



Determination No. 75 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 27 October 1986.

JOHN BROWN

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

Overseas Rental and Utilities Allowance

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

- (a) by omitting from clause 47 “in relation to his accommodation group” and substituting “in relation to the member’s accommodation group and the type of accommodation which the member leases”;
- (b) by omitting the table from clause 47 and substituting the following table:

Type of Accommodation	Accommodation Group						
	A	B	C	D	E	F	G
Furnished	1,200	1,500	2,000	2,200	2,800	3,200	3,900
Unfurnished	1,300	1,700	2,200	2,400	3,000	3,500	4,300

- (c) by omitting the table from clause 47 and substituting the following table:

Type of Accommodation	Accommodation Group						
	A	B	C	D	E	F	G
	Deutsch- mark	Deutsch- mark	Deutsch- mark	Deutsch- mark	Deutsch- mark	Deutsch- mark	Deutsch- mark
Unfurnished	1,300	1,700	2,200	2,400	3,000	3,500	4,300

Education Assistance Overseas

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

- (a) by omitting from clause 20 “or schools”;
 (b) by omitting from clause 20 “are” (first and second occurring) and substituting “is”;
 (c) by omitting from clause 20 “5 kilometres” (first occurring) and substituting “7 kilometres”;
 (d) by omitting from paragraph 20 (b) “0.27” and substituting “0.25”;
 (e) by omitting from clause 20 all words and figures after “radius which exceeds” and substituting—

“7 kilometres in respect of—

- (c) each one way trip; and
 (d) one school only,

shall be deemed to be an education expense for the purpose of clause 7.”;

- (f) by omitting from clause 20A “or pre-schools”;
 (g) by omitting from clause 20A “are” and substituting “is”;
 (h) by omitting from clause 20A “5 kilometres” (first occurring) and substituting “7 kilometres”;
 (i) by omitting from paragraph 20A (b) “0.27” and substituting “0.25”;
 (j) by omitting from clause 20A all words and figures after “radius which exceeds” and substituting—

“7 kilometres in respect of—

- (c) each one way trip; and
 (d) one pre-school only,

shall be deemed to be an education expense for the purpose of clause 7.”;

- (k) by omitting from Part 1 of the Schedule the entry relating to the Federal Republic of Germany and substituting—

“Germany, Federal Republic of American and British in Bonn”;

- (l) by omitting from Part 2 of the Schedule the entry relating to the Federal Republic of Germany and substituting—

“Germany, Federal Republic of American and British in Bonn”; and

- (m) by omitting from Part 3 of the Schedule the entry relating to the Federal Republic of Germany and substituting—

“Germany, Federal Republic of American and British in Bonn”.

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 omitting clause 56;
- (b) by omitting the table from clause 57 and substituting the following table:

Column 1 Allowance group	Column 2 Annual amount where no entitlement to Representation Allowance or entitled but member is below the rank of Captain (Army) or equivalent	Column 3 Annual amount where entitled to Representation Allowance—Captain to Lieutenant Colonel (Army) or equivalent	Column 4 Annual amount where entitled to Representation Allowance—Colonel (Army) or equivalent and above
	Deutschmark	Deutschmark	Deutschmark
2	2,304	Nil	Nil
3	2,304	Nil	Nil
4	3,456	8,064	Nil
5	4,608	9,216	Nil
6	5,760	Nil	14,976
8	9,216	Nil	18,432

- (c) by inserting after clause 57 the following clause:

“57A. Where a member is in allowance group 6 or 8 referred to in column 4 of the table in clause 57, that member shall be reimbursed the cost incurred, if any, in respect of the employment of a person or persons for the purpose of domestic assistance, for social security contributions for which the member may be liable under the Federal Republic of Germany law.”;

- (d) by omitting clause 59;
- (e) by omitting clause 60 and substituting the following clause:

Special Transport Allowance

“60. Where a member resides at a place beyond a radius of 10 kilometres from his or her place of duty and uses his or her private motor vehicle to travel to and from that place of duty, the member shall be paid a Special Transport Allowance of an amount equal to—

- (a) where the member has access to motor fuel at a privileged price—Deutschmark 0.135 for each kilometre of a radius exceeding a radius of 10 kilometres; or
- (b) where the member does not have access to motor fuel at a privileged price—Deutschmark 0.25 for each kilometre of a radius exceeding a radius of 10 kilometres,

in respect of each day that he or she so uses his or her private motor vehicle.”;

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- (f) by omitting clause 61 and substituting the following clause:

Allowance Not Payable

“61. An allowance is not payable under clauses 57 and 57A unless the approving authority considers that the employment of domestic assistance is necessary, having regard to—

- (a) the number of persons residing with the member who travelled to, or will travel from, the overseas post at Commonwealth expense; and
 - (b) where the member is entitled to Representation Allowance, the amount of home entertainment involved in the member's representational duties.”;
- (g) by omitting from paragraph 150B (a) “allowance group 4, 5, 6 or 8” and substituting “accommodation group D, E, F or G”; and
- (h) by omitting the table from clause 150B and substituting the following table:

Accommodation group	Annual amount
	Krona
D	6,650
E	9,980
F	16,640
G	16,640

Application

4. Determination 3718, Overseas Rental and Utilities Allowance, as amended by paragraphs 1 (a) and 1 (b) of this Determination, shall apply in relation to service by a member from and including 12 October 1984.

