



Determination No. 53 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 21 August 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. Schedule 2 to Determination 3714, Overseas Living Out Allowance, is amended by omitting the entry opposite to item 22B and substituting—

"22B	Switzerland	Berne or Stans	2	22,210	13,570
			3	23,740	14,500
			4	28,100	17,700
			5	32,460	20,920
			6	36,830	24,140
			8	48,600	32,340".

Supplementary Living Allowance

2. The Schedule to Determination 3716, Supplementary Living Allowance, is amended as set out in the following table:

Item	Amendments			
1.	Omit from Part XVII B the entry opposite to item 1 and substitute— "Member is serving in Berne or Stans and does not have access to privileged price sources for liquor and cigarettes	2	960	960
		3	1,070	1,070
		4	1,250	1,250
		5	1,420	1,420
		6	1,620	1,620
		8	1,980	1,980".

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Item	Amendments			
2.	Omit from Part XVII the entry opposite to item 2 and substitute— "Member is serving in Berne or Stans and does not have access to privileged price sources for petrol"	2	550	550
		3	620	620
		4	760	760
		5	960	960
		6	1,130	1,130
		8	1,410	1,410

Overseas Rental and Utilities Allowance

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

(a) by inserting after Division 18A of Part III, the following Division:

"Division 18B—Member Serving on Duty in Switzerland

"64D. Subject to clauses 64E and 64F, the monthly rent ceiling applicable to a member who is serving on duty in Switzerland and who leases unfurnished accommodation is the amount specified in the following table in relation to the member's accommodation group and the locality in which the member is serving:

Locality	Accommodation group						
	A	B	C	D	E	F	G
	Swiss Franc	Swiss Franc	Swiss Franc	Swiss Franc	Swiss Franc	Swiss Franc	Swiss Franc
Berne or Stans	1,800	2,100	2,350	2,500	3,100	3,600	Nil

"64E. The approving authority may, where he or she is satisfied that—

- (a) suitable accommodation is not available within the monthly rent ceiling applicable to the member under clause 64D; and
- (b) the rent payable by the member for his or her lease is the most favourable to the Commonwealth for that lease,

approve a monthly rent ceiling to be applied to the member from and including the date on which, in the case of a member serving in Berne or Stans, the Loyer component of the Indice Suisse in the official cost of living indices published by the Service Cantonal de Statistique Geneve is published, of an amount calculated in accordance with the formula—

$$A \times \frac{B}{C}$$

where—

A is the monthly rent ceiling applicable to the member under clause 64D;

B is the housing rentals component of the index which is appropriate to the locality in which the member is serving and which pertains to the date of publication of that index; and

C is the housing component of the index which is appropriate to the locality in which the member is serving and which pertains to February 1984.

“64F. Where the monthly rent ceiling applicable to a member who is serving on duty in Switzerland has been increased by virtue of the application of clause 64E, the approving authority may, where he or she is satisfied that—

(a) suitable accommodation is not available within the increased rent ceiling; and

(b) the rent payable by the member for his or her lease is the most favourable to the Commonwealth for that lease,

approve a monthly rent ceiling to be applied to the member which exceeds by 5 per cent the monthly rent ceiling applicable to the member under clause 64E.”;

(b) by inserting after clause 83 in Part V the following clause:

Member Serving on Duty in Switzerland

“83A. Costs incurred by a member who is serving on duty in Switzerland for salt crystals for built-in water softening plants shall be included in the costs which the member incurs for utilities.”;

(c) by omitting from clause 86 “paragraph 22 (a)” and substituting “paragraph (a) of ‘A’ in the formula in clause 22”; and

(d) by omitting from clause 87 “paragraph 22 (a)” and substituting “paragraph (a) of ‘A’ in the formula in clause 22”.

Child Allowance

4. The Schedule to Determination 3724, Child Allowance, is amended by omitting the entry relating to Switzerland and substituting—

“Switzerland **REVOKED** By No. 87 of 1986
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Berne or Stans 3,790 2,390”.

Education Assistance Overseas

5. Determination 3725, Education Assistance Overseas, is amended—

(a) by inserting after paragraph 10 (n) the following paragraph:

“(na) Switzerland.”;

(b) by inserting after Division 15A of Part III, the following Division:

“Division 15AA—Switzerland

“34FA. Where a member to whom clause 6 refers is serving on duty in Switzerland and incurs costs in transporting a child or children to and from a school or schools by school bus, other than the compulsory transport costs referred to in paragraph 7 (i), those

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costs shall be deemed to be an education expense for the purpose of clause 7 and clause 10 shall not apply to the member in respect of that transport.”;

- (c) by inserting the following entry in Part 1 of the Schedule after the entry relating to Sweden:
 “Switzerland Les Gardenias in Berne”;
- (d) by inserting the following entry in Part 2 of the Schedule after the entry relating to Sweden:
 “Switzerland The International School in Berne”; and
- (e) by inserting the following entry in Part 3 of the Schedule after the entry relating to Sweden:
 “Switzerland The International School in Berne”.

