



Defence Determination, Conditions of service Amendment Determination 2020 (No. 28)

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

Dated 3 December 2020

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 2020 (No. 28)*.

2 Commencement

1. Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4	The day after the instrument is registered	
2. Schedules 1, 2, 4, 6, 7 and 8	10 December 2020	
3. Schedule 3	7 January 2021	
2. Schedule 5	A day to be fixed by Assistant Secretary People Policy and Employment Conditions by notifiable instrument.	
	If the provisions do not commence within the period of 12 months beginning on the day after this instrument is registered, the provisions are repealed on the day after the end of that period.	

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Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

2. Any information in column 3 of the table is no part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Defence Determination 2016/19, Conditions of service

1 Section 1.3.33 (Living-in accommodation)

Omit “either of”, substitute “one of”.

2 Paragraph 1.3.33.b (Living-in accommodation)

After the paragraph, insert:

- c. Accommodation provided by a hospital for a medical officer to occupy during a period of compulsory residency.
- d. Accommodation provided by a seminary or theological college for a Chaplain to occupy when undertaking training at the seminary or theological college.
- e. Accommodation provided by an educational institution for a Maritime Spiritual Wellbeing Officer to occupy when undertaking compulsory post-graduate work experience at the institution.

3 Subsection 7.4.15.2 (Suitable living-in accommodation)

After the subsection, insert:

- 3. Despite subsection 1, living-in accommodation provided to a medical officer, Chaplain or Maritime Spiritual Wellbeing Officer for the purposes of completing compulsory residency, training or post-graduate work experience is suitable accommodation.

4 Section 7.4.20 (Medical officer taken to live in during compulsory residency)

Omit the section.

5 Section 7.4.21 (Chaplain in training taken to live in)

Omit the section.

6 Subsection 7.4.24.2 (Contribution for living-in accommodation)

Omit the subsection, substitute:

- 2. The living-in contribution a member must make is calculated as follows.
 - a. The contribution for a member holding a rank listed in items 1 to 4 in column A of the table in Annex 7.4.B occupying a room with the number of beds in column B of the same item is the amount in columns C to G of the same item that applies to the member's accommodation level.
 - b. A member who is paid salary under Schedule B.13 of DFRT Determination No. 2 of 2017, *Salaries*, must pay the rate of contribution under item 5 of Annex 7.4.B for the number of beds in the room.

7 Subsection 7.4.24.5 (Contribution for living-in accommodation)

Omit the subsection, substitute:

5. A member who meets one of the following and holds a rank in column A of the table in Annex 7.4.B pays the contribution in column E that corresponds with the number of beds in the room that the member occupies in column B of the same item.
 - a. The member is a medical officer living-in during compulsory residency.
 - b. The member is in training as a Chaplain and is living-in at a seminary or theological college.
 - c. The member is a Maritime Spiritual Wellbeing Officer living-in at an educational institution during compulsory post-graduate work experience.
6. If a contribution is not specified for any of the following members, the contribution is the rate payable by a member holding the same rank and occupying a room with 1 bed.
 - a. A member who is a medical officer and is required to occupy living in accommodation during compulsory residency.
 - b. A member who is in training as a Chaplain and is required to occupy living in accommodation at a seminary or theological college
 - c. A member who is a Maritime Spiritual Wellbeing Officer and is required to occupy living in accommodation in at an educational institution during compulsory post-graduate work experience.

8 Section 8.5.3 (Eligibility for emergency support)

Omit the section, substitute:

8.5.3 Eligibility for emergency support

1. A member's dependants are eligible for emergency support for an emergency situation if all of the following apply.
 - a. The member is in one of the following situations.
 - i. They are absent from home for Service reasons.
 - ii. They are required to perform duty outside their working hours with less than 48 hours' notice.
 - iii. They are in hospital or unable to provide care to their dependants for a medical reason.
 - b. An application for emergency support has been through one of the following.
 - i. The Defence Family Helpline on 1800 624 608.
 - ii. The Defence Family Helpline (DefenceFamilyHelpline@defence.gov.au).
 - iii. The member's local Defence Community Organisation office.
 - c. The CDF is satisfied that the grant of emergency support is appropriate, having regard to the following.

- i. Whether the member's dependants have insufficient immediate family or local support.
- ii. The recommendations made by a Defence Community Organisation social worker.
- iii. The needs of the member's dependants.
- iv. Whether the member's dependants have experienced an emergency situation.

