



DETERMINATION

No. 29 of 1980

DETERMINATION UNDER THE DEFENCE ACT 1903

I, DENIS JAMES KILLEN, the Minister of State for Defence, hereby make the following Determination under section 58B of the *Defence Act 1903*.

Dated this eighth day of December 1980.

D. J. KILLEN
Minister of State for Defence

1. This Determination may be cited as Determination 0301, District Allowance.* Citation

2. In this Determination—

Definitions

“adult minimum wage” means the notional six capital cities adult minimum wage as determined from time to time by the Australian Conciliation and Arbitration Commission under section 59 of the *Conciliation and Arbitration Act 1904*;

“child”, in relation to a member, means a child (whether born in or outside wedlock), a step-child or a legally adopted child of—

- (a) the member;
- (b) the spouse or *de facto* spouse of the member; or
- (c) a person who was formerly the spouse or the *de facto* spouse of the member,

who—

- (d) is less than 21 years of age and is wholly or substantially dependent on the member; or
- (e) is 21 years of age or over and is, through illness or infirmity, wholly or substantially dependent on the member;

* Previous amendments to Determination 0301, District Allowance : NIL
15345/80 Cat. No. 80 4519 5—Recommended retail price 40c

- “ *de facto* spouse ”, in relation to a member, means a person who, although not legally married to the member lives with the member on a permanent and *bona fide* domestic basis as the member’s spouse;
- “ dependant ”, in relation to a member, means the spouse, the *de facto* spouse or a child of the member;
- “ harbour craft ” means a vessel that is not liable, in the ordinary course of duty with the Defence Force, to be ordered to sea;
- “ isolated district ” means—
- (a) a locality classified for the purposes of district allowance under regulation 102 of the Public Service Regulations; or
 - (b) a locality that is listed in the table in clause 5;
- “ living in ”, in relation to a member, means being provided with rations and quarters at the expense of the Commonwealth, and ‘ live in ’ has a corresponding meaning;
- “ living out ”, in relation to a member, means having permission from his Commanding Officer to provide his own meals or accommodation, or both, or to reside in married quarters, and ‘ live out ’ has a corresponding meaning;
- “ member ” means a member rendering continuous full time service;
- “ recreation leave ” means leave of absence for the purpose of recreation which has been granted to a member under Determination 2601, Recreation Leave, made under section 58B of the *Defence Act 1903*;
- “ special leave ” means leave of absence for special purposes which has been granted to a member under clause 4 of Determination 2603, Leave for Special Purposes, made under section 58B of the *Defence Act 1903*;
- “ temporary duty ” in relation to a member means duty involving a visit, tour, inspection or other duty of a temporary nature undertaken by a member in a location other than the member’s location of posting but does not include duty by a member as a member of a survey party operating in an isolated district;
- the expression “ sea-going ship ” shall have the same meaning as in sub-regulation 4 (1) of the Defence Force (Salaries) Regulations.

3. Subject to this Determination a member who—

- (a) is posted for service in, and resides in an isolated district;
- (b) as a member of a survey party is serving in an isolated district; or

(c) is posted for service in a sea-going ship based in an isolated district,

shall be paid an allowance called District Allowance.

4. The rate at which District Allowance is payable to a member to whom clause 6, 7 or 8 applies is the rate which is specified in column 2, 3 or 4 of the following table respectively and which is opposite the grade into which a locality has been classified under regulation 102 of the Public Service Regulations or under clause 5:

Rates of allowance

Column 1	Column 2	Column 3	Column 4
Grade	Member living out	Member living out	Member living in
	\$	\$	\$
1	430	220	154
2	760	390	273
3	1,210	660	462
4	1,690	970	679
5	2,200	1,300	910
6	2,740	1,690	1,183

5. The localities listed in column 1 of the following table shall be classified in the grade specified in column 2 opposite those localities for the purposes of District Allowance under this Determination:

Additional isolated districts

Column 1	Column 2
Locality	Grade
<i>Queensland</i>	
Albany Island	5
Arnold Island	5
Bell Cay	2
Bustard Head	1
Coconut Island	5
Cullen Point	5
Dugong Island	5
Edward River Mission	6
False Orford Ness	5
Fitzroy Island	1
Flat Top Island	1
Frankland	1
Gannet Cay	2
Greenvale	3
Heron Island	2
Hicks Island	5
High Peak Island	2
Mount Hector	1
Pennefather River	5
Rooney Point	1
Townshend Island	2
Violet Vale	5
Vrilya Point	5
<i>Western Australia</i>	
Hoot Hill	1
Hutt River	2
King Sound	5
Mermaid Point	1
Pelsart Island	2
Point d' Entrecasteaux	1
Rat Island	2
<i>South Australia</i>	
Maralinga	3

6. This clause applies to a member living out whose dependants reside with him in an isolated district and who is not a member to whom clause 7 applies.

