



Determination No. 83 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 28 October 1986.

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

Citation

1. This Determination may be cited as Determination 3723, Reunion Supplement.¹

Definitions

2. In this Determination, unless the contrary intention appears—
- “allowance group”, in relation to a member, means the allowance group that is or would, if the member were entitled to Overseas Living Allowance, be applicable to the member under Determination 3714, Overseas Living Allowance;
- “child”, in relation to a member, means a child—
- (a) whether born inside or outside wedlock, a step-child or a legally adopted child of—
 - (i) the member;
 - (ii) the spouse of the member;
 - (iii) a person who has ceased to be legally married to the member;

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- (iv) a person who has lived on a permanent and *bona fide* domestic basis as the member's spouse;
- (v) a person who has ceased to be legally married to the spouse of the member; or
- (vi) a person who has lived with the member's spouse on a permanent and *bona fide* domestic basis as a spouse; or

(b) in respect of whom the member has instituted legal adoption procedures,

who—

- (c) is less than 16 years of age; or
- (d) is 16 years of age or over but less than 20 years of age and is undergoing full-time education at secondary level; or
- (e) is an invalid;

"*de facto* spouse" has the same meaning as in Determination 0114, Trainee's Dependant Allowance;

"education at secondary level" means secondary education in Australia or education in an overseas country that is equivalent to secondary education in Australia and includes—

- (a) secondary education by correspondence; and
- (b) where a child intends to enter an Australian tertiary institution—a level of formal instruction approved by the approving authority under clause 9;

"Head of Mission" means a person appointed by the Governor-General as the Head of Mission at an overseas post;

"Head of Post" means a person appointed under the *Public Service Act 1922*, who occupies a Head of Post position at an overseas post;

"intended", in relation to a period of duty or the duration of a language training course, means intended by the appropriate authority within the arm of the Defence Force to which the member belongs;

"language training course" means a course of training in a language, other than the English language, undertaken by a member or his or her spouse at an overseas locality;

"long term duty" means duty at an overseas post or duty with the United Nations for a period which is intended to be 12 months or more;

"member" means a member rendering continuous full-time service, but does not include a member who—

- (a) has been awarded a Graduate Scholarship by the Rotary Foundation of Rotary International and is undertaking studies at an overseas locality under that scholarship; or
- (b) has been selected by the Australian Rhodes Scholarship Selection Committee of the Rhodes Scholarship Trust as a

Rhodes Scholar elect and, as a result, is undertaking studies at Oxford University, England;

“mission” means a diplomatic, consular or trade mission;

“overseas” means outside Australia;

“overseas post” means any office or other establishment of the Commonwealth, including a mission in a country overseas, or any appointment, station or place in a country overseas, in which, or at which, a member is required by the Commonwealth to serve for any purpose;

“public holiday” has the same meaning as in Determination 2601, Recreation Leave;

“recreation leave” means leave of absence which has been granted to a member under Determination 2601, Recreation Leave;

“reunion fares assistance”, in relation to travel by a child, means travel by that child at Commonwealth expense to the locality of the member’s overseas post on a short term visit for the purposes of being reunited with the member;

“senior Service representative” means the senior Naval, Army or Air Force officer, as the case may be, representing the Department of Defence at, or in relation to, an overseas post;

“settling in or settling out” has the same meaning as in Determination 3711, Settling In and Settling Out Allowance;

“weekend” means Saturday and Sunday.

Interpretation

3. In this Determination, unless the contrary intention appears—

- (a) “spouse”, except where used in sub-paragraph (a) (iv) or sub-paragraph (a) (vi) (second occurring) of the definition of “child” in clause 2, includes “*de facto* spouse”;
- (b) a reference to a Determination is a reference to a Determination made under section 58B of the *Defence Act 1903*; and
- (c) the corresponding ranks of members shall be ascertained by reference to Defence Force Regulation 8.

