



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

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

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Purpose

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

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

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 of the cancellation of the member's leave.

8 Reimbursement

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

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

- 1** **The whole of the instrument**
Repeal the instrument.