Overseas Vehicle Allowance

6. Determination 3732, Overseas Vehicle Allowance, is amended—

- (a) by omitting “and” from the end of paragraph 7 (fa);
- (b) by inserting after paragraph 7 (fa) the following paragraph:
 “(fb) Switzerland—at the rate specified in—
 (i) column 2 where the member has access to privileged prices for petrol; or
 (ii) column 3 where the member does not have access to privileged prices for petrol,
 of Part VIB of the Schedule for each kilometre travelled opposite the engine capacity in column 1 applicable to the member’s privately owned vehicle; and”;
- (c) by omitting from paragraph 7 (g) “or (fa),” and substituting “, (fa) or (fb),”; and
- (d) by inserting after Part VIA of the Schedule, the following Part:

PART VIB—SWITZERLAND

Column 1	Rate of allowance per kilometre	
	Column 2 With access to privileged petrol prices	Column 3 Without access to privileged petrol prices
Engine capacity		
Up to and including 1500cc	0.13 franc	0.19 franc
Over 1500cc	0.24 franc	0.32 franc

Complementary Allowances Payable to Member Serving on Duty Overseas

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

- (a) by omitting from clause 28 “\$Canadian 60” and substituting “\$Canadian 115”; and

(b) by inserting after Division 19A of Part II, the following Division:

“Division 19B—Member Serving on Duty in Switzerland

Definition

“150C. In this Division ‘member’ means a member who is serving on duty in Stans or Berne in Switzerland.

Prior Expenditure Required for Payment of Household Assistance Allowance and Gardening Assistance Allowance

“150D. This clause applies to a member who employs a person or persons for the purpose of household or gardening assistance and who expends an amount per annum in respect of employing that person or those persons equal to or greater than the amount, in relation to the member’s allowance group, specified in the following table:

Allowance group	Annual amount
	Swiss Francs
2	3,080
3	3,426
4	4,986
5	6,546
6	8,106
8	9,970

Household Assistance Allowance

“150E. Subject to clause 150I, where a member to whom clause 150D applies—

- (a) is in allowance group 5, 6 or 8;
- (b) is entitled to Representation Allowance and his or her representational duties involve regular home entertainment; and
- (c) uses a person or persons, in respect of whom the member incurs expenditure referred to in clause 150D, for the purposes of household assistance,

the member shall be paid a Household Assistance Allowance of an annual amount equal to the lesser of—

- (d) where the member uses a person or persons referred to in paragraph (c) for the purpose of household assistance—the amount per annum, if any, which the member incurs in respect of wages and social security payments for that person or those persons and which exceeds so much of the amount specified in the table in clause 150D that applies to that person or those persons; or
- (e) Swiss Francs 4,680.

“150F. Where a member to whom clause 150D applies—

- (a) is in allowance group 6 or 8;

- (b) is entitled to an allowance under clause 150E; and
- (c) expends an amount on household assistance which exceeds the amount specified in paragraph 150E (e),

the member shall be paid an additional amount of Household Assistance Allowance equal to the lesser of—

- (d) the excess costs incurred per annum; or
- (e) Swiss Francs 831.

Gardening Assistance Allowance

“150G. Subject to clause 150I, where a member to whom clause 150D applies resides in a house and—

- (a) under the terms of the lease, the member is responsible for specialised gardening; and
- (b) employs a person as a gardener in addition to the person or persons in respect of whom the member incurs expenditure referred to in clause 150D; or
- (c) uses a person in respect of whom the member incurs expenditure referred to in clause 150D, as a gardener,

the member shall be paid a Gardening Assistance Allowance of an annual amount equal to the lesser of—

- (d) the annual costs incurred in respect of the gardening services; or
- (e) the annual amount specified in the following table opposite to the member's allowance group:

Allowance group	Annual amount
	Swiss Francs
2	1,680
3	1,680
4	1,680
5	1,680
6	3,360
8	5,040

Duty on Sale of Motor Vehicle Allowance

“150H. Where a member—

- (a) purchases a new motor vehicle within 16 weeks of commencing a period of duty in Switzerland; and
- (b) incurs duty and turnover tax on resale of the motor vehicle at the end of that period of duty,

the member shall be reimbursed, in respect of one vehicle only, an amount equal to the lesser of the duty and turnover tax incurred, or the amount specified in the following table opposite to the member's allowance group:

Allowance group	Amount
	Swiss Francs
2	730
3	810
4	1,070
5	1,330
6	1,590
8	1,950

Allowance Not Payable

“150I. An allowance is not payable under—

- (a) clause 150E or 150F to a member unless the approving authority is satisfied that the relevant amount specified in clause 150D has been expended on other household assistance; and
- (b) clause 150G to a member unless the approving authority is satisfied that the relevant amount specified in clause 150D has been expended on household assistance.”.

Application

8. Paragraph 7 (a) of this Determination shall apply in relation to service by a member from and including 1 November 1985.

