



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

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

Dated 25 September 2020

J L Statton
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 Postings) Determination 2020 (No. 19)*.

2 Commencement

This instrument commences on 1 October 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Relocation of animals amendments

Defence Determination 2016/19, Conditions of service

1 Chapter 6 Part 1 Division 3 (Pet relocation)

After the Division, insert:

Division 4: Relocation of other animals

6.1.24 Purpose

The Division provides a member who owns animals that are not household pets with a reimbursement for the cost of transporting their animals that they would have driven from the member's old posting location their next posting location as a part of their removal had it not been for the COVID-19 pandemic.

6.1.25 Members this Division applies to

The Division applies to a member who meets all of the following.

- a. They are eligible for a removal under Part 5, Removals and Storage within Australia.
- b. They are directed to fly to their next posting location.
- c. The removal occurs during the COVID-19 pandemic.

6.1.26 Animal removals

Subject to section 6.1.27, a member is eligible to be reimbursed for the reasonable costs of the transportation of their animal from the member's old posting location to their next posting location.

6.1.27 Limitations on animal removals

1. The animal meets the following criteria.
 - a. The animal is not primarily used for commercial purposes.
 - b. The animal does not breach biosecurity regulations that apply in an area through which they travel.
 - c. They animal would have been moved by the member or their dependant had the member not been directed to fly.
2. The cost of transportation includes only the following.
 - a. The movement of the animal from the member's old posting location to the member's next posting location.
 - b. The boarding or agistment of the animal, however described, for necessary overnight breaks while animal is being moved and for the days they arrive in the member's next posting location until the earlier of the following days.

- i. The day after the member ceases to occupy temporary accommodation.
- ii. The day the member is able to take possession of the animal.

Example: The member is in temporary accommodation, but has pre-arranged a place to agist their horse. The reimbursement will not cover a period after the member is able to have their horse agisted at that place.

3. The transportation of the animal must be undertaken by a service provider who meets the following.
 - a. They have an Australian Business Number (ABN).
 - b. Their primary purpose is to move animals from one location to another.
 - c. The business holds the necessary licences for the transportation of the animals.

Schedule 2—Removal of furniture and effects amendments

Defence Determination 2016/19, Conditions of service

1 Section 6.5.10 (Limitations on certain items)

After the section, insert:

6.5.10A Limitations on certain items during the COVID-19 pandemic

1. This section applies to a member who meets the following.
 - a. They are eligible for a removal of furniture and effects under Division 4.
 - b. The member or their dependant owns an item that would not be removed under section 6.5.10.
 - c. They have been directed to fly to their next posting location.
 - d. The removal occurs during the COVID-19 pandemic.
2. The member is eligible for the reimbursement of one of the following if they would have moved the item themselves had they not been directed to fly.
 - a. The removal of the item from the member's old posting location to the member's next posting location.
 - b. The storage of the item at the member's old posting location.
3. Storage of items at the member's old posting location under paragraph 2.b will only be reimbursed for a period ending on the earlier of the following days.
 - a. The day the items are removed from storage.
 - b. The day 1 year after they were put into storage.

2 Section 6.5.11 (Items not removed at Commonwealth expense)

After the section, insert:

6.5.11A Items not removed at Commonwealth expense during the COVID-19 pandemic

1. This section applies to a member who meets the following.
 - a. They are eligible for a removal of furniture and effects under Division 4.
 - b. The member or their dependant owns a potted plant that would not be removed under section 6.5.11.
 - c. The removal occurs during the COVID-19 pandemic.
2. The member is eligible for the reimbursement of the following if they would have moved the item themselves had they not been directed to fly.
 - a. One of the following.

- i. The cost of posting plants up to a maximum cost of \$250.
 - ii. The costs of moving the plants from the member's old posting location to the member's next posting location.
 - b. The cost of storing the plants in the member's next posting location.
3. For the purpose of paragraph 2.a, a reimbursement will only be provided in relation to a plant that meets all the following.
 - a. It does not breach biosecurity regulations that apply in an area through which they travel.
 - b. If the plant is to be removed under paragraph 2.b, it must be able to be moved by 1 person unaided.
4. For the purpose of paragraph 2.b, a reimbursement will only be provided for a period ending the earlier of the following days.
 - a. The day after the member ceases to occupy temporary accommodation.
 - b. The day the member, or an agent of the member, is able to take possession of the plant.