9 Section 8.5.4 (Applying for emergency support)

Omit the section, substitute:

8.5.4 Applying for emergency support

For the purpose of section 8.5.3, any of the following persons may apply for emergency support.

- a. The member.
- b. The member's dependants.
- c. The unit commander if any of the following agree to receive the support.
 - i. The member.
 - ii. The member's dependants.
 - iii. The dependant's authorised representative.

10 Paragraph 8.5.5.1.b (When emergency support has been approved), see note

Omit the see note.

Schedule 2—Parental leave amendments

Defence Determination 2016/19, Conditions of service

1 Section 1.3.77A (Unpaid leave)

Omit the section, substitute:

1.3.77A Unpaid leave

Unpaid leave means the following.

- a. Leave without pay.
- b. Unpaid maternity leave.
- c. Unpaid parental leave.

2 Paragraph 1.3.81.b (Child)

Omit the paragraph, substitute:

- b. A child who is the subject of a permanent care order issued by a court or statutory authority and placed in the member's or their partner's care.

Note: A permanent care order is not a short-term foster care arrangement.

- c. A person who meets all of the following.
 - i. Immediately before turning 18 years old, they were a child to whom paragraph b applied.
 - ii. They continue to live with the member.
 - iii. They are less than 21 years old.

3 Chapter 5 Part 7 (Parental leave)

Omit the Part, substitute:

Part 7: Parental leave

5.7.1 Purpose

Parental leave allows a member to care for and engage with a child following its birth or when it comes into the member's care.

5.7.2 Member this Part applies to

This Part applies to a member in the first 66 weeks after one of the following.

- a. The birth of a child of the member.
- b. The adoption of a child by the member.

- c. The child being placed in the member's or their partner's care under a permanent care order issued by a court or statutory authority.

5.7.3 Member this Part does not apply to

This Part does not apply to a member who is on a period of maternity leave.

5.7.4 Definitions

In this Part, the following apply.

Parental leave includes all of the following.

- a. Paid parental leave.
- b. Additional paid parental leave.
- c. Unpaid parental leave.

Notes:

- 1. A member cannot be on more than one type of parental leave at a time.
- 2. Parental leave is not a type of leave that can be accrued.

Qualifying service means a period of 12 months continuous full-time service.

5.7.5 Paid parental leave

- 1. A member is eligible for up to 28 days of paid parental leave at full pay if they are not eligible for paid maternity leave.

Note: The child does not have to be a dependant of the member.

- 2. Paid parental leave can be taken in one of the following ways.
 - a. A period of 28 days at full pay.
 - b. Two periods of 14 days at full pay.
 - c. A period of 56 days at half pay.
 - d. Two periods of 28 days at half pay.
 - e. A period of 14 days at full pay and one period of 28 days at half pay.
- 3. Paid parental leave counts as effective service.

5.7.6 Additional paid parental leave

- 1. A member is eligible for additional paid parental leave if all of the following apply.
 - a. The member is eligible for paid parental leave under section 5.7.5.
 - b. The child is a dependant of the member.
 - c. The member is the primary caregiver for the child during the period of leave.

- d. The child has lived with the member for less than 66 weeks.
 - e. Subject to subsection 4, the member has completed their qualifying service.
- 2. Additional paid parental leave is the lesser of the following.
 - a. 10 weeks.
 - b. A lesser amount set by the CDF having regard to the following.
 - i. The age of the child.
 - ii. Any special needs of the child.
 - iii. The period of time the child has been living with the member.
 - iv. Other leave available to the member.
 - v. Availability of the member's partner to be the primary caregiver.
 - vi. Any other compelling reasons.
- 3. The following apply to additional paid parental leave.
 - a. It must be taken as a single period.
 - b. It may be taken in any combination of full pay and half pay that is not more than the equivalent amount of leave provided under subsection 2.
- 4. A member does not have to complete their qualifying service if all of the following apply.
 - a. The member's partner is also a member.
 - b. The member's partner has completed their qualifying service.
 - c. The member is sharing the primary caregiver role with their partner.
 - d. The member's partner takes parental or maternity leave first.
 - e. The member takes this leave immediately after their partner.
- 4. Additional paid parental leave counts as effective service.

5.7.7 Unpaid parental leave

- 1. A member is eligible for unpaid parental leave.

