



Determination No. 93 of 1986

Determination under Section 58B of the Defence Act 1903

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 November 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 0308, Mackay Allowance.¹

Definitions

2. In this Determination—

“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) a person who has ceased to be legally married to the member;
- (c) a person who has lived on a permanent and *bona fide* domestic basis as the member's spouse;
- (d) the spouse or *de facto* spouse of the member;
- (e) a person who has ceased to be legally married to the spouse or *de facto* spouse of the member; or

- (f) a person who has lived with the member's spouse or *de facto* spouse on a permanent and *bona fide* domestic basis as a spouse,

who—

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

"dependant", in relation to a member, means the spouse or the *de facto* spouse of the member or a child;

"isolated district" means a locality in respect of which an allowance is payable under Determination 0301, District Allowance;

"long service leave" means long service leave granted under Determination 2701, Long Service Leave;

"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;

"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;

"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;

"Woomera Allowance" means an allowance payable to a member under Determination 0302, Woomera Allowance.

Interpretation

3. In this Determination—

- (a) a reference to a Determination is a reference to a Determination made under section 58B of the *Defence Act 1903*; and
 (b) the expression "*de facto* spouse" has the same meaning as in Determination 0114, Trainee's Dependant Allowance.

Mackay Allowance

4. Subject to the provisions of this Determination where a member—

- (a) was posted for service and resided in Mackay in the State of Queensland on or before 31 December 1982;
 (b) continued to serve in Mackay for a period commencing on 1 January 1984; and
 (c) in the case of a member who commenced serving in Mackay—
 (i) on or before 30 April 1982—was entitled to an allowance under clause 5 of Determination No. 57 of 1982 in respect of his or her service in Mackay; or

- (ii) on or after 1 May 1982—would, if the member had commenced serving in Mackay on or before 30 April 1982, have been entitled to an allowance under clause 5 of Determination No. 57 of 1982,

the member shall be paid an allowance called Mackay Allowance.

Rate of Allowance

5. Subject to clause 10, where a member to whom clause 4 applies is or was serving in Mackay during a period specified in column 1 of the following table the member shall be paid Mackay Allowance in respect of that period of service at the rate per fortnight specified in that table opposite that first-mentioned period—

- (a) in the case of a member to whom clause 6 applies—in column 2; and
- (b) in the case of a member to whom clause 7 applies—in column 3.

Column 1	Column 2	Column 3
	\$	\$
1 January 1984 to 31 December 1984 inclusive	18.00	9.00
1 January 1985 to 31 December 1985 inclusive	15.00	7.50
1 January 1986 to 31 December 1986 inclusive	10.00	5.00

6. This clause applies to a member whose dependants reside with him or her in Mackay and who is not a member to whom clause 7 applies.

7. This clause applies to a member—

- (a) whose dependants do not reside with him or her in Mackay;
- (b) whose dependants reside with him or her in Mackay and one or more of those dependants are employed and are paid an allowance by their employer under similar conditions as apply to payment of Mackay 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 or her in Mackay and each of those dependants has an annual income in excess of the annual adult minimum wage;
- (d) whose spouse or *de facto* spouse resides with him or her in Mackay and is employed by the Commonwealth; or
- (e) who is in receipt of an allowance under Determination 0507, Living Out Allowance.

Amounts Payable for less than a Fortnight

8. Subject to clause 9, the amount of Mackay Allowance, 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 Mackay Allowance payable to the member in respect of a fortnight; and

X is the number of days in the period.

9. Where an amount, calculated in accordance with clause 8, 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.

Period of Payment

10. Subject to clauses 11 to 19 inclusive, Mackay Allowance is payable to a member to whom clause 4 applies for service in Mackay from and including 1 January 1984 to and including—

- (a) the expiration of the period of his or her posting to Mackay; or
- (b) 31 December 1986,

whichever is the earlier.

Absence on Temporary Duty

11. Where a member, to whom clause 4 applies, is absent from the Mackay locality for a period of temporary duty and the member will, immediately on completion of that temporary duty, return to that locality, Mackay Allowance is payable—

- (a) in the case of a member with no dependants in Mackay and absent on temporary duty in an isolated district—for the period of absence;
- (b) in the case of a member whose dependants remain in Mackay 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.