4. For the purposes of this Determination—

- (a) a child, in respect of whom Reunion Supplement is payable to a member under this Determination, who turns 20 years of age during a school year shall be deemed to be less than 20 years of age until and including the last day of formal tuition before the end of that school year vacation;
- (b) a member, who is entitled to Higher Duties Allowance under Determination 0104, Higher Duties Allowance, in respect of a period during which he or she performs the duties of a higher rank or higher corresponding rank, shall be deemed to hold the higher rank or higher corresponding rank for that period;

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- (c) where a member is serving in an overseas locality, other than an overseas locality referred to in paragraph (d), but there are no rates specified in the Schedule appropriate to that locality the approving authority may, having regard to—
- (i) the overseas country, and the locality within that country, in which the member is serving;
 - (ii) the proximity of that locality to adjacent overseas posts; and
 - (iii) the costs incurred by the member in the overseas locality and the corresponding costs in the locality of adjacent overseas posts,
- deem that overseas locality to be a locality to which the rates specified in the Schedule appropriate to a specified overseas post shall apply; and
- (d) a member who is serving in a state, district, city or locality which is specified in column 1 of the following table, and which is situated in the country specified in column 2 opposite to that state, district, city or locality shall be deemed to be serving at the overseas post in that country, specified in column 3 of that table opposite to that state, district, city or locality:

Column 1	Column 2	Column 3
Gagetown, Borden, Kingston or Nova Scotia	Canada	Ottawa
Montreal	Canada	Toronto
Juanda, Jogjakarta, Malang or Surabaya	Indonesia	Bali
Bandung or Bogor	Indonesia	Jakarta
Johore Baharu	Malaysia	Butterworth
Seremban or Port Dickson	Malaysia	Kuala Lumpur
Stans	Switzerland	Berne
Virginia, Maryland, District of Columbia, Delaware, West Virginia, Georgia, North Carolina, South Carolina, Florida, Alabama, Mississippi, Louisiana, Arkansas, Kentucky or Tennessee	United States of America	Washington (DC)
Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey or Pennsylvania	United States of America	New York
Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan or Ohio	United States of America	Chicago
California (north of 36th parallel), Washington, Oregon, Montana, Idaho, Wyoming, Nevada, Utah, Colorado, North Dakota, South Dakota, Nebraska or Kansas	United States of America	San Francisco
California (south of 36th parallel)	United States of America	Los Angeles
Arizona, New Mexico, Texas or Oklahoma	United States of America	Houston
Hawaii	United States of America	Honolulu

5. Where there is no date specified in column 4 of the Schedule opposite an item, the date appropriate to that item shall be deemed to be the date on which this Determination is made.

6. Where a date is shown in the Schedule as a combination of 3 numbers, separated by hyphens, the first such number shall be taken to be a day of a month, the second such number shall be taken to be a month of a year, taking the months of the year as being numbered in sequence commencing with January as the first month, and the third such number shall be taken to be the year of the twentieth century which has the third number as its last 2 digits.

7. For the purposes of this Determination, the annual rate or rates specified in column 3 of the Schedule shall apply in relation to the service of a member from and including the date specified in column 4 of that Schedule opposite to that annual rate or rates.

Approving Authorities

8. The approving authority for the purposes of clauses 9, 13, 14 and 16 and paragraph 4 (c) shall be the person from time to time holding or performing the duties of an office or appointment in the Industrial Division of the Department of Defence titled—

- (a) First Assistant Secretary, Industrial Division;
- (b) Director General Service Conditions Branch; or
- (c) Director Conditions of Service (A).

9. The approving authority may approve, in respect of a child of a member, a level of formal instruction as education at secondary level for the purposes of this Determination having regard to—

- (a) the location of the Australian tertiary institution which the child intends to enter;
- (b) the locality to which it is intended the member will be posted on completion of his or her long term duty overseas; and
- (c) whether or not that level of formal instruction will qualify the child to enter that Australian tertiary institution.

Reunion Supplement

10. Subject to the provisions of this Determination where a member is serving on long term duty and is entitled, in respect of any one year, to reunion fares assistance for a child for two or more reunion visits by that child in that year, the member shall be paid, during that year, a Reunion Supplement in respect of that child at the annual rate specified in column 3 of the Schedule, according to the age of the child, opposite to the item to the Schedule which is appropriate to the country to which the member is posted and, if applicable, the locality or description of the member's service.

