

Defence Determination, Conditions of service Amendment (COVID-19 response) Determination 2020 (No. 24)

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 11 November 2020

Acting 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. 24).*

2 Commencement

This instrument commences on 12 November 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Short absence amendments

Defence Determination 2016/19, Conditions of service

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| 1 | Section 5.11.11 (Purpose)  |
|  | Omit “on advice from the Department of Health”. |
| 2 | Section 5.11.13 (Member this Division applies to)  |
|  | After the section, insert: |

##### 5.11.13A    Member this Division does not apply to

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|  | This Division does not apply to a member who is required to isolate as a consequence of a private activity or private travel undertaken other than in connection with the following. |
|  | a. | Leave associated with reunion travel under Chapter 9 Part 3 Division 4. |
|   | b. | Leave associated with compassionate travel under Chapter 9 Part 3 Division 8. |

Schedule 2—Reunion travel amendments

Defence Determination 2016/19, Conditions of service

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| 1 | Section 9.3.33 (Benefit for each reunion travel credit)  |
|  | After the section, insert: |

##### 9.3.33AA    Additional benefits for each reunion travel credit – COVID-19

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| --- | --- |
| 1. | This section applies to a member if they use a reunion travel credit under section 9.3.33 and are required to isolate as a consequence of being in a place that is in connection with the reunion travel.**Note:** This section does not apply to a dependant travelling on a member’s reunion travel credit. |
| 2. | In addition to section 9.3.33, a member is eligible for additional benefits if they have not used a reunion travel credit under section 9.3.33 in the lesser of the following periods. |
|  | a. | The period 6 months before the reunion travel credit is to be used. |
|   | b. | If the decision maker is satisfied there are exceptional circumstances — a period less than 6 months before the reunion travel credit is to be used. |
| 3. | A member cannot receive additional benefits under this section more than twice within a 12‑month period. |
| 4. | For the purpose of this section, the following apply.  |
|  | **Additional benefits** means any of the following. |
|  | a. | If the place of isolation is directed by State or Territory authorities that is not the member’s usual residence — the cost of the accommodation in which the member is required to isolate. |
|  | b. | If the place of the isolation is not directed, and it is not practical for the member to complete the isolation period at their usual residence or the residence of their dependants — travelling allowance payable under section 9.5.35.  |
|  | **Notes:**1. There is no benefit under subsection 2 for a member who is required to isolate in their usual residence.2. Additional benefits under paragraph a may be reimbursed to the member or paid to the service provider. |
|  | **Decision maker** means a person in the member’s direct chain of command or supervision who is one of the following. |
|  | a. | A commanding officer holding a rank of Major or above. |
|  | b. | A director. |
| 2 | Subsection 9.3.33A.1 (Using reunion travel credits)  |
|  | After the subsection, insert: |
| 1A. | A reunion travel credit cannot be used for a member’s dependant to travel if all of the following apply.  |
|  | a. | The dependant will travel to or from a location that will result in the dependant being required to isolate. |
|  | b. | The requirement to isolate is known before the travel commences. |

Schedule 3—Compassionate travel amendments

Defence Determination 2016/19, Conditions of service

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| 1 | Section 9.3.60 (Children accompanying the member or spouse)  |
|  | After the section, insert: |

##### 9.3.60A    Additional benefits for compassionate travel – COVID-19

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| 1. | This section applies to a member or their partner who is eligible for compassionate travel under section 9.3.52 and they are required to isolate as a consequence of being in a place in connection with the compassionate travel. |
| 2. | In addition to section 9.3.52, a member is eligible for additional benefits for each person required to isolate. |
|  | a. | If the place of isolation is directed by State or Territory authorities is not the person’s usual residence — the cost of the accommodation in which the member is required to isolate. |
|  | b. | If the place of the isolation is not directed and it is not practical for the person to complete the isolation period at their usual residence — travelling allowance payable under section 9.5.35. |
|  | **Note:** There is no benefit under this subsection for a person who is required to isolate in their usual residence. |
| 3. | A benefit provided under subsection 2 may be reimbursed to the member or paid to the service provider. |

Schedule 4—Leave travel amendments

Defence Determination 2016/19, Conditions of service

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| 1 | Section 9.4.1 (Overview)  |
|  | After the section, insert: |

##### 9.4.2    Definitions

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|  | In this Part, the following apply. |
|  | **Place of duty** means one of the following.  |
|  | a. | If the member has been posted to the place of duty, their posting location. |
|  | b. | If the member has not been posted to the place of duty, the area surrounding the place of duty that would be their posting location had the member been posted there. |
| 2 | Subsection 9.4.4.3 (Nominated family)  |
|  | Omit the subsection. |
| 3 | Section 9.4.5 (Purpose)  |
|  | Omit the section, substitute: |

##### 9.4.5    Purpose

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|  | This Division enables a member without dependants, including a trainee, to travel away from their place of duty while on leave or during course breaks to visit their nominated family, or in limited circumstances, another location. |
| 4 | Section 9.4.5 (Purpose)  |
|  | After the section, insert: |

##### 9.4.5A    Members this Division applies to

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|  | This Division applies to a member who meets the following. |
|   | a. | They are a member without dependants. |
|  | b. | They are on recreation leave or a course break. |
|  | c. | They are not on one of the following. |
|   |  | i. | A long-term posting overseas. |
|  |  | ii. | Short-term duty overseas. |
| 5 | Section 9.4.6 (Members eligible)  |
|  | Omit the section, substitute: |

