

Defence Determination, Conditions of service Amendment (COVID-19 response) Determination 2020 (No. 7)

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

Dated 27 March 2020

F L 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 (COVID-19 response) Determination 2020 (No. 7).*

2 Commencement

This instrument commences on the day after registration.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Defence Determination 2016/19, Conditions of service

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| 1 | Section 1.3.29B (Isolation period)  |
|  | Omit “as set by the Department of Health”. |
| 2 | Section 1.3.29B (Isolation period), note |
|  | Omit note 2. |
| 3 | Section 4.9.17 (Health support allowance – member on Reserve service)  |
|  | After the section, insert: |

#### Division 4: Reserve service payment – infectious diseases

##### 4.9.18    Definitions

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|  | In this Division the following apply. |
|  | **Pattern of Reserve service** means the times that a member of the Reserves has agreed with their supervisor that they would attend for duty. |
|  | **Required to isolate** also includes a requirement under the law or direction of a State or Territory.**Note:** Section 1.3.66A provides the general definition of “required to isolate”. |
|  | **Reserve allowance** has the same meaning given in Schedule B.11 of DFRT Determination 2013 No. 11, ADF Allowances. |

##### 4.9.19    Member this Division applies to

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|  | This section applies to a member of the Reserves not on continuous full-time service. |

##### 4.9.20    Payment for periods of isolation associated with military service

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| 1. | Subject to section 4.9.24, a member of the Reserves is eligible for a Reserve service payment if all of the following apply.  |
|  | a. | Their Commanding Officer reasonably believes the member was exposed to an infectious disease in the course of their service. |
|  | b. | They are required to isolate themself. |
|  | **Notes:** 1. Commanding Officers should work with members to establish work from home arrangements if possible.2. A member who subsequently becomes ill may be eligible for a payment of salary and Reserve allowance under section 3.2.13. |
| 2. | The rate of the Reserve service payment is equal to the salary the member would receive if they rendered service on each day of the isolation period. |
| 3. | A member must not receive more than the equivalent of 10 days salary and Reserve allowance for a pay period.**Note:** This may consist of a combination of salary and a Reserve service payment. |

##### 4.9.21    Payment following a Defence activity

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| 1. | Subject to section 4.9.24, a member is eligible for a Reserve service payment if all of the following apply.  |
|  | a. | They have completed a Defence activity. |
|  | b. | They are required to isolate themself at the end of the Defence activity. |
| 2. | The rate of the Reserve service payment is equal to the salary and Reserve allowance the member would receive if they rendered service on each day of the isolation period. |
| 3. | A member must not receive more than the equivalent of 10 days salary and Reserve allowance for a pay period.**Note:** This may consist of a combination of salary and a Reserve service payment. |
|  | **Example:** A member who lives in Hobart was required to attend a Defence course in Melbourne. During the course, Tasmania closed its borders with the mainland, requiring anyone returning to Tasmania to isolate themself. On return to Tasmania, the member is eligible for the Reserve service payment. |

##### 4.9.22    Payment for an inability to work a pattern of Reserve service

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| 1. | Subject to section 4.9.24, a member is eligible for a Reserve service payment if their Commanding Officer reasonably believes the member is unable to work their pattern of Reserve service for a reason relating to the control of COVID-19.**Notes:** 1. Commanding Officers should work with members to establish work from home arrangements if possible.2. A member who is subsequently diagnosed with COVID-19 may be eligible for a Reserve service payment under section 4.9.23.**Example:** The member is unable to work their pattern of Reserve service if they are required to isolate themself or unable to enter their normal place of duty due to its closure or travel restrictions and are unable to make alternative work arrangements. |
| 2. | The rate of Reserve service payment is equal to the salary and Reserve allowance they would receive for the pattern of Reserve service.  |

##### 4.9.23    Payment for COVID-19 infection

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| 1. | Subject to section 4.9.24, a member is eligible for a Reserve service payment if all of the following apply.  |
|  | a. | They are diagnosed with COVID-19. |
|  | b. | The member is not receiving a payment as a consequence of section 3.2.13. |
|  |  | **Note:** A member may be eligible for Reserve salary under section 3.2.13 as a result of an injury or illness acquired in the course of Reserve service. |
| 2. | The payment is equal to the amount of salary and Reserve allowance the member would receive for the pattern of Reserve service. |

##### 4.9.24    Periods of non-payment

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| 1. | A member is not eligible for a Reserve service payment for the same period that any of the following apply.  |
|  | a. | The member is receiving income by way of salary or wages.**Note:** Salary includes salary payable under DFRT Determination 2017 No. 2, *Salaries*. |
|  | b. | The member is on a medical absence. |
| 2. | A member is only eligible for one payment under this Division at a time. |

