

Defence (Domestic emergency operations) Determination 2020

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

Dated 21 December 2020

Fiona Louise McSpeerin

Assistant Secretary
People Policy and Employment Conditions
Defence People Group

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1    Name

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|  | This instrument is the Defence (Domestic emergency operations) Determination 2020. |

2    Commencement

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|  | This instrument commences on the day after registration. |

3    Authority

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|  | This instrument is made under section 58B of the *Defence Act 1903*. |

4    Schedules

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|  | Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

5    Purpose

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|  | The purpose of this Determination is to provide a reimbursement to members for unrecoverable costs due to the cancellation or of leave or early return from a holiday location as a consequence of being assigned to an operation established in response to a domestic emergency.**Note:** A domestic emergency may include, but is not limited to, a natural disaster or the outbreak of an infectious disease (such as COVID0-19) during a pandemic.  |

6    Definitions

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|  | The following definitions apply in this Determination. |
|  | **Decision-maker** means one of the following. |
|  | a. | For a member of the Navy, any of the following. |
|  |  | i. | Director General Navy People. |
|  |  | ii. | Director Navy Recruiting, Retention and Transitions. |
|  |  | iii. | Director Navy Employment Conditions. |
|  | b. | For a member of the Army, any of the following. |
|  |  | i. | Director General Army People Capability. |
|  |  | ii. | Director Personnel Policy – Army. |
|  |  | iii. | Staff Officer Grade 1 – Personnel Policy – Army. |
|  |  | iv. | Staff Officer Grade 1 – Delegations – Army. |
|  | c. | For a member of the Air Force, any of the following. |
|  |  | i. | Director General Personnel – Air Force. |
|  |  | ii. | Director Personnel Policy – Air Force. |
|  |  | iii. | Deputy Director Personnel Policy – Air Force. |
|  |  | iv. | Deputy Director Service Conditions – Air Force. |
|  | **Defence Determination** means the Defence Determination 2016/19, Conditions of service, as in force from time to time. |
|  | **Dependant** means the following. |
|  | a. | For a member of the Reserves — has the same meaning given in section 1.3.83 of the Defence Determination that would have applied to the member had the member been on continuous full-time service. |
|  | b. | For a member of the Permanent Forces — has the same meaning given in section 1.3.83 of the Defence Determination. |
|  | **Meal period** has the same meaning given in section 1.3.39 of the Defence Determination. |
|  | **Return journey** means the travel from the member’s location to their posting location. |

7    Member this determination applies to

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|  | This Determination applies to the following members.  |
|  | a. | A member of the Reserves if all the following apply. |
|  |  | i. | The member is assigned for service on an operation established in response to a domestic emergency. |
|  |  | ii. | The member cancels or amends holiday arrangements that would have taken place, wholly or in part, during the period of the operation. |
|  |  | iii. | The cancellation or amendment of the holiday arrangements is a consequence of being assigned for service on the operation. |
|  | b. | A member on continuous full-time service if all the following apply. |
|  |  | i. | The member has been approved to take a period of leave or an approved period of short absence.**Note:** Whether the member has commenced the period of leave or absence is not relevant to the eligibility for this benefit. |
|  |  | ii. | The member’s leave or short absence from duty is cancelled as a consequence of being assigned for service on an operation established in response to a domestic emergency. |
|  |  | iii. | The member cancels or amends holiday arrangements that would have taken place, wholly or in part, during the period of the operation. |
|  |  | iv. | The cancellation or amendment of the holiday arrangements is a consequence the cancellation of the member’s leave. |

8    Reimbursement

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| 1. | A member is eligible for the reimbursement of costs listed in subsection 2 for any of the following people if the decision-maker is satisfied that the costs are reasonable.  |
|  | a. | The member. |
|  | b. | If a dependant was travelling with, or was going to travel with the member — the dependant. |
| 2. | Any of the following costs. |
|  | a. | If the member has left their posting location, one of the following transport costs. |
|  |  | i. | If the member is able to modify their return transport booking — additional costs associated with the rebooking. |
|  |  | ii. | If the member is unable to modify their return transport booking — the cost of the transport. |
|  | b. | Accommodation costs up to the amount provided under Annex 9.5.A of the Defence Determination for each night of the return journey if all of the following apply.  |
|  |  | i. | The member has left their posting location. |
|  |  | ii. | An overnight break during the return journey is required. |
|  | c. | Meal expenses for each meal period during the return journey up to the amount provided under Annex 9.5.A Part 4 of the Defence Determination.  |
|  | d. | Subject to subsection 3, the following costs. |
|  |  | i. | The cost of an unused portion of the holiday, including, but not limited to, cancelled accommodation and travel plans.  |
|  |  | ii. | Any additional fees associated with the cancellation of an unused portion of the holiday. |
|  | **Note:** No benefit is payable under this Determination for lost opportunity. |
| 3. | A reimbursement under paragraph 2.d is limited to costs that are unrecoverable from the service provider or through travel insurance. |

9    Limit on reimbursement

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|  | A member is not eligible for reimbursement of costs under this Determination if a member is eligible for a reimbursement of costs under Chapter 5 Part 13 of the Defence Determination in connection with the operation. |

Schedule 1—Repeals

Defence Determination (Operation BUSHFIRE ASSIST) Determination 2020

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| 1 | The whole of the instrument |
|  | Repeal the instrument. |