



Defence Determination 2001/20

I, KAY DIANE AUSTIN, Acting Director General Personnel Policy and Employment Conditions, Defence Personnel Executive, make this Determination under section 58B of the *Defence Act 1903*.

Dated 23 July 2001

KAY AUSTIN
Acting Director General
Personnel Policy and Employment Conditions
Defence Personnel Executive

1 Citation

This Determination is Defence Determination 2001/20, Losses on decision by Commonwealth to withdraw from posting.

[NOTE: This Determination commences on the day on which it is made: see Defence Act 1903, subsection 58B(4).]

2 Amendment

Defence Determination 2000/1, Conditions of Service, as amended,¹ is amended as set out in this Determination.

3 Clause 9.1.19 (Miscellaneous conditions of service)

after paragraph 9.1.19 (r), insert

- (ra) indemnification or compensation for loss or damage to possessions of the member and any dependant;

4 Subparagraph 9.1.23 (d) (ii) (Entitlement)

omit

member;

insert

member.

5 Subparagraph 9.1.23 (d) (iii) (Entitlement)

omit

NOTE

- 1. Defence Determination 2000/1 as amended to date. For previous amendments see Note to Defence Determination 200 1/1 and see also Determinations 2001/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19. The Determination has also been amended by Determination No. 3 of 2001 made under section 58H.

EXPLANATORY STATEMENT

Defence Determination 2001/20

This Determination amends Defence Determination 2000/1, Conditions of Service (the Principal Determination), which sets out conditions of service for members of the Australian Defence Force (ADF), including for members on long-term overseas postings.

In relation to overseas conditions of service, the Principal Determination adopts most of the provisions of Public Service (Defence) Determination 1999/11, Overseas Conditions of Service, made under subsection 24 (1) of the *Public Service Act 1999*, as if the members were Australian Public Service employees of the Department in the same circumstances.

Public Service (Defence) Determination 1999/11 was amended on 23 July 2001 by inserting a provision authorising compensation for losses which employees incur as a result of a decision by the Commonwealth Government to withdraw the Defence presence suddenly and unexpectedly from an overseas post.

As this form of compensation is also to apply to ADF members in the same circumstances, the Principal Determination is amended by expanding an existing provision relating to loss or damage to possessions of the member and any dependant. The revised provision is transferred from a clause dealing with entitlement to conditions relating to difficulties at posts, to a clause dealing with miscellaneous conditions of service for members on long-term posting. This corresponds with the location of the new provision in Public Service (Defence) Determination 1999/11.

The new provision which is adopted by reference, authorises compensation of an amount that the Chief of the Defence Force considers reasonable for the losses in the circumstances of the withdrawal. Criteria are provided for the exercise of the discretion, and adverse decisions are subject to redress of grievance procedures including review by the Defence Force Ombudsman.

This Determination commences on the day on which it is made, as provided by subsection 58B(4) of the *Defence Act 1903*. The Determination was made on the same day as the amendment to Public Service (Defence) Determination 1999/11.

Authority: Section 58B of the
Defence Act 1903