Notes:

- 1. A member is not eligible to receive salary under DFRT Determination 2017 No. 2 for periods of unpaid leave.
 - 2. The child does not have to be a dependant of the member.
- 2. Unpaid parental leave does not count as service.

5.7.8 Members subject to a flexible service determination

If a member is the subject of a flexible service determination, the following apply.

- a. Leave is only taken on days in the member's pattern of service.
- b. A nonworking period does not break a period of leave.

5.7.9 Dual serving couples

1. This section applies to a member whose partner is also a member.
2. The member is not prevented from taking paid parental leave or unpaid parental leave at the same time their partner is taking one of the following.
 - a. Paid parental leave.
 - b. Unpaid parental leave.
 - c. A type of maternity leave.

Note: This subsection does not apply to additional paid parental leave.

3. Despite Part 6 and section 5.7.6, the combined total of any of the following taken by a member and their partner must not exceed 18 weeks.
 - a. Paid parental leave.
 - b. Paid maternity leave.

5.7.10 Limit on the amount of parental leave

1. Subject to subsection 2, the maximum amount of parental leave a member can take is 66 weeks.
2. The maximum amount of parental leave a member can take is reduced by the following.
 - a. Parental leave taken by the member's partner under this Part.
 - b. Maternity leave taken by the member or their partner under Part 6.
 - c. Maternity leave taken by the member's partner under the *Maternity Leave (Commonwealth Employees) Act 1973*.

5.7.11 How to apply for parental leave

A member must use the approved form to apply for parental leave.

Schedule 3—Specialist Officer – Aviation amendments

Defence Determination 2016/19, Conditions of service

1 Paragraph 3.2.47G.1.b (Entry placement – Navy Aviation Officers)

After the paragraph, insert:

- c. If the member is undertaking training in a Remote Pilot Warfare Officer employment category — Remote Pilot Warfare Officer competency stream.

2 Subsection 3.2.47G.5 (Entry placement – Navy Aviation Officers)

After the subsection, insert:

- 5A. A member who holds the rank of Sub Lieutenant or Lieutenant has an Officer Aviation increment OA6 on the day that the member meets all of the following.
 - a. The member has completed remote pilot warfare officer training.
 - b. The member has completed 4 ½ years of service since one of the following.
 - i. The member graduated from the Australian Defence Force Academy.
 - ii. The member was a direct entry officer — the member completed officer training.

3 Subsection 3.2.47L.3 (Entry placement – Officers transferring from other salary structures)

After the subsection, insert:

- 3A. An officer in the Navy is placed in the Command Pathway, Remote Pilot Warfare Officer competency stream at Officer Aviation increment OA6 on the day the member has completed remote pilot warfare officer training.

4 Subsection 3.2.47N.1 (Increment placement – Navy Sub Lieutenant and Lieutenant)

Before the subsection, insert:

- 1A. This section applies to a member in the Navy at the rank of Sub Lieutenant or Lieutenant.

5 Subsection 3.2.47N.1 (Increment placement – Navy Sub Lieutenant and Lieutenant)

Omit “in the Navy at the rank of Sub Lieutenant or Lieutenant”.

6 Subsection 3.2.47N.2 (Increment placement – Navy Sub Lieutenant and Lieutenant)

Omit “in the Navy at the rank of Sub Lieutenant or Lieutenant”.

7 Subsection 3.2.47N.2 (Increment placement – Navy Sub Lieutenant and Lieutenant)

After the subsection, insert:

3. A member in the Remote Pilot Warfare Officer competency stream has an Officer Aviation increment of OA6 on the day they meet both of the following.
 - a. The member has completed remote pilot warfare officer training.
 - b. The member has completed 4 ½ years of service since one of the following.
 - i. The member graduated from the Australian Defence Force Academy.
 - ii. The member was a direct entry officer — the member completed officer training.

8 Subsection 3.2.47P.1 (Increment on Command appointment – Navy and Army)

Omit “of the Navy”, substitute “of the Navy in the Rotary Wing Pilot competency stream or the Aviation Warfare Officer competency stream”.

9 Subsection 3.2.47P.1 (Increment on Command appointment – Navy and Army)

After the subsection, insert:

- 1A. A member of the Navy in the Remote Pilot Warfare Officer competency stream has Officer Aviation increment OA25 on the day that they meet all of the following.
 - a. The member holds the rank of Commander.
 - b. The member is in the Command Pathway.
 - c. The member is Command qualified.
 - d. The member holds a Command appointment.