Schedule 2—Overseas conditions amendments

Defence Determination 2016/19, Conditions of service

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| 1 | Subsection 14A.1.4.1 (Evacuation flights) |
|  | Omit the subsection, substitute: |
| 1. | Subject to subsection 3, a person is eligible for an economy class flight from their location to the capital city nearest to the location they will live in Australia. **Note:** 1. If more than one dependant from the same family group are evacuated at the same time, they must travel to the same capital city. 2. Flights to a location other than a capital city are not permitted. However, flights may include domestic flights within Australia between capital cities that connect with an international flight. |
| 2 | Subsection 14A.1.5.1 (End of evacuation flights) |
|  | Omit the subsection, substitute: |
| 1. | Subject to subsection 3, a person who received an evacuation flight under section 14A.1.4 is eligible for an economy class flight from their nearest capital city in Australia to their posting location overseas or location of short-term duty. |
| 3 | Chapter 14A Part 1 Division 2 (Self isolation), heading |
|  | Omit “Self-isolation”, substitute “Accommodation and meals”. |
| 4 | Subsection 14A.1.7.2 (Self isolation – accommodation)  |
|  | Omit the subsection, substitute: |
| 2. | Subject to subsection 3 and 4, the person is eligible for reasonable commercial accommodation with cooking facilities from the day they return to Australia for the isolation period. |
| 5 | Section 14A.1.8 (Self-isolation – meal supplement allowance), heading |
|  | Omit “Self-isolation – meal”, substitute “Meal”. |
| 6 | Subsection 14A.1.8.2 (Self-isolation – meal supplement allowance) |
|  | Omit the subsection, substitute: |
| 2. | Subject to subsection 3, a person is eligible for meal supplement allowance for one of the following. |
|  | a. | Each day of the isolation period. |
|  | b. | If the person was evacuated before 27 March 2020, each day from the day they arrived in Australia until 28 days after they arrived in Australia. |
|  | c. | If the person was evacuated from China between 29 January 2020 and 10 February 2020, 2 May 2020. |
| 7 | Section 14A.1.8 (Self-isolation – meal supplement allowance) |
|  | After the section, insert: |

##### 14A.1.8A   Additional temporary accommodation

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|  | A person is eligible for an additional 14 days accommodation as provided under section 14A.1.7 on completion of an isolation period.**Note:** Meal supplement allowance is not payable during this period unless expressly provided for in section 14A.1.8. |
| 8 | Chapter 14A Part 1 Division 3 (Required to evacuation – additional benefits), heading  |
|  | Omit the heading, substitute: |

#### Division 3: Additional ongoing benefits

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| 9 | Section 14A.1.9 (Person this Division applies to)  |
|  | Omit the section, substitute: |

##### 14A.1.9   Person this Division applies to

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|  | Unless otherwise stated, this Division applies to any of the following. |
|  | a. | A person who was evacuated under this Part. |
|  | b. | A member who meets all of the following. |
|  |  | i. | They are on a long-term posting overseas. |
|  |  | ii. | They are in Australia. |
|  |  | iii. | They are unable to return to their posting location as a consequence of COVID‑19 control measures. |
|  | c. | A dependant of a member who meets all of the following. |
|  |  | i. | The member is on a long-term posting overseas. |
|  |  | ii. | The member is an accompanied member. |
|  |  | iii. | The dependant is in Australia.  |
|  |  | iv. | The dependant is unable to return to the member’s posting location as a consequence of COVID‑19 control measures. |
| 10 | Subsection 14A.1.10 (Accommodation in Australia) |
|  | Omit the subsection, substitute: |