7. This clause applies to a member who lives out in an isolated district and—

- (a) whose dependants do not reside with him in that district;
- (b) whose dependants reside with him in that district and one or more of whom are employed and are paid an allowance by their employer under similar conditions as apply to payment of District Allowance under this Determination at a rate equal to or higher than, the rate payable to a member to whom clause 6 applies;
- (c) whose dependants reside with him in that district and each of those dependants has an annual income in excess of the annual adult minimum wage;
- (d) whose spouse resides with him in that district and is employed by the Commonwealth; or
- (e) is unmarried and in receipt of living out allowance under regulation 11 of the Defence Force (Salaries) Regulations.

8. This clause applies to—

- (a) a member living in in an isolated district; or
- (b) a member living out in an isolated district who is not entitled to living out allowance under regulation 11 of the Defence Force (Salaries) Regulations.

9. Where an isolated district is removed from the list referred to in regulation 102 of the Public Service Regulations or the list specified in the table in clause 5 or the classification of an isolated district is lowered for the purposes of District Allowance, this Determination applies to a member—

- (a) who immediately before that removal or that lowering of classification, resided in that isolated district;
- (b) to whom District Allowance has been paid or is payable in respect of his residence in that district during a period immediately preceding that removal or lowering of classification; and
- (c) who continues to reside in that district after that removal or lowering of classification,

as if that district had not been removed from that list or been lowered in classification until the expiration of—

- (d) one year after that removal or lowering of classification; or

(e) the period during which the member continued to reside in that district after that removal or lowering of classification, whichever is the sooner, and the rate of District Allowance payable to the member had been the rate ascertained in accordance with this Determination as in force immediately before that removal or lowering of classification.

10. Subject to this Determination, District Allowance is payable for the period commencing on and from the day the member arrives in the isolated district and ending on the day prior to the day of the member's departure from the isolated district. Period of payment

11. Where a member is serving in an isolated district on temporary duty and is subsequently posted to that district, District Allowance is payable on and from the effective date of posting of the member to that district. Member on temporary duty

12. Where a member posted to an isolated district is absent from that district for a period of temporary duty or for service in a harbour craft which has been temporarily commissioned as a sea-going ship and he will, immediately on completion of that temporary duty or service, return to that district, District Allowance is payable— Absence on temporary duty

- (a) in the case of a member with no dependants in that district and absent on temporary duty in another isolated district— for the period of absence;
- (b) in the case of a member whose dependants remain in the isolated district during the member's absence—for the period of absence; or
- (c) in any other case—
 - (i) for the first 30 days of the period of absence; or
 - (ii) the period of absence,
 whichever is the lesser.

13. Subject to clause 14 a member serving in an isolated district who— Member on leave, ill or hospitalized

- (a) is granted a period of furlough in that district or is granted a period of furlough whilst his dependants continue to reside in that district;
 - (b) is granted a period of recreation leave or special leave;
 - (c) is granted a period of absence from duty in respect of illness; or
 - (d) is hospitalized for a period,
- shall be deemed to be a member to whom clause 3 applies during that period of furlough, leave or hospitalization.

14. A member who leaves an isolated district for a period in the circumstances specified in paragraph (b), (c) or (d) of clause 13 and who will not return to that district immediately on completion of that period shall be deemed to be a member to whom clause 13 does not apply.

15. A member to whom clause 6 or 7 applies, who is required, for Service reasons, to live in for a period in the isolated district and, immediately on completion of that period resumes living out, shall be deemed to be a member living out for—

- (a) that period; or
- (b) the first 30 days of that period,

whichever is the lesser, or

- (c) that period where the dependants of the member remain in the isolated district.

16. Subject to clause 17 a member serving in an isolated district (hereinafter called the first-mentioned district) who is posted from that district to another locality and whose dependants remain in the first-mentioned district because—

- (a) the member is unable to have his family removed at Commonwealth expense due to—
 - (i) unavailability of suitable accommodation in the locality of his posting;
 - (ii) the illness or infirmity of a dependant;
 - (iii) such removal resulting in interference to the continuity of the secondary or tertiary education of a child; or
 - (iv) the necessity for him to maintain his home in the first-mentioned district in the interests of a child who is serving an apprenticeship or is handicapped and is attending a school for handicapped children or a rehabilitation centre in that district; or
- (b) for reasons outside the member's control, there has been a delay in exercising his family's removal at Commonwealth expense to the locality of his posting,

shall be deemed to be a member to whom clause 6 applies for a period of no more than 12 weeks while the dependants remain in the first-mentioned district for a reason specified in paragraph (a) or (b) after the member leaves the first-mentioned district or for a longer period if the person from time to time holding or performing the duties of the office or appointment of First Assistant Secretary, Industrial Division, in the Department of Defence approves an extension to that period having regard to—

- (c) the accommodation situation at the member's locality of posting; or

Member
living in
temporarily

Member
posted from
district

(d) the member's family circumstances.