10 Paragraph 3.2.47S.3.b (Increment advancement)

After the paragraph, insert:

- ba. The member is in the Navy at the rank of Sub Lieutenant or Lieutenant and performed their duties for 12 months at the standard of competence for their rank, pathway and competency stream commencing on the day they meet both of the following.
 - i. The member completed remote pilot warfare officer training.
 - ii. The member has completed 4 ½ years of service since either graduating from the Australian Defence Force Academy or, if the member is a direct entry officer, completing officer training.

11 Subsection 3.2.47S.6 (Increment advancement)

Omit “applies to in”, substitute “applies to a member in”.

12 Subsection 3.2.47U.3 (Increment on transfer between pathways and competency streams)

After the subsection, insert:

4. Despite paragraph 2.c, a member in the Navy who meets all of the following continues to hold the Officer Aviation increment they held immediately before the transfer if the increment is equal to or higher than the maximum increment for the member’s rank, pathway and Remote Pilot Warfare Officer competency stream.
 - a. The member transfers from the Command Pathway of one of the following.
 - i. The Rotary Wing Pilot competency stream.
 - ii. The Aviation Warfare Officer competency stream.
 - b. The member transfers to the Command Pathway of the Remote Pilot Warfare Officer competency stream.
 - c. The transfer is for medical reasons.

Schedule 4—Salary non-reduction amendments

Defence Determination 2016/19, Conditions of service

1 Annex 3.2.B Part 2 (Members with the rank of Warrant Officer Class 2 or lower), table item 2, column D

Omit “23 January 2021”, substitute “23 January 2024”.

2 Annex 3.2.B Part 2 (Members with the rank of Warrant Officer Class 2 or lower), table

After item 8, insert:

8A.	Pay grade 3	Supervisor Section Supply Chain (Privates who are not yet Private (Proficient)), and have not completed the 40M Driver course, including tactical component	7 January 2021	6 January 2023
8B.	Pay grade 3	Supervisor Section Supply Chain (Corporal) who have not completed the Mounted Leader Course	7 January 2021	6 January 2023
8C.	Pay grade 3	Unit Quartermaster Advanced (Privates who are not yet Private (Proficient)), and have not completed the 40M Driver course, including tactical component	7 January 2021	6 January 2023
8D.	Pay grade 3	Unit Quartermaster Advanced (Corporal) who have not completed the Mounted Leader Course	7 January 2021	6 January 2023

3 Annex 3.2.B Part 2 (Members with the rank of Warrant Officer Class 2 or lower), table item 24

Omit the table item.

4 Annex 3.2.B Part 2 (Members with the rank of Warrant Officer Class 2 or lower), table item 25

Omit the table item.

5 Annex 3.2.B Part 2 (Members with the rank of Warrant Officer Class 2 or lower), table item 26

Omit the table item.

Schedule 5—Higher duties allowance amendment

Defence Determination 2016/19, Conditions of service

1 Chapter 4 Part 1 (Higher duties allowance)

Omit the Part, substitute:

Part 1: Higher duties allowance

4.1.1 Purpose

Higher duties allowance may be paid to recognise a member directed to perform duties attributed to a higher rank or higher position within the ADF.

4.1.2 Definitions

In this Part the following apply.

Approver for a person described in column A in the following table means a member described in column B or a Defence APS employee described in column C of the same item.

Item	Column A Member performing higher duties	Column B Defence member	Column C Defence APS employee
1.	A member holding a rank of Colonel or lower who meets all of the following. a. The member has been directed to perform the primary duties of a position at higher rank. b. The primary duties of that position are not being undertaken by another person.	A member holding a rank of Sergeant or higher and meets all of the following. a. The member is at least one rank higher than the position in which the duty is to be performed. b. The person who has been directed is in the member's chain of command.	A Defence APS employee holding a classification of APS 4 or higher who has managerial or supervisory responsibility for the position in which the duty is to be performed.
2.	A member holding a rank of Brigadier or higher who meets all of the following. a. The member has been directed to perform the primary duties of a position at higher rank. b. The primary duties of that position are not being	A member who has responsibility for the position in which the duty is to be performed.	A Defence APS employee who has managerial or supervisory responsibility for the position in which the duty is to be performed.

	undertaken by another person.		
3.	<p>A member who meets either of the following.</p> <ol style="list-style-type: none"> A member of the Permanent Forces who is directed to perform the primary duties of an established Reserve position. A member in all other circumstances. 	A member holding the rank of Brigadier or higher who has command over the member.	A Defence APS Senior Executive Service Band 1 employee or higher who has managerial or supervisory responsibility for the position of which the duty is to be performed.

