



## **Defence Determination 2001/33**

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

Dated 5 December 2001

S.J. PARR  
Acting Director General  
Personnel Policy and Employment Conditions  
Defence Personnel Executive

## **1 Citation**

This Determination is Defence Determination 2001/33, International campaign allowance.

## **2 Commencement**

This Determination is to be taken to have commenced on 11 October 2001.

## **3 Amendment**

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

## **4 After clause 9.4.3 (Rate of allowance)**

*add*

### **9.4.4 Allowance payable during absence on leave after cessation of duty with deployment**

- (1) If a member was assigned for duty with the deployment and commences a period of leave immediately after ceasing duty with the deployment, the member is entitled to East Timor peace enforcement allowance for a period equal to the least of:
  - (a) the period of the leave granted to the member; or
  - (b) the period of the unused leave credits accrued for service with the deployment; or
  - (c) the period of leave that would be accrued by the member for 12 months' service with the deployment.
- (2) The rate of the allowance payable under subclause (1) is the rate that was payable to the member during the period of service for which the leave was accrued.
- (3) If a member ceases duty with a deployment but is prevented from:
  - (a) immediately commencing a period of leave; or
  - (b) completing a period of leave, or otherwise using leave credits,by reason of the member's injury or illness or immediate service requirements, the period during which the injury or illness or service requirements prevent the member from taking leave must be ignored for the purpose of applying subclause (1) to the member and any separate periods of leave must be treated as 1 period.

## **5 After Part 4 of Chapter 9 (Service overseas)**

*add*

## **Part 5 International campaign allowance**

### **9.5.1 Definitions**

In this Part:

*specified area* means:

- (a) the area bounded by 35 degrees east longitude, 12 degrees north latitude, 81 degrees east longitude and 48 degrees north latitude; and

- (b) Diego Garcia and the surrounding area to a distance of 250 nautical miles measured from the point 72 degrees, 24 minutes and 36 seconds east longitude and 7 degrees, 18 minutes and 36 seconds south latitude.

*the deployment* means the Defence Force contribution deployed overseas to the United States-led military response to international terrorism.

### **9.5.2 Entitlement**

A member who is assigned for duty with the deployment is entitled to international campaign allowance for:

- (a) each day or part of a day the member is in the specified area; and
- (b) if the member is on recreation leave accrued under clause 8.1.4, or war service leave, for part of the member's period of service with the deployment — each day or part of a day of the leave that does not exceed the leave credit accrued by the member for the period of service with the deployment.

Note: Clause 8.1.4 authorises a basic recreation leave credit of 20 days on each 1 July immediately following a completed leave year of service.

### **9.5.3 Rate of allowance**

The rate of international campaign allowance payable to a member is:

- (a) for a member in Afghanistan — \$200 for each day or part of a day; and
- (b) for a member in any other part of the specified area — \$125 for each day or part of a day.

### **9.5.4 Overseas allowances not payable**

For this Determination (other than clauses 9.1.8 and 9.1.9), a member who is entitled to international campaign allowance is not taken, by reason only of being assigned for duty in the specified area, to be overseas for the period of entitlement under this Part.

Note: Clauses 9.1.8 and 9.1.9 authorise payment of travelling allowance in certain circumstances during service overseas.

### **9.5.5 Allowance payable during absence on leave after cessation of duty with deployment**

- (1) If a member was assigned for duty with the deployment and commences a period of leave immediately after ceasing duty with the deployment, the member is entitled to international campaign allowance for a period equal to the least of:
  - (a) the period of the leave granted to the member; or
  - (b) the period of the unused leave credits accrued for service in the specified area with the deployment; or
  - (c) the period of leave that would be accrued by the member for 12 months' service with the deployment.
- (2) The rate of the allowance payable under subclause (1) is the rate that was payable to the member during the period of service for which the leave was accrued.
- (3) If the member was entitled to more than 1 rate of the allowance during the period of service in the specified area with the deployment, the rate for subclause (2) is the higher of those rates.
- (4) If a member ceases duty with a deployment but is prevented from:
  - (a) immediately commencing a period of leave; or

(b) completing a period of leave, or otherwise using leave credits, by reason of the member's injury or illness or immediate service requirements, the period during which the injury or illness or service requirements prevent the member from taking leave must be ignored for the purpose of applying subclause (1) to the member and any separate periods of leave must be treated as 1 period.

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#### **NOTE**

1. Defence Determination 2000/1 as amended to date. For previous amendments see Note to Defence Determination 2001/1 and see also Determination 2001/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32. The Determination has also been amended by Determination Nos. 3 and 16 of 2001 made under section 58H.

# EXPLANATORY STATEMENT

## Defence Determination 2001/33

This Determination amends Defence Determination 2000/1, Conditions of Service (the Principal Determination), made under section 58B of the *Defence Act 1903*, which includes provisions in Chapter 9 ('Service overseas') authorising certain allowances for members of the Australian Defence Force who are deployed overseas with a United Nations mission or similar force.

The main purpose of this Determination is to add a new Part 5 to Chapter 9, to authorise payment of an international campaign allowance to members assigned to the Defence Force contribution deployed overseas to the United States-led military response to international terrorism.

Clause 1 of this Determination sets out the manner in which this Determination may be cited.

Clause 2 provides for this Determination to be taken to have commenced on 11 October 2001, the day on which members (those serving on board HMAS *Anzac*) were first assigned to the deployment. The determination was made as soon as practicable after the day on which it commences.

Clause 3 specifies that the amendments are made to the Principal Determination.

Clause 4 amends Part 4 of Chapter 9 of the Principal Determination, which authorises East Timor peace enforcement allowance for members assigned for duty with the United Nations Assistance Mission in East Timor or the International Force for East Timor. The amendment inserts a new provision setting out the circumstances in which the allowance may be payable during leave taken immediately following cessation of duty with the deployment. This provision corresponds to the new clause 9.5.5 in relation to international campaign allowance, and takes effect on the same day. The only significant point of difference is that new subclause 9.4.4 (2) recognises that only one rate of East Timor peace enforcement allowance is payable, whereas subclause 9.5.5 (3) recognises that two rates of international campaign allowance are provided under clause 9.5.3.

Clause 5 inserts the new Part 5 into Chapter 9, as follows:

- Clause 9.5.1 defines certain terms used in the Part. The definition of "specified area" is included for administrative purposes, to delineate the area within which eligibility to the entitlement is established.
- Clause 9.5.2 specifies the circumstances in which the entitlement applies during the deployment. Special provision is made for the continued payment of the allowance in cases where the member is granted basic recreation leave or war service leave during the deployment, within a specified limit.
- Clause 9.5.3 establishes the rates of the allowance at \$200 a day for members in Afghanistan and \$125 a day for members in any other part of the specified area.

- Clause 9.5.4 provides that overseas conditions of service (other than travelling allowance in limited circumstances) are not applicable to members serving on the deployment.
- Clause 9.5.5 sets out the circumstances in which the allowance may be payable during leave taken immediately following cessation of duty with the deployment.

The retrospective application of this Determination does not affect the rights of a person (other than the Commonwealth) in a manner prejudicial to that person, nor does it impose any liability on such person.

Authority: Section 58B of the  
*Defence Act 1903*