



Determination No. 59 of 1988

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**Determination under Section 58B of the Defence Act 1903**

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

Dated 6 October 1988.

PETER MORRIS

Minister of State for Industrial Relations

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**Citation**

1. This Determination may be cited as Determination 0404, Isolated Establishment Allowance<sup>1</sup>.

**Definitions**

2. In this Determination, unless the contrary intention appears -

"category 0 member" means a member who -

- (a) does not maintain a home for dependants; or
- (b) maintains a home for his or her dependants but chooses not to reside in that home;

"Chief of Staff" means -

- (a) in relation to a member of the Navy - the Chief of Naval Staff;

(b) in relation to a member of the Army - the Chief of the General Staff; and

(c) in relation to a member of the Air Force - the Chief of the Air Staff;

"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;

"designated establishment" means a place of Defence Force duty at an establishment specified in -

(a) column 1 of Part A or in Part B of the Schedule; or

(b) an establishment specified in column 1 of Schedule 1 or Schedule 2 to this Determination,

or Amberley in Queensland, Edinburgh in South Australia, Richmond in New South Wales, Laverton in Victoria or Fairbairn in the Australian Capital Territory;

"live out", in relation to a category O member, means that the member is permitted to provide his or her own meals or accommodation, or both;

"married quarters" means quarters -

- (a) owned or controlled by the Department of Defence or the Defence Housing Authority and provided for the use of a member and his or her family as a residence; or
- (b) owned or controlled by another Australian or State Public Service Department and provided, by arrangement between that Department and the Department of Defence or the Defence Housing Authority, for the use of a member and his or her family as a residence;

"member" means a member rendering continuous full-time service;

"the Schedule" means Schedule 12 to Public Service Determination 1983/10 made under section 82D of the *Public Service Act 1922*, as in force from time to time;

"Service accommodation" means accommodation owned or controlled by the Department of Defence or the Defence Housing Authority and provided for the use of a category 0 member.

#### Interpretation

3. In this Determination -

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

#### Approving Authorities

4. A Chief of Staff may, either generally or otherwise as provided in the instrument of appointment, in writing and signed by the Chief of Staff, appoint -

- (a) in the case of the Chief of Naval Staff -
  - (i) an officer who holds a rank in the Navy not below the rank of Lieutenant; or
  - (ii) a person holding or performing the duties of an office in the Australian Public Service which is under the functional control of the Chief of Naval Staff and for which the minimum salary is not less than the minimum rate of salary for an office of *Administrative Service Officer Class 7* in that Service;
- (b) in the case of the Chief of the General Staff - an officer who holds a rank in the Army not below the rank of Captain; and

(c) in the case of the Chief of the Air Staff -

- (i) an officer holding or performing the duties of an office or appointment in the Air Force for which the minimum rate of salary is not less than the minimum rate of salary for an officer holding the rank of Flight Lieutenant in that Force; or
- (ii) a person from time to time holding or performing the duties of an office or appointment in the Australian Public Service for which the minimum rate of salary is not less than the minimum rate of salary for an office of Administrative Service Officer Class 5 in that Service,

to be an approving authority for the purposes of clauses 6 and 12.

#### **Isolated Establishment Allowance**

5. Subject to clauses 6, 7 and 8, where a member travels to a designated establishment specified in -

(a) Part A of the Schedule, or in column 1 of Schedule 1 to this Determination, to perform duty at the designated establishment for a period of -

- (i) the member's normal duty; or
- (ii) extra duty where the member has been recalled after leaving the designated establishment at the conclusion of the member's normal hours of duty,

and the member does not travel at Commonwealth expense on the journey;

(b) column 1 of Schedule 2 to this Determination to perform duty at the designated establishment for a period of -

- (i) the member's normal duty; or
- (ii) extra duty where the member has been recalled after leaving the designated establishment at the conclusion of the member's normal hours of duty,

and the member -

(iii) resides in married quarters situated in the locality specified in column 2 of Schedule 2 to this Determination opposite to the designated establishment specified in column 1; and

(iv) does not travel at Commonwealth expense on the journey; or

(c) Part B of the Schedule or to Amberley in Queensland, Edinburgh in South Australia, Richmond in New South

Wales, Laverton in Victoria or Fairbairn in the Australian Capital Territory to perform duty at the designated establishment -

