



Determination No. 46 of 1986

Determination under Section 58B of the Defence Act 1903¹ (Amendment)

I, JOHN JOSEPH BROWN, the Minister of State for Sport, Recreation and Tourism acting for and on behalf of the Minister of State for Defence, hereby make the following Determination under section 58B of the *Defence Act 1903*.

Dated 9 July 1986.

JOHN BROWN

Minister of State for Sport, Recreation and Tourism
for and on behalf of the
Minister of State for Defence

Overseas Living Out Allowance

1. Determination 3714, Overseas Living Out Allowance, is amended—
 - (a) by inserting “and” at the end of paragraph 26 (a);
 - (b) by omitting from paragraph 26 (b) “accommodation;” and substituting “accommodation.”; and
 - (c) by omitting paragraphs 26 (c) and 26 (d).

Overseas Rental and Utilities Allowance

2. Determination 3718, Overseas Rental and Utilities Allowance, is amended—

- (a) by omitting the table in clause 30 and substituting the following table:

Locality	Accommodation group						
	A	B	C	D	E	F	G
	£Stg	£Stg	£Stg	£Stg	£Stg	£Stg	£Stg
London (High Commission)	770	830	870	925	1,135	1,225	1,345
London (other than High Commission)	715	770	830	855	925	1,060	1,135
Manchester or Edinburgh	435	500	545	570	680	740	Nil
Elsewhere	410	480	515	535	635	680	Nil

*Determination under Section 58B of the Defence Act 1903
1986 No. 46*

(b) by omitting from the table in clause 30:

"London (High Commission)	770	830	870	925	1,135	1,225	1,345
London (other than High Commission)	715	770	830	855	925	1,060	1,135";

and substituting:

"London	850	960	1,000	1,060	1,250	1,350	1,480";
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(c) by omitting paragraphs 31 (a) and (b) and substituting the following paragraphs:

- "(a) the London (High Commission) amounts apply to members who are serving at the High Commission;
- (b) the London (other than High Commission) amounts apply to members who are—
 - (i) serving at a place which is located within a radius of 16 miles from Charing Cross; or
 - (ii) serving at West Byfleet;"

(d) by omitting clause 31 and substituting the following clause:

- "31. For the purposes of clause 30—
- (a) the Manchester or Edinburgh amounts apply to members serving at Manchester or Edinburgh or within a reasonable distance from these cities; and
- (b) the Elsewhere amounts apply to members serving in Britain other than members referred to in paragraph (a) or members serving in London.";

(e) by omitting from clause 32 all words and figures after "B is the lesser of —" and substituting—

- "(a) an amount equal to the sum of £Stg30 for each such child in excess of two; or
- (b) £Stg90.";

(f) by omitting from the table in clause 68 the entry relating to Los Angeles and substituting—

"Los Angeles	Unaccompanied or accompanied by spouse only	1,100	1,500	1,100	2,000	3,350	4,400
	Accompanied by spouse and one or more children and residing in a house	Nil	2,000	2,300	2,500	3,500	5,000";

and

(g) by omitting from the table in clause 68 the entry relating to Los Angeles and substituting—

"Los Angeles	Unaccompanied or accompanied by spouse only	1,100	1,500	Nil	2,000	Nil	Nil
	Accompanied by spouse and one or more children and residing in a house	Nil	2,000	2,300	2,500	3,500	5,000";

Complementary Allowances Payable to Member Serving on Duty Overseas

3. Determination 3901, Complementary Allowances Payable to Member Serving on Duty Overseas, is amended—

- (a) by inserting after clause 17 the following clause:

Private Leasing Allowance

“17A. Subject to clause 21, where a member incurs legal costs in the examination of leases prior to signature, the member shall be paid a Private Leasing Allowance of an amount equal to the costs he or she so incurs.”;

- (b) by inserting after paragraph 21 (b) the following paragraph:

“(bb) clause 17A in respect of a cost incurred by a member unless the Official Secretary, London believes it desirable to obtain such legal advice;”;

- (c) by omitting clause 25 and substituting the following clause:

“25. Subject to clause 31, where a member resides in unfurnished accommodation and hires items of furniture, the member shall be paid a Furniture Allowance of an amount equal to the sum of—

- (a) the lesser of—

- (i) the costs which the member incurs for—

A. hire charges; and

B. insurance or waiver of insurance liability, in respect of those items; or

- (ii) an amount that is considered reasonable by the approving authority having regard to the costs which the member so incurs;

and

- (b) where charges for the delivery of the furniture are not included in the hire charges—the lesser of the costs which the member incurs for delivery of that furniture or \$Canadian 150.”; and

- (d) by omitting “Department of Administrative Services” (wherever occurring) and substituting “Department of Local Government and Administrative Services”.