Example: The member is in temporary accommodation, but has arranged for someone who is not in the business of storing plants to look after their plants while they are required to isolate. The reimbursement will not cover a period after the person takes possession of the plants on behalf of the member.

Schedule 3—Vehicle removals amendments

Defence Determination 2016/19, Conditions of service

1 Section 6.5.40 (Removal of vehicle on posting)

After the section, insert:

6.5.40A Removal of vehicle on posting during the COVID-19 pandemic

1. This section applies to a member who meets the following.
 - a. They or their dependant own a vehicle that is registered and roadworthy.
 - b. They have been directed to fly to their next posting location.
 - c. The removal occurs during the COVID-19 pandemic.
2. Despite section 6.5.40, a member is eligible for the freight of a vehicle the member would have moved, or have had moved under section 6.5.40, had they not been directed to fly.

Note: A member may have more than two vehicles removed under this section provided subsection 2 applies to each vehicle.

2 Section 6.5.41 (Removal of towable items)

After the section, insert:

6.5.41A Removal of towable items during the COVID-19 pandemic

1. This section applies to a member who meets the following.
 - a. They are eligible for a removal of a towable item under section 6.5.41.
 - b. They have been directed to fly to their next posting location.
 - c. The removal occurs during the COVID-19 pandemic.
2. In addition to section 6.5.41, a member is eligible for the freight of a towable item the member would have towed had they not been directed to fly.

Note: The member does not have to receive vehicle allowance for the vehicle towing the towable item.

3 Section 6.5.44 (Collection and delivery of transported vehicles)

After the section, insert:

6.5.44A Delayed delivery of vehicles

1. This section applies to a member who meets the following.
 - a. They are eligible for a removal of a vehicle under section 6.5.40A.

- b. The member has arrived in their next posting location.
 - c. The vehicles being removed have been delayed from being delivered to the member.
2. The member is eligible for the hire of one vehicle that is reasonable for them and their dependant for one of the following periods.
- a. If they are not required to isolate — from the day they arrived in the member's next posting location until the day their vehicle is delivered.
 - b. If they are required to isolate — from the day they leave isolation until the day their vehicle is delivered.

6.5.44B Storage of vehicles during isolation periods

1. This section applies to a member who meets the following.
- a. They are eligible for a removal of a vehicle under section 6.5.40A.
 - b. The member has arrived in their next posting location.
 - c. The member is unable to take possession of the vehicles due to a requirement to isolate.
2. The member is eligible for the storage of the vehicle until the last day of the requirement to isolate.

Schedule 4—Temporary accommodation amendments

Defence Determination 2016/19, Conditions of service

1 Subsection 7.5.11.1 (Conditions on eligibility)

Omit the subsection, substitute:

1. A member eligible for temporary accommodation allowance must pay a contribution under section 7.5.29 for the accommodation unless one of the following applies.
 - a. A person is occupying the accommodation under subsection 7.5.7 (the SAFE scheme).
 - b. The member and their dependant are required to isolate in a place specified by State or Territory authorities that is not the member's usual residence.

2 Paragraph 7.5.13.1.b (Service apartment preferred)

After the paragraph, insert:

- c. The member and the member's dependant are required to isolate in a place specified by State or Territory authorities that is not the member's usual residence.

3 Section 7.5.13 (Service apartment preferred)

After the section, insert:

7.5.13A Required to isolate – Temporary accommodation

1. This section applies to a member and their dependant who are required to isolate in a place specified by State or Territory authorities that is not the member's usual residence.
2. The member and their dependant are eligible to occupy temporary accommodation in the place they are required to isolate.
3. This section ceases to apply when a member is no longer required to isolate.

Note: If a member continues to be eligible for temporary accommodation allowance, the normal rules under this Part apply.

4. The rules in section 7.5.15 and section 7.5.23 do not apply to temporary accommodation in which a member and their dependant are required to isolate.

4 Section 7.5.17 (Length of period of eligibility), table

After table item 9, insert:

10.	<ul style="list-style-type: none"> a. required to isolate in a place specified by State or Territory authorities that is not the member's usual residence, and b. the member in not eligible for a greater period of temporary accommodation allowance 	the last day the member is required to isolate.
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5 Subsection 7.5.24.1 (Meals – hotel or serviced apartment)

After the subsection, insert:

- 1A. Subsection 1 does not apply to a member if all of the following apply.
 - a. The member and their dependant are required to isolate in a place specified by State or Territory authorities that is not the member's usual residence.
 - b. The member is provided a meal for themselves and their dependant at no charge to the member or the dependant.