Higher rank includes a Defence APS position or a Foreign Service rank which the duties are assessed as being equivalent to a rank higher than that held by the member directed to perform duties at a higher rank.

4.1.3 Member this part applies to

This part applies to a member, including a member in the reserves, who meets both of the following criteria.

- The member is performing duties attributed to a higher rank.
- The member has been directed to perform the higher duties.

4.1.4 Members not eligible for higher duties allowance

The following members are not eligible for higher duties allowance.

- A trainee or member undergoing training.
- A member who is an aviation specialist.
- Statutory office holders.
- A member who meets one of the following.
 - The member holds the rank of Private.
 - The member holds the rank of Second Lieutenant.

4.1.5 Eligibility for higher duties allowance

- Subject to subsection 2, a member is eligible for higher duties allowance if the approver is satisfied of the following.
 - The member is capable of performing the required duties attributed to the higher rank.
 - The duties being performed are duties that would ordinarily be performed by a person holding a higher rank than the member.

- c. The member is not on leave, a medical absence, or short absence from duty on the day the payment of higher duties allowance would commence.
- 2. An approver cannot approve higher duties allowance for any of the following.
 - a. Less than 10 consecutive days.
 - b. More than one of the following.
 - i. If the member is posted to the position in which the higher duties is being performed — the duration of the posting period.
 - ii. If subparagraph i does not apply — 12 months.
- 3. For the purpose of subsection 2.a, consecutive days are not broken by any of the following.
 - a. A day a member of the Reserves or Permanent Force is not required to attend for duty.
 - b. If a member is on a flexible service determination, a nonworking period that is 14 days or less.

4.1.6 Rate of higher duties allowance

The annual rate of higher duties allowance is calculated using the following formula.

$$\text{Higher duties allowance} = \text{Salary} \times 5\%$$

4.1.7 End of higher duties allowance

A member ceases to be eligible for higher duties allowance on the earlier of the following days

- a. The day the approval to be paid higher duties allowance ends.
- b. The day on which the member is directed to cease performing the higher duties.
- c. If the member is posted to a position for which they have been approved higher duties allowance, the day they cease to be posted to that position.
- d. The day the member commences unpaid leave.
- e. The day that is 2 months after the commencement of any of the following.
 - i. The member commences paid leave that continues for more than two months.
 - ii. The member commences another duty that causes them to be unable to fulfil the primary duties that they have been directed to do for which higher duties allowance is payable.

2 Subsection 5.4.36.3, see note (Salary for recreation leave)

Omit the see note, substitute:

See: Chapter 4 Part 1 section 4.1.7, End of higher duties allowance

Schedule 6—Removal to a personal location on posting to a seagoing ship, seagoing submarine or seagoing flight amendment

Defence Determination 2016/19, Conditions of service

1 Section 6.5.21 (Removal to a personal location on posting to a seagoing ship or seagoing submarine)

Omit the section, substitute:

6.5.21 Removal of dependants to a personal location on seagoing posting

1. A member is eligible for a removal of their dependants to a personal location within Australia at Commonwealth expense if all the following apply.
 - a. The member is posted to any of the following for a period greater than six months.
 - i. A seagoing ship.
 - ii. A seagoing submarine.
 - iii. A seagoing flight.
 - b. The CDF is satisfied the personal location is beneficial to the member or their dependants after considering all of the following.
 - i. The availability of family or community support at the personal location.
 - ii. The employment or education needs of the member's dependants.
 - iii. Any other factor relevant to the welfare of the member's dependants.
2. The removal must be undertaken within 3 months before or 3 months after the member's posting date.
3. The CDF may extend the removal period under subsection 2 if it is considered reasonable in the circumstances.

2 Section 7.6.64 (Dependants at a personal location for member posted to a seagoing ship or seagoing submarine), title

Omit the title, substitute:

7.6.64 Dependants at a personal location for a member on a seagoing posting

3 Paragraph 7.6.64.1.b (Dependants at a personal location for member posted to a seagoing ship or seagoing submarine)

Omit the paragraph, substitute:

- b. The member's posting to a seagoing ship, seagoing submarine or seagoing flight has

ended.