Application

4. Determination 3718, Overseas Rental and Utilities Allowance, as amended by—

- (a) paragraphs 2 (a) and 2 (c)—shall apply in relation to service by a member from and including 1 May 1985;
- (b) paragraph 2 (f)—shall apply in relation to service by a member from and including 11 July 1985; and
- (c) paragraphs 2 (b), 2 (d) and 2 (e)—shall apply in relation to service by a member from and including 3 December 1985.

5. Determination 3901, Complementary Allowances Payable to Member Serving on Duty Overseas, as amended by paragraphs 3 (a) and 3 (b) shall apply in relation to service by a member from and including 3 December 1985.

Transitional

6. Where—

- (a) a member was serving in Britain for a period (hereinafter called the first mentioned period) during the period from and including 1 May 1985 to and including 2 December 1985; and
- (b) the rent ceiling applicable to that member for that first mentioned period under Determination 3718, Overseas Rental and Utilities Allowance, was, prior to the making of this Determination, higher than the rent ceiling that would be applicable to the member for that first mentioned period under Determination 3718, as amended by this Determination,

that higher rent ceiling shall, notwithstanding the provisions of Determination 3718, apply to the member for that first mentioned period.

NOTE

1. For previous Determinations made in respect of a Determination specified in column 1 of the following table, *see* Determination Nos. specified in column 2 opposite to that Determination:

Column 1 Determination	Column 2 Previous Determinations
Determination 3714, Overseas Living Out Allowance	<i>See</i> Note 1 to No. 5 of 1986 and <i>see also</i> Nos. 5, 9, 16, 17, 20, 24, 26, 30, 33 and 40 of 1986
Determination 3718, Overseas Rental and Utilities Allowance	<i>See</i> Note 1 to No. 5 of 1986 and <i>see also</i> Nos. 5, 17, 18, 20 and 30 of 1986
Determination 3901, Complementary Allowances Payable to Member Serving on Duty Overseas	No. 109 of 1984; Nos. 28, 36, 38, 43, 44 and 45 of 1985; Nos. 5, 11 and 19 of 1986

EXPLANATORY STATEMENT

DETERMINATION NO. 46 OF 1986

ISSUED BY THE AUTHORITY OF THE MINISTER FOR DEFENCE

UNDER SECTION 58B OF THE DEFENCE ACT 1903

Section 58B of the Defence Act 1903 allows the Minister to make determinations on conditions of service for members of the Defence Force.

Determination 3714, Overseas Living Out Allowance (OLOA), Determination 3718, Overseas Rental and Utilities Allowance and Determination 3901, Complementary Allowances Payable to Member Serving on Duty Overseas, provide allowances to members of the Defence Force who are serving on duty overseas to enable them to maintain a standard of living comparable to their standard in Australia by reimbursing the additional costs incurred because of that service overseas.

Clause 1 of this determination amends Determination 3714, with effect from the date of signature of this determination, to preclude the payment of an additional amount of OLOA to an accompanied member serving on duty in the USA or Canada who is required to live-in in Service accommodation temporarily at no cost to the member and whose family remains at the overseas locality.

Determination 3718 is amended by:

- a. paragraphs 2(a) and 4(a) of this determination to change, with effect from 1 May 1985, the rent ceilings in Britain, and by paragraphs 2(c) and 4(a) of this determination from the same date to define differently the localities to which the two ranges of London rent ceilings apply;
- b. paragraphs 2(b) and 4(c) of this determination to provide, with effect from 3 December 1985, a single, increase range of rent ceilings to apply in London, and by paragraphs 2(d) and 4(c) of this determination to remove from the same date the descriptions of the different London localities as they are no longer required;

- c. paragraphs 2(e) and 4(c) of this determination to increase, with effect from 3 December 1985, the amount by which the rent ceiling may be increased for a member serving on duty in Britain who is accompanied by more than 2 dependent children; and
- d. paragraphs 2(f) and 4(b) of this determination to increase, with effect from 11 July 1985, the rent ceilings applicable to certain accommodation groups in Los Angeles, USA, and by paragraph 2(g) of this determination to decrease, from the date of signature of this determination, certain other rent ceilings which apply in Los Angeles.

Determination 3901 is amended by:

- a. paragraphs 3(a) and 3(b) and clause 5 of this determination to introduce, with effect from 3 December 1985, a Private Leasing Allowance in Britain which enables reimbursement of the legal costs incurred by a member for the examination of leases for his or her accommodation;
- b. paragraph 3(c) of this determination to introduce, with effect from the date of signature of this determination, revised provisions relating to the payment of Furniture Allowance to members serving in Canada; and
- c. paragraph 3(d) of this determination to make minor textual amendments, with effect from the date of signature of this determination.

Clause 6 of this determination provides a transitional provision to protect a member who served in Britain during the period from 1 May 1985 to 2 December 1985 from possible financial disadvantage because of the restructuring of rent ceilings for London.