annex 16.B column 3.
- b. During the COVID-19 pandemic — unless the location in paragraph a is in the country in which the member is posted, a capital city in Australia.

4 Section 16.4.5 (Assisted leave travel)

Omit the section, substitute:

16.4.5 Assisted leave travel

1. A member is eligible for the lesser of the following to travel to a regional leave centre or relief leave centre.
 - a. The cost of return travel for the member and their dependants by a means other than private vehicle.
 - b. The allowable travel cost for return air travel for the member and their dependants.
2. If the travel is by plane, the class of travel is the following.
 - a. Unless paragraph b applies, economy class.
 - b. On the routes between the following places, the next available class above economy class.
 - i. Islamabad, Pakistan and Karachi, Pakistan.
 - ii. Kabul, Afghanistan and the first place of transit.
 - iii. The last place of transit and Kabul, Afghanistan.

5 Subsection 16.4.11.3 (Offsetting assisted leave travel)

Omit the subsection, substitute:

3. If a member is permitted to offset their assisted leave travel, both the following apply.
 - a. The member ceases to be eligible for the assisted leave travel under section 16.4.5.
 - b. The member is eligible for the value of the travel they would have been eligible for under section 16.4.5.

6 Subsection 16.4.11.4 (Offsetting assisted leave travel)

Omit the subsection, substitute:

4. For the purpose of determining the value of the travel under paragraph 3.b, the regional leave centre or relief leave centre is a location other than a location in Australia.

Schedule 4—Consequential amendments

Defence Determination 2016/19, Conditions of service

- 1 Section 14A.1.2 (Definitions), Isolation period**
Omit the definition.

- 2 Subsection 14A.1.12.1 (Larder establishment payment)**
Omit “14A.1.8”, substitute “12.5.5”.

- 3 Section 14A.2.2 (Definitions), Isolation period**
Omit the definition.

- 4 Section 14A.2.2 (Definitions), Required to isolate themselves**
Omit the definition.

- 5 Section 15.1.2 (Definitions)**
Omit the section.