4 Paragraph 7.6.64.1.c (Dependants at a personal location for member posted to a seagoing ship or seagoing submarine)

- c. The member has received a new posting that is not to a seagoing ship, seagoing submarine or seagoing flight.

5 Subsection 7.8.5.1 (Member eligible and period of eligibility) table, item 9

Omit the table item, substitute:

9.	meets all the following. a. They are posted to a seagoing ship, seagoing submarine or seagoing flight. b. They have been granted a removal for their dependants to a personal location under section 6.5.21.	the day the member's dependants cannot get suitable accommodation at the personal location	the earlier of the following days. a. The day the dependants move into other suitable accommodation. b. The day the member begins a new posting that meets all the following. i. It is more than six months. ii. It is not to a seagoing ship, seagoing submarine or seagoing flight.
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6 Paragraph 9.3.29.b (Member this Division applies to)

Omit the paragraph, substitute:

- b. A member with dependants who is posted to a seagoing ship, seagoing submarine or seagoing flight.

7 Subparagraph 9.3.33.1.a.ii (Member this Division applies to)

Omit the subparagraph, substitute:

- ii. If the member is posted to a seagoing ship, seagoing submarine or seagoing flight — any port in Australia.

Schedule 7—Overseas reunion amendments

Defence Determination 2016/19, Conditions of service

1 Subsection 15.3.13.3 (Time periods for reunions)

Omit the subsection.

2 Subsection 15.3.17A.1 (Reunion visits with guardians in Australia)

Omit the subsection, substitute:

1. This section applies to a member who is eligible for an overseas reunion under section 15.3.12 for a dependant and one of the following applies.
 - a. The member chooses not to have the dependant travel to the posting location.
 - b. The dependant is unable to travel to the posting location due to COVID-19 travel restrictions that apply to the child.

Note: Travel restrictions may be imposed by the Australian Government or a foreign government.

Schedule 8—Transitional provisions

1 Definitions

In this Schedule, **Defence Determination** means Defence Determination 2016/19, Conditions of service, as in force from time to time.

2. Parental Leave

1. This section applies to a member who meets all of the following.
 - a. The member gained a child by any of the following means less than 66 weeks before the commencement of Schedule 2 of this Determination.
 - i. By birth.
 - ii. By adoption.
 - iii. By a permanent care order by a court or statutory authority that places the child in the member's care.
 - b. The member would have been eligible for a benefit under Schedule 2 of this Determination had it been in force at the time.
2. Subject to subsections 3 and 4, the member is eligible is for the following.
 - a. Paid parental leave.
 - b. Unpaid parental leave.

Note: This subsection does not include additional paid parental leave.
3. The total amount of paid parental leave must not exceed the amount of paid parental leave the member would have been eligible for under Schedule 2 of this Determination.
4. The parental leave provided under subsection 2 must be taken not more than 66 weeks after the member gained the child.

3. Higher duties allowance

1. This section applies to a member who meets all of the following.
 - a. The member is undertaking a period of higher duties on the day Schedule 5 of this Determination commences.
 - b. The member has been approved to receive higher duties allowance for the period they have been directed to perform the higher duties.
2. The member is eligible to receive higher duties allowance at the rate that would have applied under the Determination until the earlier of the following.
 - a. The day the direction to perform the higher duties ends.
 - b. The day the member is directed to cease performing higher duties.

4 Overseas reunion travel

1. This section applies to a member if all of the following apply.
 - a. The member would have been eligible for a benefit under section 15.3.12 of the Defence Determination had Schedule 7 of this Determination been in force on 13 November 2020.
 - b. The member's dependant travelled to the member's posting location between 13 November 2020 and the commencement of Schedule 7 of this Determination.
 - c. The member has not received a benefit for the child under section 15.3.17A of the Defence Determination between 13 November 2020 and the commencement of Schedule 7 of this Determination.
2. The member is eligible for the travel costs that they would have been provided under section 15.3.16 had it applied.
3. If a member receives a benefit under subsection 2 for a dependant, the number of reunion visits that are eligible for under section 15.3.12 of the Defence Determination is reduced by 1.
4. The benefit under subsection 2 may be reimbursed to the member or paid to the service provider.