



Determination No. 69 of 1987

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

I, RALPH WILLIS, the Minister of State for Industrial Relations hereby make the following Determination under section 58B of the *Defence Act 1903*.

Dated 24 September 1987.

RALPH WILLIS
Minister of State for Industrial Relations

Rental and Utilities Contribution

1. Determination 3721, Rental and Utilities Contribution, is amended—

(a) by inserting after the definition of "intermediate term duty" in clause 2 the following definition:

"'living out', in relation to a member, means that the member is permitted to provide his or her own meals or accommodation, or both, or to reside in a Service residence;"

(b) by omitting from the definition of "overseas post" in clause 2 "purpose." and substituting "purpose;"

(c) by inserting after the definition of "overseas post" in clause 2 the following definitions:

"'salary', in relation to a member, means the salary payable to the member in accordance with Determination 0101, Salary of Permanent Force Members, and Determinations made from time to time under section 58H of the *Defence Act 1903* in respect of the rank which the member holds, including

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a rank in respect of which Higher Duties Allowance is payable to the member under Determination 0104, Higher Duties Allowance;

“ ‘Service residence’ means a residence—

- (a) controlled by the Department of Defence and provided for the use of a member;
- (b) controlled by another Australian Public Service Department and provided, by arrangement between that Department and the Department of Defence, for the use of a member; or
- (c) controlled by the Government of another country and provided, by arrangement between that Government and the Department of Defence, for the use of a member.”; and

(d) by inserting after clause 7 the following clause:

“7A. Where a member to whom clause 7 applies—

- (a) is—
 - (i) serving on duty with the United Nations in Israel; and
 - (ii) residing in either Nahariya or Tiberius; or
- (b) who—
 - (i) is a student at the Defence Services Staff College, Wellington, India;
 - (ii) is a student at the Staff College, Quetta, Pakistan;
 - (iii) is living out in a Papua New Guinea administration residence at Mendi; or
 - (iv) is living out in Papua New Guinea, other than in circumstances referred to in (iii),
 and who resides in a Service residence,

the rate per week specified in column 2 or column 3 of the Schedule which is appropriate to the member opposite to the member’s allowance group specified in column 1 of the Schedule shall be deemed to be—

- (c) in the case of a member referred to in paragraph (a)—the rate per week specified in column 2 if the member is an accompanied member or is a member who is accompanied at Commonwealth expense by a child who is 12 years of age or more, or column 3 if the member is not an accompanied member, of the following table opposite to the member’s rank specified in column 1 of that table:

Column 1	Column 2	Column 3
Rank	Rate per week	Rate per week
	\$	\$
Lieutenant in the Navy, Captain in the Army, Flight Lieutenant	40	20
Lieutenant Commander, Major, Squadron Leader	50	30
Commander, Lieutenant Colonel, Wing Commander	60	40

- (d) in the case of a member referred to in sub-paragraph (b) (i)—an amount equal to the sum of \$15.00 per week and the rate specified in column 2 if the member is an accompanied member or is a member who is accompanied at Commonwealth expense by a child who is 12 years of age or more, or column 3 if the member is not an accompanied member, of the following table appropriate to his or her salary:

Column 1	Column 2	Column 3
Salary per annum	Rate per week	Rate per week
\$	\$	\$
26,000-27,999	6.50	4.50
28,000-29,999	7.25	4.75

- (e) in the case of a member referred to in sub-paragraph (b) (ii)—an amount equal to the sum of—
- (i) \$30.00 per week; and
 - (ii) the rate per week specified in column 2 or column 3 of the table in paragraph (d), whichever is appropriate to the member, opposite to the salary in column 1 of that table which is appropriate to the member;
- (f) in the case of a member referred to in sub-paragraph (b) (iii)—an amount equal to the rental established by the Papua New Guinea administration for that residence in respect of a week less \$15.00 per week; and
- (g) in the case of a member referred to in sub-paragraph (b) (iv)—an amount calculated in accordance with the formula—

$$A - B$$

where—

A is the amount specified in column 3 of the Schedule opposite to the member's allowance group; and

B is—

- (i) where the member resides in a residence at Murray Barracks, Taurama Barracks, Goldie River Barracks, Igam Barracks or Moem Barracks, or at the Patrol Base Lombrum—an amount of \$10.00 per week;

- (ii) where the member resides in a flat or duplex residence, other than at the Barracks or Patrol Base referred to in sub-paragraph (i)—an amount of \$15.00 per week; or
- (iii) where the member resides in a 2 bedroom residence, other than at the Barracks or Patrol Base referred to in sub-paragraph (i) and other than a residence referred to in sub-paragraph (ii)—an amount of \$12.00 per week.”.

Application

2. Determination 3721, Rental and Utilities Contribution, as amended by clause 1 of this Determination shall apply in relation to service by a member on or after—

- (a) the day on which the member became or becomes entitled to an allowance under Determination 3714, Overseas Living Allowance; or
- (b) 3 November 1988,

whichever is the earlier.

Transitional

3. Where—

- (a) a member was entitled to an amount under Determination 3718, Overseas Rental and Utilities Allowance, in respect of his or her service at an overseas post for a period (hereinafter referred to as the first-mentioned period) during the period from and including 21 August 1986 to and including 27 October 1986; and
- (b) an amount was payable to the member under clause 34 of Determination No. 87 of 1986, and that amount is less than the amount that would have been payable to the member under that clause if Determination 3721, Rental and Utilities Contribution, as amended by clause 1 of this Determination and Determination 3714, Overseas Living Allowance had been in force during that first-mentioned period,

the member shall be paid an amount under this Determination in respect of that first-mentioned period equal to an amount calculated in accordance with the formula—

$$A - B$$

where—

- A** is the amount that would have been payable to the member under clause 34 of Determination No. 87 of 1986 if Determination 3721, Rental and Utilities Contribution, as amended by clause 1 of this Determination and Determination 3714, Overseas Living Allowance, had been in force during that first-mentioned period; and
- B** is the amount that was payable to the member under clause 34 of Determination No. 87 of 1986.

NOTE

1. Previous amendments to Determination 3721, Rental and Utilities Contribution: No. 84 of 1986; Nos. 17 and 48 of 1987.

EXPLANATORY STATEMENT

DETERMINATION NO. 69 OF 1987

ISSUED BY THE AUTHORITY OF THE MINISTER FOR INDUSTRIAL RELATIONS

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.

A member of the Defence Force who is serving on duty in an overseas country for more than 6 months is required to contribute a specified amount towards the cost of his or her residential accommodation in that country. Determination 3721, *Rental and Utilities Contribution*, specifies the amount and allows the Commonwealth to deduct the contribution from the member's salary.

This determination amends Determination 3721 to reinstate, with effect from the day on which the member became or becomes entitled to an allowance under Determination 3714, Overseas Living Allowance, or 3 November 1988, whichever is the earlier, special reduced rental contributions for members serving with the United Nations in Israel, or serving in India, Pakistan or Papua New Guinea. Transitional provisions flow on the reduced rental contributions to members for the period 21 August 1986 to 27 October 1986.

These reduced rental contributions determined because of the poor accommodation standards faced by certain members in these countries were inadvertently discontinued when the new

overseas allowance provisions were introduced in October last year. This determination rectifies that oversight in effect from from the date on which a member becomes entitled to allowances under the new overseas allowance provisions.