



Determination No. 10 of 1989

Determination under Section 58B of the Defence Act 1903

I, MICHAEL GRAHAM COGHLAN, Acting First Assistant Secretary, Co-ordination and Conditions Division, Department of Industrial Relations, pursuant to a delegation made by the Minister of State for Industrial Relations under Defence Force Regulation 72A, hereby make the following Determination under section 58B of the *Defence Act 1903*.

Dated 17 February 1989.

M. COGHLAN

Acting First Assistant Secretary
Co-ordination and Conditions Division
Department of Industrial Relations

Citation

1. This Determination may be cited as Determination 0304, "Airconditioning Allowance".

Definitions

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

"acceptable account" means an account of charges imposed by an electricity supply authority for the supply, either wholly or partly for refrigerative airconditioning, of electricity for domestic purposes to the married quarter of a member, the whole or part of the period of which account covers the whole or part of the specified period;

"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) that member;
- (b) a person who has ceased to be legally married to that member;
- (c) a person who has lived on a permanent and *bona fide* domestic basis as that member's spouse;
- (d) the spouse or *de facto* spouse of that member;
- (e) a person who has ceased to be legally married to the spouse or *de facto* spouse of that member; or
- (f) a person who has lived with that 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 that member; or
- (h) is 21 years of age or over and is, through illness or infirmity, wholly or substantially dependent on that member;

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

"ducted airconditioning system" means a refrigerative airconditioning system which employs, either fully or in part, ducting to carry cooled air to outlets in 2 or more rooms within a married quarter, or pipes to carry refrigerant to separate cooling units in 2 or more rooms within a married quarter;

"married quarter" means -

- (a) a quarter 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;
- (b) a quarter owned or controlled by another Australian Commonwealth 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; or
- (c) where a quarter referred to in paragraph (a) or (b) is not available to a member - a residence in respect of which the member is entitled to the payment of an allowance under Determination 0503, Temporary Rental Allowance;

"member" means a member -

- (a) who is rendering continuous full-time service; and
- (b) who is residing in a married quarter in which refrigerative airconditioning is installed;

"refrigerative airconditioning" means any electro-mechanical heat pump incorporating a compressor and refrigerant fluid to artificially cool the whole or part of the interior of a married quarter;

"relevant tariff" means the minimum tariff applicable to the general domestic electricity supply to a married quarter at Nhulunbuy;

"room airconditioner" means a single refrigerative airconditioning unit mounted in the wall or window of the room to which it provides cooled air;

"separate meter" means an electricity meter which records only the consumption of electricity by the airconditioning system installed in the married quarter occupied by the member;

"specified locality" means a locality specified in column 1 of Schedule 14 to Public Service Determination 1983/10 made under section 82D of the *Public Service Act 1922*, as in force from time to time, or Newman or Tom Price in Western Australia;

"specified period" means -

- (a) in relation to a member posted to a locality specified in column 1 of Schedule 14 to Public Service Determination 1983/10 made under section 82D of the *Public Service Act 1922*, as in force from time to time - the period in column 2 shown opposite to that locality; and
- (b) in relation to a member posted to -
 - (i) Newman - November to March; and
 - (ii) Tom Price - October to March;

"total charge" means the total of all charges for the normal supply and consumption of electricity within the period specified on an acceptable account, but does not include charges for connection, disconnection or reconnection of supply, overdue charges or other charges or adjustments not associated with the normal supply and consumption of electricity.

Interpretation

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

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

Airconditioning Allowance

4. An allowance called Airconditioning Allowance is payable to a member -

- (a) who is posted to and resides in a specified locality, and who is responsible for the payment of the charges listed on an acceptable account for the married quarter in which he or she resides; or
- (b) who is posted to and resides in Nhulunbuy during the whole or part of the period from September to June in consecutive years in a married quarter in which 1 or more room airconditioners are installed and who is responsible for the payment of the charges listed on an electricity account for the married quarter.

Amount of Allowance

5. Subject to clauses 6 and 7, the amount of Airconditioning Allowance payable to a member to whom paragraph 4(a) applies shall, on presentation of an acceptable account, be -

- (a) where the period covered by the acceptable account lies totally within the specified period, an amount equal to -
 - (i) where 1 room airconditioner is installed in the married quarter - 50% of the total charge;
 - (ii) where 2 room airconditioners are installed in the married quarter - 65% of the total charge; or
 - (iii) where a ducted airconditioning system, or 3 or more room airconditioners are installed in the married quarter - 70% of the total charge; or
- (b) where the period covered by the acceptable account lies partly outside the specified period, an amount calculated in accordance with sub-paragraph (a)(i), (ii) or (iii), whichever is appropriate, multiplied by the formula -

$$\frac{2 \times A}{(A + B)}$$

where -

A is the number of days, within the period of the acceptable account, that lie within the specified period; and

B is the number of days within the period covered by the acceptable account.

