

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

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| 1 | Section 14A.2.6 (Meal supplement allowance) |
|  | After the section, insert: |

##### 14A.2.7    Quarantine costs – private travel to Australia

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| 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

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|  | 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

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| 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

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| 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

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|  | 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

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| 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

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| 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

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| 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. |