##### 14A.1.10    Ongoing accommodation in Australia

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| 1. | This section applies to a person for either of the following periods.**Note:** Under section 14A.1.11 a member may be reimbursed for part of the cost of the accommodation or be required to pay a contribution. |
|  | a. | If the person was evacuated, from the last day that accommodation is provided under section 14A.1.8A until the end of their evacuation period. |
|  | b. | If the person was not evacuated and unable to return to the posting location, from the last day that the person was otherwise expected to be in Australia until the person is able to return to the posting location. |
|  | c. | If the person was evacuated from China between 29 January 2020 and 10 February 2020, from 3 May 2020 until the end of their evacuation period. |
| 2. | Subject to subsection 4, a person who is a member and does not have a dependant is eligible to occupy one of the following.  |
|  | a. | If living-in accommodation is available in one of the following locations, living-in accommodation. |
|  |  | i. | On the Defence establishment where they will be expected to work during the evacuation period. |
|  |  | ii. | On a Defence establishment that is within a 30 km radius from the location in Australia from where they will be expected to work during the evacuation period. |
|  |  | **Notes:**1. No contribution is payable if the member occupies living-in accommodation.2. There is no obligation on the member to occupy living-in accommodation under this subsection. |
|  | b. | Reasonable temporary accommodation that is within a 30 km radius from the location in Australia from where they will be expected to work during the evacuation period. |
| 3. | Subject to subsections 4 and 5, a person is eligible for reasonable temporary accommodation in one of the following locations for the duration of the evacuation period. |
|  | a. | If the person is a member who has a dependant, a location in Australia that is within a 30 km radius from where they will be expected to work during the evacuation period. |
|  | b. | If the person is a dependant of a member, one of the following locations. |
|  |  | i. | A location in Australia that is within a 30 km radius from where the member will be expected to work if the member is, or were to be, evacuated. |
|  |  | ii. | If the person does not have an own home in Australia that is available to occupy, a location approved by the Director of Attaché and Overseas Management. |
| 4. | A person is not eligible for accommodation under this section if they have an own home that they are able to occupy in the location where accommodation would be provided. |
| 5. | If two or more dependants are from the same family group, the family group must live in the same location. |
| 11 | Section 14A.1.11 (Meal supplement allowance)  |
|  | Omit the section, substitute: |

##### 14A.1.11    Accommodation limits and contributions

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| 1. | If a member books the accommodation under section 14A.1.10, the member is to be reimbursed the lesser of the following amounts.  |
|  | a. | The weekly cost of the accommodation. |
|  | b. | One of the following. |
|  |  | i. | If the booking is for a single person or a couple  $995 each week. |
|  |  | ii. | If the booking is for a family with up to 2 children  $1,250 each week. |
|  |  | iii. | If the booking is for a family with more than 3 children  $1,920 each week. |
| 2. | If Defence has booked the accommodation under section 14A.1.10, the member is to pay a contribution towards the cost of the accommodation calculated by the following. |
|  | $$contribution=cost-rate$$Where: |
|  |  | ***Cost*** is the weekly cost of the accommodation. |
|  |  | ***Rate*** is the applicable of the following. |
|  |  | a. | If the accommodation is for a single person or a couple  $995 each week. |
|  |  | b. | If the accommodation is for a family with up to 2 children  $1,250 each week. |
|  |  | c. | If the accommodation is for a family with more than 3 children  $1,920 each week. |
| 12 | Section 14A.1.12 (Larder establishment payment)  |
|  | Omit the section, substitute: |

##### 14A.1.12   Larder establishment payment

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| 1. | A person **required to evacuate** is eligible for a larder establishment payment when they stop being eligible for meal supplement allowance under section 14A.1.8.**Note:** A person permitted to evacuate or otherwise unable to return to the positing location overseas is not eligible for the larder establishment payment. |
| 2. | The rate of the larder establishment payment is one of the following.  |
|  | a. | If the person is 13 years old or older – $297.00.  |
|  | b. | If the person is younger than 13 years old – $149.00.  |
| 3. | A person is only eligible for a larder establishment payment once.  |
| 13 | Section 14A.1.13 (Incidentals payment) |
|  | Omit the section. |
| 14 | Chapter 14A Part 1 Division 4 (Other evacuation benefits), heading  |
|  | Omit the heading. |
| 15 | Section 14A.1.14 (Storage in the overseas location) |
|  | Omit “who has received an evacuation flight under section 14A.1.4”. |
| 16 | Subparagraph 14A.1.14.a.i (Storage in the overseas location) |
|  | Omit “One motor vehicle”, substitute “Motor vehicles”. |
| 17 | Paragraph 14A.1.15.1.b (Pets remaining in an overseas location) |
|  | Omit the paragraph. |
| 18 | Section 14A.1.16 (Cessation of overseas living allowances) |
|  | Omit “ has received an evacuation flight under section 14A.1.4 and”. |
| 19 | Section 14A.1.17 (Cessation of hardship and location allowance) |
|  | Omit “has received an evacuation flight under section 14A.1.4 and was eligible for one of the following allowances immediately before the evacuation flight”, substitute “was receiving one of the following allowances immediately before they left the posting location." |
| 20 | Subsection 14A.1.18.1 (Education assistance) |
|  | Omit “ has received an evacuation flight under section 14A.1.4 and”. |
| 21 | Subsection 14A.1.18.3 (Education assistance), note |
|  | Omit “ received an evacuation flight under section 14A.1.4 and”. |