Member Absent on Temporary Duty or Due to Illness, Injury or Hospitalization

11. Where a member to whom Reunion Supplement is payable under this Determination is absent overnight from his or her normal place of duty on temporary duty or is absent from duty due to illness, injury or

hospitalization, Reunion Supplement continues to be payable to the member in respect of that child for the period, if any, during which the member continues to be entitled to an allowance under Determination 3714, Overseas Living Allowance, other than an allowance, if any, payable to the member under clause 28 of that Determination.

Dual Entitlement

12. Where a member is accompanied in the locality of his or her overseas post by his or her spouse who is also a member and both members have an entitlement to an allowance under this Determination—

- (a) in the case where the members nominate which member is to be paid the accompanied rates of allowance under Determination 3714, Overseas Living Allowance—the member other than the member so nominated by the members; or
- (b) in any other case—
 - (i) where both members are in different allowance groups—the member who is in the lower allowance group; or
 - (ii) where both members are in the same allowance group—the member who holds the lower rank or, where they hold the same rank or a corresponding rank, the member with the lower seniority in that rank,

shall not be entitled to Reunion Supplement under this Determination.

Member Accompanied by APS Spouse

13. Where a member is serving on long term duty and is accompanied by his or her spouse who is an officer of the Australian Public Service and that spouse has an entitlement to a supplement under the *Public Service Act 1922* under similar conditions to those which apply to payment of Reunion Supplement to a member under this Determination, the member shall, where the approving authority so approves in respect of that member, having regard to the member's circumstances, be paid Reunion Supplement at an annual rate equal to the rate, if any, approved by the approving authority having regard to—

- (a) the annual rate of Reunion Supplement that would, but for this clause, be payable to the member; and
- (b) the annual rate of Reunion Supplement that is payable to the spouse of the member under the *Public Service Act 1922*.

Split Postings

14. Where—

- (a) a member is serving on duty overseas for an intended period of more than 12 months, and the member serves part of that period at a post in one locality overseas and immediately thereafter part of it serving at a post or posts in another locality or other localities whether in the same country or not; and

(b) the member would be entitled to a rate of Reunion Supplement under this Determination were he or she serving on duty overseas at any of those posts for a period of more than 12 months, the member shall, where the approving authority so approves in respect of that member, having regard to—

- (c) the total intended period that the member is to serve overseas;
- (d) the period that the member will serve on duty overseas at a particular post; and
- (e) the locality overseas, if any, to which the member's family is removed at Commonwealth expense,

be paid Reunion Supplement at such rate as is approved by the approving authority.

Member Required to Undertake Language Training Course

15. Where—

- (a) a member is required to undergo a language training course—
 - (i) which is contiguous with a period of long term duty; or
 - (ii) which is intended to be of more than 6 months' duration and that language training course is not contiguous with a period of long term duty; and
- (b) the Commonwealth directly meets—
 - (i) the cost of residential accommodation with kitchen facilities; or
 - (ii) the fees for the language training course and such fees include the cost of residential accommodation with kitchen facilities but not meals,

for the member and, if applicable, the member's family,

Reunion Supplement is payable to the member in accordance with the provisions of this Determination.

16. Where a member, other than a member to whom clause 15 applies, is required to undergo a language training course—

- (a) which is intended to be of more than 6 months' duration; or
- (b) which is intended to be of 6 months' duration or less and that language training course is contiguous with a period of long term duty,

the member shall, where the approving authority so approves, be paid Reunion Supplement at such rate as is approved by the approving authority having regard to—

- (c) the member's family circumstances;
- (d) the type of language training course that the member is undertaking;
- (e) the requirement for the member to attain a certain degree of proficiency in the language which he or she is studying; and

- (f) the member's prospects of attaining a certain degree of proficiency in the language which he or she is studying.

Member Serving with the United Nations in Beirut

17. Where a member—

- (a) is serving on duty with the United Nations in Beirut, in The Lebanon; and
- (b) was entitled to Reunion Supplement at the overseas post in which he or she was serving immediately prior to commencing service in Beirut,

the member shall be paid Reunion Supplement in respect of his or her child under the provisions of this Determination at the annual rate specified in the Schedule appropriate to the overseas post in which the member's family is residing or, where the member was not accompanied, the overseas post at which the member was serving immediately prior to commencing service in Beirut.

