



Defence Determination, Conditions of service Amendment Determination 2021 (No. 15)

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

Dated 5 August 2021

Fiona Louise 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 Determination 2021 (No. 15)*.

2 Commencement

This instrument commences on 5 August 2021.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—COVID-19 overseas conditions amendments

Defence Determination 2016/19, Conditions of service

1 Section 14A.2.6 (Meal supplement allowance)

After the section, insert:

14A.2.7 Quarantine costs – private travel to Australia

1. A member is eligible for quarantine accommodation assistance for a person if all of the following apply.
 - a. The person's travel is privately funded.
 - b. The person travels from the member's posting location overseas to Australia.
 - c. At the time of booking the travel, the member does not have eligibility for any of the following benefits for the person travelling.
 - i. Assisted leave travel benefit under Chapter 16 Part 4.
 - ii. Reunion travel under Chapter 14 Part 6 Division 1.
 - iii. Reunion travel under Chapter 14A Part 1 Division 5.
 - v. Reunion or reverse reunion travel under Chapter 15 Part 3 Division 3.
 - vi. Travel on extension of posting or a second long-term posting overseas under Chapter 15 Part 3 Division 7.
 - d. The person must undertake a mandatory quarantine period on arrival in Australia.
 - e. They have not previously received a benefit under this section for the person travelling.

Note: This applies regardless of whether the benefit was received in relation to a person travelling as a part of a family group or alone.
2. Quarantine accommodation assistance is one of the following.
 - a. For a person travelling alone — AUD 1,000 per week for the mandatory quarantine period.
 - b. For a person travelling as a part of a family group — AUD 1,500 per week for the family group for the mandatory quarantine period.
3. In this section **person** means the member or a dependant of the member who has accompanied the member on a long-term posting overseas.
4. This section ceases to apply on 30 June 2022.

2 Section 14A.2.6 (Meal supplement allowance)

After the section, insert:

Part 3: COVID-19 restriction benefits

14A.3.1 Purpose

This Part provides additional travel benefits to certain members and their dependants who have been on a long-term posting overseas during the COVID-19 pandemic and have been not eligible for, or unable to use, travel benefits.

14A.3.2 Travel restriction payment

1. This section applies to a member who is on a long-term posting overseas that will end before 30 June 2022.
2. The member is eligible for one travel restriction payment for each person if all of the following apply.
 - a. The member's posting has not been ended early at the request of the member.
 - b. The decision maker is satisfied the person had no reasonable option to be able to use an assisted leave travel benefit under Chapter 16 Part 4 during the member's posting.
3. The rate of the travel restriction payment is one of the following amounts for each person.
 - a. If the member is posted to a location in the Pacific or South East Asia — AUD 750.
 - b. If the member is posted to a location in the North Asia, South Asia or Central Asia — AUD 1,000.
 - c. If the member is posted to a location in the Middle East, North America or Europe — AUD 1,500.
 - d. If the member is posted to a location in Central America or South America — AUD 2,000.
 - e. If the member is posted to a location in Africa — AUD 2500.
4. The travel restriction payment is not payable to the member until their long-term posting overseas has ended.
5. In this section, the following apply.
 - a. **Decision maker** means one of the following.
 - i. If the member is the senior ADF member at post, or their dependants — the Director of Attaché and Overseas Management.
 - ii. Any other member — the senior ADF member at post.
 - b. **Not been able use any of the following benefits** includes as for reasons as a consequence of operational reasons, COVID-19 restrictions, and the reduction in flights.

Note: A requirement to quarantine in a destination or on return to the posting location does not prevent a person from being able to use a benefit.
 - c. **Person** means the member or their dependant who lives at the member's posting location overseas.

3 Section 15.3.39 (Additional travel on long-term posting overseas to a new overseas location)

Omit the, section, substitute:

15.3.39 Additional travel on back-to-back long-term posting overseas

1. This section applies to the following.
 - a. A member on a long-term posting overseas who is posted for a second long-term posting overseas in another location.
 - b. A dependant of a member described in paragraph a.
2. The member and their dependant is eligible for additional travel if all of the following apply.
 - a. The member's second long-term posting overseas is for at least 12 months.
 - b. The member is on approved leave from the day the member leaves the first long-term posting overseas until the day the member commences duty in the second long-term posting overseas.
 - c. Subject to subsection 3, the travel is taken between the following days.
 - i. The day after the last day of the member's first long-term posting overseas.
 - ii. The day before the first day of the member's second long-term posting overseas.
3. The decision maker can increase the period in which a member's additional travel under subsection 2 must be taken if satisfied that it is reasonable to do so having regard to all of the following.
 - a. The reason the travel could not occur during the specified period.
 - b. The member's and dependant's welfare.
 - c. The member's work commitments over the next six months.
 - d. The financial implications of the travel.
4. A member's dependant is eligible for additional travel if all of the following apply.
 - a. The member's second long-term posting overseas is for at least 12 months.
 - b. Section 14.4.8 does not apply to the dependant's travel.
 - c. Subject to subsection 5, the dependant's travel is taken between the following days.
 - i. The day that is 3 months before the last day of the member's first long-term posting overseas, but not after the member departs at the first posting location.
 - ii. The day that is 3 months after the first day of the member's second long-term posting overseas, but not before the member arrives at the second posting location.
5. The decision maker can increase the period in which a dependant's additional travel under subsection 2 must be taken if the travel is taken during the COVID-19 pandemic and the CDF is satisfied that it is reasonable to do so having regard to all of the following.