##### 9.4.6   Eligibility for recreation leave travel within Australia

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| 1. | Subject to subsection 2, a member is eligible for recreation leave travel if the CDF is satisfied of any of the following. |
|  | a. | All of the following apply. |
|   |  | i. | The member’s nominated family is in Australia. |
|  |  | ii. | The member’s nominated family is not at the member’s place of duty. |
|  |  | iii. | The member is going to visit their nominated family during the period of leave. |
|  | b. | The member has no nominated family. |
|  | **Notes:** 1. The approval of recreation leave travel is dependent on the member having recreation travel leave trips under sections 9.4.8 or 9.4.9 available.2. Rules for the grant of recreation leave travel for members with nominated family overseas are provided in section 9.4.14. |
| 2. | A member must not knowingly use recreation leave travel to travel to a place that would require them to isolate on their return to their place of duty. |
| 6 | Subsection 9.4.7.1 (Recreation leave travel benefit)  |
|  | Omit the subsection, substitute: |
| 1. | Recreation leave travel is the return travel for the member from their place of duty to one of the following. |
|  | a. | If the member’s nominated family is in Australia — to the location where their nominated family live. |
|  | b. | If the member has no nominated family — to the nearest capital city. |
| 7 | Subsection 9.4.13.2 (Transfer of benefit)  |
|  | After the subsection, insert: |
| 3. | A member cannot transfer a benefit under subsection 1 if the member’s place of duty is in a location that the nominated family would be required to isolate on entering that location.  |
| 8 | Subsection 9.4.17.1 (Benefit)  |
|  | Omit the subsection, substitute: |
| 1. | A member is eligible for pre-deployment leave travel if all of the following apply. |
|  | a. | The member has been granted pre-deployment leave under Chapter 5 Part 9 Division 7.  |
|  | b. | If the member has nominated family — the nominated family is not at the member’s place of duty. |
|  | c. | The member will not be going to a place that would require the member to isolate on their return to their place of duty. |
| 1A. | Pre-deployment leave travel is the cost of travel from the member’s location in Australia to one of the following. |
|  | a. | If the member’s nominated family is in Australia — to the location of their nominated family. |
|  | b. | If the member has no nominated family — to the nearest capital city. |
| 9 | Subsection 9.4.21.1 (Benefit)  |
|  | Omit the subsection, substitute: |
| 1. | A member is eligible for post-deployment leave travel if all of the following apply. |
|  | a. | The member has returned to Australia from an area that attracted pre-deployment leave. |
|  | b. | If the member has nominated family — the nominated family is not at the member’s place of duty. |
|  | c. | The member will not be going to a place that would require the member to isolate on their return to their place of duty. |
| 1A. | Post-deployment leave travel is the cost of travel from the member’s location in Australia to one of the following. |
|  | a. | If the member’s nominated family is in Australia — to the location of their nominated family. |
|  | b. | If the member has no nominated family — to the nearest capital city. |

Schedule 5—Remote location leave travel amendments

Defence Determination 2016/19, Conditions of service

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| 1 | Paragraph 9.4.31.2A.b (Scheme B – member with dependant) |
|   | Omit the paragraph, insert: |
|  | b. | To a capital city. |
| 2 | Subsection 9.4.31.2A (Scheme B – member with dependant) |
|   | After the subsection, insert: |
| 2B. | A member or their dependant may only travel to Darwin if the travel is to be taken during the COVID-19 pandemic. |
| 3 | Subsection 9.4.32.2 (Scheme A – offset to of benefit to another destination) |
|   | After the subsection, insert:**Note:** The person taking the benefit must leave the member’s posting location to be eligible to offset their Scheme A Remote Location Leave Travel benefit. |
| 4 | Paragraph 9.4.32.5.c (Scheme A – offset of benefit to another destination) |
|   | Omit the paragraph, substitute: |
|  | c. | The cost of a package tour to be taken by the member or their dependant that meets all of the following. |
|  |  | i. | If the travel is not taken during the COVID-19 pandemic, it contains commercially provided travel to the destination. |
|  |  | ii. | It has been purchased from a travel agent accredited by Australian Federation of Travel Agents travel accreditation scheme (ATAS), or a similar organisation.  |
|  |  | iii. | Its components are not costed separately. |

Schedule 6—Transitional

##### 1.    Definitions

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|   | In this Schedule, the following apply. |
|  | **Defence Determination** means Defence Determination 2016/19, Conditions of service, as in force from time to time. |
|  | **Required to isolate** has the same meaning as given in the Defence Determination, as in force at the commencement of the Determination. |

##### 2.   Cost of isolation

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| 1. | This section applies to a person who meets the following. |
|  | a. | The person was required to isolate at any time between 28 October 2020 and the commencement of this Determination. |
|  | b. | The person incurred a charge for the cost of the isolation. |
|  | c. | The person would have been eligible for a benefit under this Determination had it been in force at the time. |
| 2. | The person is eligible for the following. |
|  | a. | The costs of accommodation charged as a consequence of being required to isolate. |
|  | b. | The costs of meals during the isolation period, if charged separately, up to the sum of the amounts specified for each meal in Annex 9.5.A Part 4 of the Defence Determination for each day of the isolation. |
|  | c. | The costs of incidental expenses during the isolation period up to a maximum of $20.40 for each day. |
| 3. | A person is not eligible for the costs of meals under paragraph 2.b if the meals were included in the costs of the accommodation. |