Period of Payment

18. Subject to clauses 11, 19 and 25 where a member is entitled to payment of Reunion Supplement under this Determination in respect of a child, the allowance is payable, in the case of arrival in the locality of the overseas post at the commencement of the member's service at that overseas post, on and from—

- (a) where the member arrives in the locality of the overseas post on or before midday on a day—that day; or
- (b) where the member arrives in the locality of the overseas post after midday on a day—the day immediately following that first-mentioned day,

and in the case of departure by the member from the locality of the overseas post at the conclusion of his or her service at that overseas post, ceases to be payable on—

- (c) where the member departs the locality of the overseas post on or before midday on a day—that day; or
- (d) where the member departs the locality of the overseas post after midday on a day—the day immediately following that first-mentioned day.

19. For the purposes of clause 18 a member shall be deemed to arrive at or depart from the locality of the member's overseas post at the time of arrival or departure, as the case may be, of the aircraft, train, bus, ship or other conveyance used by the member to travel to or from that locality.

Allowance to be Payable Fortnightly

20. The annual rate of Reunion Supplement payable to a member under this Determination accrues due from day to day and is payable fortnightly.

Calculation of Fortnightly and Daily Amounts

21. Subject to clause 23 the amount of Reunion Supplement payable to a member in respect of a fortnight shall be calculated in accordance with the formula—

$$\frac{14 \times A}{365}$$

where A is the annual rate of Reunion Supplement payable to the member.

22. Subject to clause 23 the amount of Reunion Supplement payable to a member in respect of a period of less than a fortnight shall be calculated in accordance with the formula—

$$\frac{F \times X}{14}$$

where—

F is the amount of Reunion Supplement payable to the member in respect of a fortnight ascertained in accordance with the formula specified in clause 21; and

X is the number of days in the period.

23. Where an amount calculated in accordance with clause 21 or 22 includes a fraction of a cent, that fraction of a cent shall—

- (a) if the fraction is one half or greater—be deemed to be a whole cent; or
- (b) if the fraction is less than one half—be disregarded.

Member Proceeds on Recreation Leave

24. Subject to sub-paragraph 26 (d) (i) where a member to whom this Determination applies proceeds on recreation leave Reunion Supplement is payable in accordance with Determination 2601, Recreation Leave.

Allowance Not Payable

25. Where a member is absent from the locality of his or her overseas post overnight, other than in the circumstances referred to in clause 11, the member shall not be entitled to Reunion Supplement under this Determination.

26. Where a member—

- (a) is absent from duty for a period on long service leave granted to the member under Determination 2701, Long Service Leave;
- (b) is absent from duty for a period on leave without pay granted to the member under Determination 2608, Leave Without Pay;
- (c) is absent from duty on maternity leave to which the member is entitled under Determination 2604, Maternity Leave, for a period during which the member is not entitled to be paid salary under that Determination; or

- (d) is settling in or settling out for a period—
- (i) during a period of recreation leave taken by the member or during weekends or public holidays which are contiguous with that recreation leave;
 - (ii) during a period in respect of which he or she is not entitled to an allowance under Determination 3711, Settling In and Settling Out Allowance; or
 - (iii) during which the member is entitled to Travelling Allowance under Determination 3601, Travelling Allowance, when directed to temporarily reside in hotel accommodation for official purposes,

the member shall not be entitled to Reunion Supplement in respect of that period.

Application

27. Subject to clauses 28 and 29, where—

- (a) a member is serving at an overseas post for a period (hereinafter referred to as the first-mentioned period) during the period from and including the day on which this Determination is made to and including 29 October 1986; and
- (b) the sum of the annual rates, if any, to which the member would, but for this clause, be entitled under—
 - (i) this Determination;
 - (ii) Determination 3714, Overseas Living Allowance; and
 - (iii) Determination 3724, Child Supplement,

in respect of that first-mentioned period is less than the relevant amount in respect of that first-mentioned period,

this Determination shall apply in relation to service by the member on or after 30 October 1986.