Member on Leave, Ill or Hospitalized During Posting to Mackay

12. Subject to clause 13, a member serving in Mackay who—

- (a) is granted a period of long service leave in Mackay or is granted a period of long service leave whilst his or her dependants continue to reside in Mackay;
- (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 4 applies during such period or periods.

13. Clause 12 shall not apply to a member who leaves the Mackay locality for a period in the circumstances specified in paragraph (b), (c) or (d) of clause 12 and who will not return to that locality immediately on completion of that period.

Member Posted from Mackay

14. Subject to clause 15, a member, to whom clause 6 applies, who is posted from Mackay to another locality and whose dependants remain in Mackay because—

- (a) the member is unable to have his or her family removed at Commonwealth expense due to—
 - (i) unavailability of suitable accommodation in the locality of his or her 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 or her to maintain his or her home in Mackay 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 or her family's removal at Commonwealth expense to the locality of his or her posting,

shall be deemed to be a member to whom clause 4 applies for a period of no more than 12 weeks while the dependants remain in Mackay for a reason specified in paragraph (a) or (b) after the member leaves Mackay or for a longer period if the person from time to time holding or performing the duties of the office or appointment of—

- (c) First Assistant Secretary, Industrial Division, in the Department of Defence, having regard to—
 - (i) the accommodation situation at the member's locality of posting; or
 - (ii) the member's family circumstances; or
- (d) Director General, Industrial Division, Service Conditions Branch or Director Conditions of Service (A) Industrial Division, Service Conditions Branch, in the Department of Defence, having regard solely to the medical, educational or employment circumstances of the member's family,

approves an extension of that period.

15. Where a member, to whom clause 14 refers, is posted to a locality which is an isolated district and where the rate of allowance payable under Determination 0301, District Allowance, is greater than the rate of Mackay Allowance payable to the member under clause 14, clause 14 shall not apply to the member.

Member on Recreation Leave, Ill or Hospitalized on Completion of Posting

16. Subject to clause 17, where a member who is serving in Mackay—

- (a) is granted a period of recreation leave;
- (b) is granted a period of absence from duty in respect of illness; or
- (c) is hospitalized for a period,

and does not, immediately on completion of that period or those periods, resume his or her service in Mackay, such period or periods, 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, to that new locality, shall be deemed to be a period of service in Mackay, 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 Mackay.

17. A member who is prevented for Service reasons from proceeding on recreation leave immediately on ceasing to serve in Mackay shall be paid an amount equivalent to the amount of Mackay Allowance which would have been payable to him or her under clause 16 had he or she taken such recreation leave.

Member Posted from Mackay to an Isolated District

18. Where a member is posted from Mackay to an isolated district and the member proceeds directly to the isolated district, he or she shall, subject to clauses 14 and 15, be paid Mackay Allowance up to and including the day prior to the effective date of posting.

Member Posted while on Temporary Duty

19. Payment of Mackay Allowance to a member to whom clause 11 applies and who is posted from Mackay, shall cease from the effective date of posting subject to—

- (a) clauses 16 and 17, where he or she is granted recreation leave, absence from duty in respect of illness or is hospitalized;
- (b) clauses 14 and 15, where his or her family remain in Mackay; or
- (c) clause 18, where the member's locality of posting is an isolated district.

Allowance Not Payable

20. Mackay Allowance, under this Determination, is not payable to a member for any period during which he or she is entitled to Antarctic Allowance under Determination 0305, Antarctic Allowance.

21. Where, but for this clause, in respect of service during a period, Mackay Allowance and Woomera Allowance would be payable to a member in respect of that period, Mackay Allowance is payable to the member only where the rate of Mackay Allowance exceeds the rate of Woomera Allowance.

NOTE

1. Previous amendments to Determination 0308, Mackay Allowance: NIL.

EXPLANATORY STATEMENT

DETERMINATION NO.93 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 0308 provides for the payment of Mackay Allowance to members of the Defence Force who commenced serving in Mackay, Queensland, on or before 31 December 1982 and who were serving in that locality on or after 1 January 1984. The allowance, which is a flow-on of a Public Service Board provision, is payable to compensate for the difficult living conditions in Mackay.

The allowance is payable with effect from 1 January 1984 until the date members are posted from Mackay, or 31 December 1986, whichever date is the earlier.