9. In relation to service by a member—

- (a) subject to clause 10, clauses 1, 2 and 4;
- (b) clauses 5 and 6; and
- (c) paragraphs 3 (a), 3 (b) and 7 (b),

of this Determination shall apply from and including 29 May 1986.

Transitional

10. Where a member was serving at a locality in Switzerland other than Berne or Stans on a day during the period from and including 29 May 1986 to and including the day prior to the date on which this Determination is made, that member shall be entitled to the amount, in respect of that day, of—

- (a) Overseas Living Out Allowance specified in Determination 3714, Overseas Living Out Allowance, and calculated in accordance with clauses 42, 43 and 45 of that Determination using the rate per annum specified in column 5 or 6, whichever is applicable to the member, opposite to the allowance group applicable to the member in item 22B of Schedule 2 to that Determination;
- (b) Supplementary Living Allowance specified in Determination 3716, Supplementary Living Allowance, and calculated in accordance with clauses 24, 25 and 27 of that Determination using the rate per annum specified in relation to an accompanied member or an

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unaccompanied member, whichever is appropriate, opposite to the allowance group applicable to the member in Part XVIB of the Schedule to that Determination; and

- (c) Child Allowance specified in Determination 3724, Child Allowance, and calculated in accordance with clauses 22, 23 and 25 of that Determination using the rate per annum specified in column 3 or 4, whichever is applicable to the member, opposite to the entry for Switzerland in the Schedule to that Determination,

prior to the making of this Determination.

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, 40, 46, 48 and 51 of 1986
Determination 3716, Supplementary Living 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, 40, 48 and 51 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, 30 and 46 of 1986
Determination 3724, Child Allowance	<i>See</i> Note 1 to No. 5 of 1986 and <i>see also</i> Nos. 5, 9, 16, 17, 20, 21, 24, 26, 30, 40, 48 and 51 of 1986
Determination 3725, Education Assistance Overseas	Nos. 86 and 110 of 1984; Nos. 6, 28, 36, 38, 43, and 45 of 1985; Nos. 4, 5, 8, 19, 21, 22 and 27 of 1986
Determination 3732, Overseas Vehicle Allowance	Nos. 69, 100, 104 and 112 of 1984; Nos. 45 and 57 of 1985
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, 19, 46 and 48 of 1986

EXPLANATORY STATEMENT

DETERMINATION NO. 53 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.

Determinations 3714, 3716, 3718 and 3724, provide respectively for the payment of:

- a. Overseas Living Out Allowance;
- b. Supplementary Living Allowance;
- c. Overseas Rental and Utilities Allowance; and
- d. Child Allowance,

to members of the Defence Force serving 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 overseas service.

Clauses 1, 2, 4 and 9 of this determination amend, with effect from 29 May 1986, Determinations 3714, 3716 and 3724 by increasing the rates of Overseas Living Out Allowance, Supplementary Living Allowance and Child Allowance payable to a member serving in Switzerland and by restricting payment of the allowances to members serving in Berne or Stans. Clause 10 of this determination provides for payment of the allowances to a member serving in Switzerland other than in Berne or Stans for the period from 29 May 1986 to the day prior to the day on which the attached determination is made.

Paragraphs 3(a), 3(b) and clause 9 of this determination amend Determination 3718 to introduce, with effect from 29 May 1986, rent ceilings for members serving on duty in Berne or Stans and utility provisions for members of the Defence Force serving on duty in Switzerland.

Paragraphs 3(c) and 3(d) of this determination make minor textual amendments to Determination 3718, with effect from the date of signature of this determination.

Determination 3725, Education Assistance Overseas, provides for payment of financial assistance to a member of the Defence Force who is posted overseas on long term duty and incurs certain costs in educating a child overseas.

Clauses 5 and 9 of this determination amend Determination 3725 by introducing, with effect from 29 May 1986, provisions relating to assistance with the cost of school transport for the children of members serving on duty in Switzerland.

Determination 3732, Overseas Vehicle Allowance, provides for payment of allowances to members of the Defence Force serving overseas on intermediate or long term duty who are authorized to use their privately owned vehicles on travel that would otherwise be at Commonwealth expense.

Clauses 6 and 9 of this determination amend Determination 3732 to introduce, with effect from 29 May 1986, rates of Vehicle Allowance for members serving on duty in Switzerland.

Determination 3901, Complementary Allowances Payable to Member Serving on Duty Overseas, provides for the payment of a range of allowances to compensate for costs incurred by a member of the Defence Force while serving in an overseas country.

Determination 3901 is amended by :

- a. paragraph 7(a) and clause 8 of this determination to increase, with effect from 1 November 1985, the rate of Parking Allowance payable to members serving in Canada; and
- b. paragraph 7(b) and clause 9 of this determination to introduce, with effect from 29 May 1986, a Household Assistance Allowance, a Gardening Assistance Allowance and a Duty on Sale of Motor Vehicle Allowance for members serving in Switzerland.