5. Determination 3901, Complementary Allowances Payable to Member Serving on Duty Overseas, as amended by—

- (a) paragraphs 3 (b) and 3 (c) of this Determination—shall apply in relation to service by a member from and including 20 December 1984; and
- (b) paragraphs 3 (g) and 3 (h) of this Determination—shall apply in relation to service by a member from and including 1 January 1986.

Transitional

6. Where a member would have been entitled in respect of unfurnished accommodation to the payment of an amount of Overseas Rental and Utilities Allowance under Determination 3718, Overseas Rental and Utilities Allowance, made under section 58B of the *Defence Act 1903*, in respect of his or her service in the Federal Republic of Germany on a day during the period from and including 1 September 1983 to and including 11 October 1984 had that Determination been in force on that day, there shall be payable to the member an amount of Overseas Rental and Utilities Allowance in respect of that day calculated in accordance with the formula—

A-B

where—

- A** is the amount of Overseas Rental and Utilities Allowance which would have been payable to the member under clause 47 of Determination 3718, Overseas Rental and Utilities Allowance, as amended by paragraph 1 (c) of this Determination, in respect of that day; and
- B** is the allowance payable to the member in corresponding circumstances in respect of that day under—
- (a) in the case of a member of the Navy—regulation 105 of the Naval Financial Regulations;
 - (b) in the case of a member of the Army—regulation 163 of the Military Financial Regulations; and
 - (c) in the case of a member of the Air Force—regulation 633 of the Air Force Regulations.

7. Where a member would have been entitled to the payment of an amount of Domestic Assistance Allowance under Determination 3901, Complementary Allowances Payable to Member Serving on Duty Overseas, made under section 58B of the *Defence Act 1903*, in respect of his or her service in the Federal Republic of Germany on a day during the period from and including 22 September 1983 to and including 19 December 1984 had that Determination been in force on that day, there shall be payable to the member an amount of Domestic Assistance Allowance in respect of that day calculated in accordance with the formula—

A-B

where—

- A** is the amount of Domestic Assistance Allowance which would have been payable to the member under clause 57 of Determination 3901, Complementary Allowances Payable to Member Serving on Duty Overseas, as amended by paragraphs 3 (b) and 3 (c) of this Determination, in respect of that day; and
- B** is the allowance payable to the member in corresponding circumstances in respect of that day under—
- (a) in the case of a member of the Navy—regulation 105 of the Naval Financial Regulations;
 - (b) in the case of a member of the Army—regulation 156 of the Military Financial Regulations; and
 - (c) in the case of a member of the Air Force—regulation 633 of the Air Force Regulations.

8. Where—

- (a) a member was serving in Sweden for a period (hereinafter called the first mentioned period) from and including 1 January 1986 to and including the day prior to the date on which this Determination is made; and

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- (b) the amount of Household Assistance Allowance applicable to that member for that first mentioned period under Determination 3901, Complementary Allowances Payable to Member Serving on Duty Overseas, was, prior to the making of this Determination, higher than the Household Assistance Allowance that would be applicable to the member for that first mentioned period under Determination 3901, as amended by paragraphs 3 (g) and 3 (h) of this Determination,

that higher amount of Household Assistance Allowance shall 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 that Determination:

Column 1 Determination	Column 2 Previous Determinations
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, 46, 53, 54, 55, 57, 62, 63, 67 and 71 of 1986
Determination 3725, Education Assistance Overseas	<i>See</i> Note 1 to No. 62 of 1986 and <i>see also</i> Nos. 62, 64 and 71 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, 19, 46, 48, 53, 62, 63 and 71 of 1986

EXPLANATORY STATEMENT

DETERMINATION NO. 75 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 3718, Overseas Rental and Utilities Allowance, provides for the payment of an allowance to members of the Defence Force serving overseas for longer than 6 months to meet the additional cost of living at an appropriate standard in residential accommodation overseas.

Clauses 1 and 4 of this determination amend Determination 3718 by:

- a. increasing, with effect from 12 October 1984, the rent ceilings applicable to members serving in Germany; and
- b. deleting, with effect from the date on which the attached determination is signed, the rent ceilings applicable to furnished accommodation for members serving in Germany.

Clause 6 of this determination provides transitional provisions to allow for the application of unfurnished rent ceilings during the period 1 September 1983 to and including 11 October 1984.

Determination 3725, Education Assistance Overseas, provides for payment of financial assistance to a member of the Defence Force who is posted overseas for more than 6 months and incurs certain costs in the education of a child overseas.

Clause 2 of this determination amends Determination 3725, with effect from the date the determination is signed, to revise provisions for the reimbursement of school transport costs for members serving in Germany.

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

Clauses 3 and 5 of this determination amend Determination 3901 -

a. for members serving in Germany -

- (i) by increasing, with effect from 20 December 1984, the rates of Domestic Assistance Allowance; and
- (ii) by omitting, with effect from the date the determination is signed, provisions relating to Car Insurance Allowance and Parking Allowance; and
- (iii) by introducing, with effect from the date the determination is signed, a Special Transport Allowance; and

b. for members serving in Sweden -

- (i) by revising, with effect from 1 January 1986, provisions relating to the payment of Household Assistance Allowance; and
- (ii) by increasing, with effect from 1 January 1986, the rates of Household Assistance Allowance.

Clause 7 of this determination provides for transitional provisions to allow for the payment of Domestic Assistance Allowance for members serving in Germany during the period 22 September 1983 to 19 December 1984.

Clause 8 of this determination provides transitional provisions to protect any members serving in Sweden from possible financial detriment due to the revised provisions relating to the payment of Household Assistance Allowance.