- (i) for a period which commences or ceases during the period from 7:00pm to 7:00am;
- (ii) for an extra period which commences or ceases during the period from 7:00pm to 7:00am and which is continuous with the member's normal hours of duty; or
- (iii) for an extra period which commences or ceases during the period from 7:00pm to 7:00am where the member is recalled after leaving the designated establishment at the conclusion of the member's normal hours of duty,

and the member's normal place of duty is situated at the designated establishment, the member shall be paid, in respect of each such continuous period, an allowance called "Isolated Establishment Allowance" of an amount equal to -

- (d) in the case of a member to whom paragraph (a) refers - the amount specified in -
  - (i) column 2 of Part A of the Schedule opposite to the designated establishment specified in column 1 of that Schedule; or
  - (ii) column 2 of Schedule 1 to this Determination opposite to the designated establishment specified in column 1 of that Schedule,whichever is appropriate;
- (e) in the case of a member to whom paragraph (b) refers - the amount specified in column 3 of Schedule 2 to this Determination opposite to the designated establishment specified in column 1 of that Schedule; and
- (f) in the case of a member to whom paragraph (c) refers - \$3.50.

**Allowance not payable**

6. Isolated Establishment Allowance is not payable to a member who resides in married quarters or Service accommodation which is situated -

- (a) at a designated establishment; or
- (b) in the vicinity of a designated establishment, unless approved by the approving authority having regard to the proximity of the married quarters or Service accommodation to the designated establishment.



- (g) the amount payable under this Determination is equal to or exceeds the amount that was payable to the member under the former arrangements; or
- (h) the member ceases to perform duty in the designated establishment as the result of a posting,

whichever occurs first.

11. Where -

- (a) a member was, prior to the making of this Determination, entitled to Transport Allowance under the former arrangements;
- (b) the member's entitlement to Transport Allowance under the former arrangements commenced before 1 July 1988; and
- (c) the member is not a member to whom clause 5 applies,

the member -

- (d) shall remain entitled to the amount of allowance which was payable in accordance with the former arrangements; and
- (e) the provisions of this Determination shall not apply to the member,

until the date on which the member ceases to perform duty in the designated establishment as the result of a posting.

12. Where a member was entitled to different rates of Transport Allowance under the former arrangements before 1 July 1988, the approving authority may, having regard to -

- (a) the amounts payable under the former arrangements immediately preceding the making of this Determination; and
- (b) any other relevant factor,

deem the amount to which the member remains entitled for the purposes of clause 10 or 11 to be an amount equal to the average of the amounts that were payable to the member over a reasonably representative period of time.

13. Where, in respect of service for a period (hereinafter referred to as the first-mentioned period) during the period from and including 1 July 1988 to and including the day before the day on which this Determination is made, a member was entitled to an amount (hereinafter referred to as the first-mentioned amount) under the former arrangements and that first-mentioned amount is less than the amount (hereinafter referred to as the second-mentioned amount) that would have been payable to the member in respect of the first-mentioned period under this Determination had this Determination been in force during that first-mentioned

period, the member shall be paid an amount under this Determination equal to the amount calculated in accordance with the formula -

$$A - B$$

where -

A is the second-mentioned amount; and

B is the first-mentioned amount.

14. Where, in respect of service for a period (hereinafter referred to as the first-mentioned period) during the period from and including 1 July 1988 to and including the day before the day on which this Determination is made, a member was not entitled to Transport Allowance under the former arrangements but would have been entitled to an amount (hereinafter referred to as the first-mentioned amount) in respect of the first-mentioned period under this Determination had this Determination been in force during that period, the member shall be paid an amount under this Determination equal to that first-mentioned amount.

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**NOTE**

1. Previous amendments to Determination 0404, Isolated Establishment Allowance: NIL

**SCHEDULE 1**

Clause 5

**DEFENCE FORCE DESIGNATED ESTABLISHMENTS**

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Column 1	Column 2
Designated Establishment	Amount
	\$
<i>Australian Capital Territory</i>	
HMAS Creswell	3.68
Army Parachute Training School	2.30
<i>New South Wales</i>	
RAAF Base Williamtown	6.81