6 Subsection 7.5.24.6 (Meals – hotel or serviced apartment)

After the subsection, insert:

- 7. Subsection 6 does not include a period the member and their dependant are required to isolate in a place specified by State or Territory authorities that is not the member's usual residence.

Schedule 5—Travel amendments

Defence Determination 2016/19, Conditions of service

1 Subsection 9.1.6.2 (Travel by own means)

After the subsection, insert:

3. If a member is directed to travel by a specified route in conjunction with the approval to travel by their own means, the member ceases to be eligible for the amount payable under subsection 1 if they do not follow the specified route unless the decision maker is satisfied there are exceptional circumstances for not following the route.
4. In this section, **decision maker** means any of the following.
 - a. An employee of Toll transitions who performs the duties of any of the following.
 - i. National Relocation Administration Services Manager.
 - ii. Regional Relocation Manager.
 - iii. Relocation Administration Services Manager.
 - iv. Senior Case Manager.
 - b. Director Relocations and Housing.
 - c. Assistant Director Relocation Services.

2 Section 9.2.17 (Reimbursement of personal expenditure on travel)

Omit the section, substitute:

9.2.17 Reimbursement of personal expenditure on travel

1. This section applies to a member eligible for travel under this Division who travels at their own expense.
2. Subject to subsection 3, the member is eligible to be reimbursed the actual travel costs of their travel up to the value of the travel the member would have taken if they did not travel at their own expense.
3. If the member is directed to travel by a specified route when travelling at their own expense, the member ceases to be eligible for the amount payable under subsection 2 if they do not follow the specified route unless the decision maker is satisfied there are exceptional circumstances for not following the route.
4. In this section, **decision maker** means any of the following.
 - a. An employee of Toll transitions who performs the duties of any of the following.
 - i. National Relocation Administration Services Manager.
 - ii. Regional Relocation Manager.
 - iii. Relocation Administration Services Manager.

- iv. Senior Case Manager.
- b. Director Relocations and Housing.
- c. Assistant Director Relocation Services.

3 Section 9.2.19 (Delayed or interrupted posting travel)

Omit the section, substitute:

9.2.19 Delayed or interrupted posting travel

1. This section applies to a member who meets the following.
 - a. They are travelling to their next posting location by vehicle.
 - b. Their journey is delayed or interrupted by one of the following.
 - i. The road is closed.
 - ii. A State or Territory border that the member must cross is closed.
2. The member is eligible for the following for the duration of the delay for themselves and their dependant if the CDF is satisfied that the payment is reasonable.
 - a. Meal allowance paid at the rate specified in Annex 9.5.A Part 4 columns B, C and D.
 - b. The reasonable cost of accommodation in the most practicable location before the road or border closure.

Note: Regard should be given to the accommodation rates specified in Annex 9.5.A Part 1 column C for the location.
3. A benefit under subsection 2 may be paid by reimbursement.

9.2.19A Rerouted travel

1. This section applies to member who meets all of the following.
 - a. They are travelling to their next posting location by vehicle.
 - b. The member is required to travel by a specified route.
 - c. The member is unable to travel by the route because the State or Territory border that the member must cross is closed.
 - d. Either of the following applies.
 - i. The specified route is changed.
 - ii. The member is directed to fly.
2. If the member's specified route is changed, the allowances paid, or payable, to the member for the journey will be recalculated based on the member's changed specified route.

Note: If a member's recalculated allowances and less than what the member has been paid, the member will be required to repay the difference.

3. If the member is directed to fly, the member is eligible for the following for themselves and a dependant travelling with them.
 - a. Flights from the most practicable airport near the member's location to their next posting location.
 - b. The removal of a vehicle and towable item from the most practicable location near the member's location to their next posting location.
 - c. Travel allowances, including accommodation, that would ordinarily be payable under Part 5 Division 3 for the following.
 - i. The flight.
 - ii. The time period between the day the member was not able to travel on the specified route and their arrival at the member's next posting location.
 - d. If the member is travelling with items that cannot be removed under Chapter 6 Part 5 Division 2, the reimbursement for the removal of those items that would be payable under section 6.5.10A and section 6.5.11A.
4. If the member is directed to fly, the allowances paid, or payable, to the member for the journey will be recalculated based on the member's change travel plans.

Note: If a member's recalculated allowances are less than what the member has been paid, the member will be required to repay the difference.