17. Where a member to whom clause 16 refers is posted to a locality which is also an isolated district, District Allowance is payable at—

(a) the rate applicable to the member for service in his old locality of posting; or

(b) the rate which would be applicable to the member if his dependants had accompanied him to the new locality,

whichever is the greater for the period approved under clause 16.

18. Subject to clause 19, where a member who is serving in an isolated district—

(a) is granted a period of recreation leave;

(b) is granted absence from duty in respect of illness; or

(c) is hospitalized,

and does not, immediately upon the completion of that period of recreation leave, leave of absence or hospitalization, resume his service in that district, such period, including in the case of recreation leave taken in the locality of the member's new posting the period of travelling time, if any, approved under clause 6 of Determination 2603, Leave for Special Purposes made under section 58B of the *Defence Act* 1903, to that new locality, shall be deemed to be a period of service in the first-mentioned district provided that such period shall not exceed, in the aggregate, the period of recreation leave which the member has accrued in respect of service in that district.

19. A member who is prevented for Service reasons from proceeding on recreation leave immediately on ceasing to serve in an isolated district shall be paid an amount equivalent to the amount of District Allowance which would have been payable to him under clause 18 had he taken such recreation leave.

20. Where a member is posted from an isolated district (hereinafter called the first-mentioned district) to another isolated district (hereinafter called the second-mentioned district) and he proceeds directly to the second-mentioned district, he shall, subject to clauses 16 and 17, be paid District Allowance at the rate appropriate to the first-mentioned district up to and including the day prior to the effective date of posting.

Member posted from one isolated district to another isolated district

21. Payment of District Allowance to a member to whom clause 12 applies who is posted from an isolated district shall cease from the effective date of posting subject to—

Member posted whilst on temporary duty

(a) clauses 18 and 19 where he is granted recreation leave, absence from duty in respect of illness or is hospitalized;

(b) clauses 16 and 17 where his family remain in the isolated district to which he was posted prior to proceeding on temporary duty; or

- (c) clause 20 where the member's locality of posting is an isolated district.

Member
serving in a
sea-going
ship

22. A member posted to a sea-going ship which is based in an isolated district shall be paid District Allowance—

- (a) in the case of a member whose dependants reside in that isolated district—for the period of the member's posting to the ship provided that the dependants remain in that district whilst the member is absent at sea, on temporary duty or on recreation leave;
- (b) in the case of any other member—for any period that ship is in port in that district.

Allowance
not payable

23. District Allowance under this Determination is not payable to a member for any period for which he is entitled to Antarctic Allowance under Determination 0305, Antarctic Allowance, made under section 58B of the *Defence Act 1903*.

24. Where a member would, but for this clause, be entitled to District Allowance for service in an isolated district in respect of which he would also be entitled to an allowance under regulation 43 of the Military Financial Regulations, regulation 108 of the Naval Financial Regulations or regulation 615 of the Air Force Regulations he shall be paid—

- (a) District Allowance under this Determination; or
- (b) an allowance under regulation 43 of the Military Financial Regulations, regulation 108 of the Naval Financial Regulations or regulation 615 of the Air Force Regulations, as appropriate,

whichever is the greater.

Application

25. This Determination applies in relation to service by a member in an isolated district on or after 29 July 1980.

Transitional

26. The amount of District Allowance payable to a member in respect of the period commencing on 29 July 1980 and ending on the day before the day on which this Determination is made is the amount payable to him under this Determination less the amount payable to him under regulation 107 of the Naval Financial Regulations, regulation 41 of the Military Financial Regulations or regulation 614 of the Air Force Regulations, as appropriate.

EXPLANATORY STATEMENT
DETERMINATION NO. 29 1980

ISSUED BY THE AUTHORITY OF THE MINISTER FOR DEFENCE

UNDER SECTION 58B OF THE DEFENCE ACT 1903

Section 58B of the Defence Act 1903 provides that the Minister may make determinations on conditions of service which are beneficial to members of the Defence Force.

This determination provides for payment of District Allowance to members of the Defence Force serving in specified localities which, due to the severity of climatic conditions, their isolation or exceptionally high cost of living have been classified as isolated districts.

The determination consolidates legislative cover for District Allowance under a tri-service determination made under section 58B of the Defence Act 1903, replaces the allowance payable to members of the Navy under Naval Financial Regulation 107, members of the Army under Military Financial Regulation 41 and members of the Air Force under Air Force Regulation 614 and increases the rates of District Allowance payable with effect from 29 July 1980.