SCHEDULE 1 - continued

Column 1 Designated Establishment	Column 2 Amount
	\$
RAAF Base Williamtown - 3 Control Tower Radio Section	8.19
RAAF Base Williamtown - 3 Control and Reporting Unit	9.11
1 CAMD Orchard Hill, Kingswood	3.54
RAAFTUS Bringelly	4.55
RAAFTUS Wallgrove	1.61
RAAFTUS Londonderry	1.61
<i>Victoria</i>	
Point Cook - Southern Tarmac	3.77
<i>South Australia</i>	
1 Joint Communications Unit	7.13
<i>Western Australia</i>	
Harold E. Holt	1.61
Northam Army Camp	3.86
Pilbara Regiment, Port Hedland	5.06
Pilbara Regiment, South Hedland	1.61
Pilbara Regiment, Karratha	2.90
Pilbara Regiment, Tom Price	1.61
<i>Queensland</i>	
114 Control and Reporting Unit, Land Warfare Centre, Canungra	1.61 15.64
<i>Northern Territory</i>	
Jindalee	17.48
Shoal Bay Radio Station	2.90

SCHEDULE 2

Clause 5

**DEFENCE FORCE DESIGNATED ESTABLISHMENTS - MEMBER RESIDING IN  
MARRIED QUARTERS**

Column 1	Column 2	Column 3
Designated Establishment	Married quarter locality	Amount
		\$
<i>Australian Capital Territory</i>		
HMAS Creswell	HMAS Albatross	14.72
<i>New South Wales</i>		
RAAF Base Williamtown	Woodberry	11.13
RAAF Base Williamtown - 3 Control Tower Radio Section	Woodberry	12.51
RAAF Base Williamtown - 3 Control and Reporting Unit	Woodberry	13.43
Stockton	Raymond Terrace	11.36
RAAF TUS Bringelly	Penrith	9.66
RAAF TUS Londonderry	Penrith	4.19
<i>Victoria</i>		
Bandiana Military Area	Wirlinga, Thurgoona	8.37
Bonnegilla Military Area Command and Staff	Wirlinga, Thurgoona	6.90
College, Queenscliff	Ocean Grove	4.46
HMAS Cerberus	Frankston	11.27
West Head Gunnery Range	HMAS Cerberus	11.18
<i>Queensland</i>		
Army Aviation Regiment, Oakey	Toowoomba	11.50

EXPLANATORY STATEMENT

DETERMINATION NO. 59 OF 1988

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.

This determination provides for the payment of an Isolated Establishment Allowance to members of the Defence Force serving in certain establishments which are isolated from the nearest urban residential areas. The allowance is paid to compensate for the additional cost of travelling to work each day at one of these establishments.

Of the preliminary clauses, clause 4 provides for the appointment of approving authorities to exercise discretionary powers granted in paragraph 6(b) and clause 12 of the determination.

Clause 5 of the determination sets out the qualifying conditions and, by reference to the provisions of Schedule 12 to Public Service Determination 1983/10 and to Schedules 1 and 2 of this determination, the localities in respect of which, and the rates at which, the allowance is payable. Paragraph 5(a) and Schedule 1 deal with the basic establishments for which the allowance is payable. Paragraph 5(b) and Schedule 2 deal with members of the Defence Force who live in Defence married quarters in certain localities which are reasonably distant from their place of duty. Paragraph 5(c) deals with isolated airports or RAAF bases. Paragraphs 5(d) to 5(f) specify the rates of allowance payable.

Clause 6 specifies that Isolated Establishment Allowance is not payable to a member who resides in a married quarter that is situated at an isolated establishment, or is in the vicinity of an isolated establishment, unless otherwise approved by an approving authority.

Clause 7 specifies that the allowance is not payable to members without dependants who do not live in Service accommodation unless they are required or permitted to live out for appropriate reasons.

Clause 8 provides that a member who is entitled to Vehicle Allowance for travel to work on a day will not be entitled to the payment of Isolated Establishment Allowance at the same time.

The new allowance has been introduced from the date on which the determination was signed; that is also the date on which the superseded allowance (Transport Allowance) was revoked by Determination 58 of 1988.

Transitional clauses 9 to 14 however apply the new provisions from 1 July 1988 to members serving in localities where they were not previously entitled to Transport Allowance (clause 14) or were entitled to a lesser amount (clause 13), provide for continued payment of Transport Allowance while it remains higher than the new allowance (clause 10), and provide for continued payment of Transport Allowance until posting away from the locality if members are not entitled to the new allowance at all (clause 11).