- a. The reason the travel could not occur during the specified period.
 - b. The member's and dependant's welfare.
 - c. The member's work commitments over the next six months.
 - d. The financial implications of the travel.
6. In this section, the following apply.
- a. **Additional travel** means the following business class travel.
 - i. Travel from the location of the first long-term posting overseas to a place in Australia.
 - ii. Travel from Australia to the location of the second long-term posting overseas.
 - b. **Decision maker** means one of the following.
 - i. If the member is the senior ADF member at post, or their dependants — the Director of Attaché and Overseas Management.
 - ii. Any other member — the senior ADF member at post.

15.3.39A Additional travel – additional benefits

A person eligible for additional travel under section 15.3.39 is eligible for the following.

- a. Excess baggage under section 14.4.11.
- b. For travel from Australia to the location of the second long-term posting overseas — rest periods under Chapter 14 Part 4 Division 3.

Note: Travel benefits under this section do not include the following.

- a. Accommodation.
- b. Meals and incidentals.

4 Section 15.6.17A (Mandatory COVID-19 testing)

After the section, insert:

15.6.17B COVID-19 – education support

1. A member is eligible to be reimbursed the cost of 10 days of education support for a child who is a dependant if the member is eligible for any other type of education assistance under this Part for the child.
2. The maximum amount of education support payable for each day is AUD 135.
3. Education support includes any of the following.
 - a. Tutoring assistance.
 - b. Summer schooling.
4. This section ceases to apply on 30 June 2022.

5 16.4.11 (Offsetting assisted leave travel)

After the section, insert:

16.4.11A In-country offset – accommodation

1. A member who offsets their assisted leave travel to travel to a location in-country under subsection 16.4.11.1 is eligible for accommodation assistance for each day they occupy commercially provided accommodation.
2. In this section, accommodation assistance means the cost of accommodation for the member up to the sum of the following amounts.
 - a. AUD 1,200 for every 7 day period.
 - b. AUD 200 for every other day.
3. A member is eligible for a benefit under this section once.
4. This section ceases to apply on 31 December 2021.

Schedule 2—Transitional provisions

1 Definitions

In this Schedule, **Defence Determination** means the Defence Determination 2016/19, Conditions of service, as in force immediately after the commencement of this Determination.

2 Quarantine costs – private travel to Australia

1. This section applies to a member who would have been eligible for a benefit under section 14A.2.7 of the Defence Determination between 1 July 2021 and the commencement of this Determination had it been in force at the time.
2. The member is eligible for quarantine accommodation assistance under subsection 14A.2.7.2 of the Defence Determination for their mandatory quarantine period.
3. A member who receives a benefit under this section in relation to a person that they would have received a benefit under section 14A.2.7 ceases to be eligible for a benefit under section 14A.2.7 of the Defence Determination for that person.

3 Additional travel – additional benefits

1. This section applies to a person who would have been eligible for a benefit under section 15.3.39A of the Defence Determination between 1 July 2021 and the commencement of this Determination had it been in force at the time.
2. The person is eligible for excess baggage benefits under section 14.4.11 of the Defence Determination.

4 COVID-19 – education support

1. This section applies to a person who would have been eligible for a benefit under section 15.6.17B of the Defence Determination between 1 July 2021 and the commencement of this Determination had it been in force at the time.
2. The member is eligible for the reimbursement of education support under section 15.6.17B of the Defence Determination, as though it were in force at the time.
3. For each day a member receives education support under this section, the number of days the member can receive education assistance under section 15.6.17B of the Defence Determination is reduced by 1.

5 In-country offset – accommodation

1. This section applies to a member who would have been eligible for a benefit under section 16.4.11A of the Defence Determination between 1 July 2021 and the commencement of this Determination had it been in force at the time.
2. The member is eligible for the reimbursement of the costs of accommodation for the member up to the sum of the following amounts.
 - a. AUD 1,200 for every 7 day period.
 - b. AUD 200 for every other day.

3. A member who receives a benefit under this section is ceases to be eligible for a benefit under section 16.4.11A of the Defence Determination.