28. Subject to clause 29, where—

- (a) a member was serving at an overseas post on 21 August 1986;
- (b) the member departed from Australia before 1 July 1986 to serve at that overseas post; and
- (c) the sum of the annual rates, if any, to which the member would, but for this clause, be entitled under—
 - (i) this Determination;
 - (ii) Determination 3714, Overseas Living Allowance; and
 - (iii) Determination 3724, Child Supplement,

on 30 October 1986 is less than the relevant amount, if any, to which the member was entitled on 29 October 1986,

this Determination shall apply in relation to service by that member on and after—

- (d) 3 November 1988;

- (e) where the member commences a period of long term duty at another overseas post, the date on which the member ceases to serve at the first-mentioned overseas post; or
- (f) the date on which the sum of the annual rates to which the member would be entitled under this Determination, Determination 3714, Overseas Living Allowance, and Determination 3724, Child Supplement, is equal to or greater than the annual rate payable to the member under Determination 3714, Overseas Living Out Allowance, or Determination 3715, Overseas Living In Allowance, as the case may be,

whichever date is the earliest.

29. Where—

- (a) a member was serving at an overseas post on 21 August 1986;
- (b) the member departed from Australia before 1 July 1986 to serve at that overseas post;
- (c) the sum of the annual rates, if any, to which the member would, but for this clause, be entitled under—
 - (i) this Determination;
 - (ii) Determination 3714, Overseas Living Allowance; and
 - (iii) Determination 3724, Child Supplement,on 30 October 1986 is less than the relevant amount, if any, to which the member was entitled on 29 October 1986; and
- (d) the member, on or before 29 October 1986, has given to—
 - (i) in the case of a member of the Navy—the Chief of Naval Personnel;
 - (ii) in the case of a member of the Army—the Chief of Personnel—Army; and
 - (iii) in the case of a member of the Air Force—the Chief of Air Force Personnel,

notice that he or she elects to have this Determination apply to him or her,

this Determination shall apply in relation to service by that member on and after 30 October 1986.

30. For the purposes of clauses 27, 28 and 29 “relevant amount”, in relation to a member, means—

- (a) in the case of clause 27—an amount equal to the sum of the amounts, if any, payable to the member in respect of the appropriate period of service; and
 - (b) in the case of clause 28 or 29—an amount equal to the sum of the annual rates, if any, to which the member is entitled,
- under—
- (c) Determination 3714, Overseas Living Out Allowance;
 - (d) Determination 3715, Overseas Living In Allowance;

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- (e) Determination 3716, Supplementary Living Allowance; and
(f) Determination 3724, Child Allowance.

NOTE

1. Previous amendments to Determination 3723, Reunion Supplement: Nil.

THE SCHEDULE

Clause 10

RATES OF REUNION SUPPLEMENT

Column 1	Column 2	Column 3		Column 4
Item	Country of posting and, if applicable, locality or description of service	Child 2 years or more but less than 12 years of age— amount per annum	Child 12 years of age or more— amount per annum	Date of effect
		\$	\$	
1	Britain	604	787	
2	Canada— Ottawa	885	975	
3	Canada— Toronto	885	976	
4	China— Beijing	1,291	1,378	
5	Egypt— Member serving with the United Nations	1,039	1,442	
6	Fiji	512	611	
7	France	921	1,011	
8	Germany, Federal Republic of	872	1,031	
9	Hong Kong	599	672	
10	India— New Delhi	797	900	
11	Indonesia— Bali	930	1,031	
12	Indonesia— Jakarta	928	1,031	
13	Israel— Member serving with the United Nations	1,021	1,424	
14	Italy— Rome	559	761	
15	Japan— Tokyo	1,525	2,070	
16	Korea	1,388	1,545	
17	Malaysia— Butterworth	824	939	
18	Malaysia— Kuala Lumpur	812	926	
19	Netherlands, The	824	943	
20	New Zealand	238	262	
21	Pakistan	795	898	

THE SCHEDULE—continued

Column 1	Column 2	Column 3		Column 4
Item	Country of posting and, if applicable, locality or description of service	Child 2 years or more but less than 12 years of age— amount per annum	Child 12 years of age or more— amount per annum	Date of effect
		\$	\$	
22	Papua New Guinea	521	625	
23	Philippines	1,080	1,188	
24	Singapore	927	1,081	
25	Solomon Islands	520	628	
26	Sweden	904	1,197	
27	Switzerland— Berne	1,082	1,245	
28	Syria— Member serving with the United Nations	1,070	1,473	
29	Thailand	533	604	
30	Tonga	600	727	
31	United States of America— Honolulu	521	551	
32	United States of America— Chicago	866	980	
33	United States of America— San Francisco	571	615	
34	United States of America— Los Angeles	571	615	
35	United States of America— Houston	669	751	
36	United States of America— New York	943	1,043	
37	United States of America— Washington	848	934	
38	United States of America— Serving with the United Nations	943	1,043	
39	Vanuatu	635	761	
40	Western Samoa	611	737	

EXPLANATORY STATEMENT

DETERMINATION NO. 83 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.

The Public Service Board has recently introduced a revised and restructured package of overseas allowances and conditions to apply to officers of the Australian Public Service (APS) serving overseas. This package included phase in provisions where a member who left Australia prior to 1 July 1986 on posting would otherwise suffer a decrease below a predetermined amount. This determination is one of 8 determinations which flow on the revised package to members of the Defence Force.

Determination 3723, Reunion Supplement, provides for payment of a supplement to a member of the Defence Force who is serving on duty at an overseas post for more than 12 months and whose child or children remain in Australia. The supplement is financial recompense for the additional costs incurred by the member in the overseas country when that child or those children visit the member at Commonwealth expense. This determination and Determination 3724, Child Supplement, replace Determination 3724, Child Allowance.

Clause 10 and the Schedule to the determination provide the rate payable to the member in respect of each child. The rate is dependent on the age of the child and is payable in respect of each year during which the member has an entitlement

to have the child visit the overseas country at Commonwealth expense at least twice in the year.

Clause 11 of the determination permits continued payment when the member temporarily leaves the overseas post but continues to be entitled to an allowance under Determination 3714, Overseas Living Allowance.

Where a member is accompanied by his or her spouse who is also a member the determination permits payment to only one member (clause 12). Where a member is accompanied by his or her spouse who is an officer of the APS and who is entitled to a similar supplement under the Public Service Act 1922, the determination permits an approving authority to approve the rate payable to the member (clause 13). In certain circumstances clauses 15 and 16 allow payment of the supplement to a member who is undertaking a language training course.

Other provisions of the determination deal with the period of payment, the calculation of fortnightly rates of payment, and the circumstances under which the supplement is not payable.

The date of effect of this determination is firstly dependent upon the comparison of the sum of the amounts payable to a member under this determination, Determination 3714, Overseas Living Allowance, and Determination 3724, Child Supplement, (the new determinations) with the sum of the amounts payable to the member under Determination 3714, Overseas Living Out Allowance, Determination 3715, Overseas Living In Allowance, Determination 3716, Supplementary Living Allowance and Determination 3724, Child Allowance, (the old determinations).

If the sum of the amounts is greater under the new determinations then the date of effect is the date of signature;

however, if the sum of the amounts is greater under the old determinations then the date on which the member left Australia to serve at the overseas post dictates the date of effect as set out in the following paragraphs.

If the member left Australia on or after 1 July 1986, clause 27 of the determination provides that the date of effect be 30 October 1986.

If the member left Australia before 1 July 1986, clause 28 provides that the date of effect be:

- a. the date on which the member commences serving at another overseas post;
- b. the date on which the sum of the rates under the new determinations becomes equal to or greater than the rate payable under Determination 3714, Overseas Living Out Allowance or Determination 3715, Overseas Living In Allowance; or
- c. 3 November 1988,

whichever is the earliest.

In this last situation however, if a member perceives a benefit in the total new package and the member has elected to have the new package apply to him or her, then clause 29 provides that this determination apply in respect of that member on and from 30 October 1986.