6. Subject to clause 7, the amount of Airconditioning Allowance payable to a member to whom paragraph 4(a) applies shall, on presentation of an acceptable account for a separate meter, be -

- (a) where the period covered by the acceptable account lies totally within the specified period - 85% of the total charge; or
- (b) where the period covered by the acceptable account lies partly outside the specified period - 85% of the total charge multiplied by the formula -

$$\frac{2 \times A}{(A + B)}$$

where -

A is the number of days, within the period of the acceptable account, that lie within the specified period; and

B is the number of days within the period covered by the acceptable account.

Member Absent from Locality

7. Where -

- (a) a member to whom paragraph 4(a) applies and all of his or her dependants, if any, are absent from the locality of residence for the whole or part of the period of an acceptable account;
- (b) the period of absence exceeds 1 day;
- (c) the period of absence is wholly or partly within the specified period; and
- (d) the married quarter in which the member resides is occupied, during that absence, by a person who is not -
 - (i) a dependant of the member; or
 - (ii) another member,

the period of absence shall, for the purposes of calculating the amount of Airconditioning Allowance payable under paragraph 5(b) or 6(b), whichever is applicable, be deemed to be a period not within the specified period.

Member Posted to and Residing at Nhulunbuy

8. Subject to clause 9, the amount of Airconditioning Allowance payable to a member to whom paragraph 4(b) applies shall be an amount equal to the cost, at the relevant tariff, of 1120 units of electricity for each of the months of September, October, November, December, January, February, March, April, May and June.

Member Absent from Nhulunbuy

9. Where a member to whom paragraph 4(b) applies and his or her dependants, if any, are absent from, or not resident in, Nhulunbuy for a period exceeding 1 day during the whole or part of the months specified in clause 8, the amount of Airconditioning Allowance payable shall be reduced by an amount that bears to the amount calculated in accordance with clause 8 the same proportion as the period of absence or nonresidence bears to the period specified in clause 8.

Transitional

10. Where, in respect of service for a period (hereinafter referred to as the first-mentioned period) during the period from and including 29 December 1987 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.

11. Where, in respect of service for a period (hereinafter referred to as the first-mentioned period) during the period from and including 29 December 1987 to and including the day before the day on which this Determination is made, a member was not entitled to Airconditioning 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.

12. For the purposes of clauses 10 and 11, "former arrangements" means the provisions of Determination 0304, Airconditioning Allowance, being Determination No. 8 of 1981 as amended from time to time, as in force immediately before the revocation of that Determination.

NOTE

1. Previous amendments to Determination 0304, Airconditioning Allowance: NIL

EXPLANATORY STATEMENT

DETERMINATION NO. 10 OF 1989

ISSUED BY THE AUTHORITY OF THE MINISTER FOR INDUSTRIAL RELATIONS
UNDER SECTION 58B OF THE DEFENCE ACT 1903

Sections 58B and 58E of the Defence Act 1903 allow the Minister or his delegate to make determinations on conditions of service for members of the Defence Force.

This Determination provides for the payment of an allowance to certain members of the Defence Force serving in certain hot and remote localities to reimburse the cost of operating airconditioning facilities in their married quarters. It replaces a similar allowance of the same name which is now revoked.

Clause 4 of this determination provides that members of the Defence Force who are posted to and reside in specified localities, and are responsible for paying for the electricity supplied to their married quarters are entitled to the allowance in accordance with the other provisions of the determination. The localities in respect of which the allowance is payable are those specified for the equivalent allowance in the Australian Public Service, together with Newman and Tom Price in Western Australia.

Clause 5 of this determination sets out the method of calculating the amount of allowance payable to a member where the whole or part of the period covered by an acceptable electricity account is within a specified period. Clause 6 sets out the method of calculating the amount of allowance payable where there is an electricity meter which records only the consumption of

electricity by the airconditioning system installed at the member's married quarter.

Clause 7 provides for adjustment of the amount of allowance payable where a member and his or her dependants are absent from the locality of residence for a period exceeding one day.

Clause 8 provides the method of calculating Airconditioning Allowance for a member who resides in a married quarter which has room airconditioning at Nhulunbuy. This clause maintains the existing entitlement of any such members. Clause 9 provides for proportional adjustment of the amount of allowance where a member and his or her dependants are absent from Nhulunbuy for a period exceeding one day.

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 was revoked.

Transitional clauses 10 and 11 however apply the new provisions from 29 December 1987 to members serving in localities where they were not previously entitled to Airconditioning Allowance (clause 11) or were entitled to a lesser amount (clause 10). Clause 12 provides a brief reference to the previous entitlement to the superseded allowance for the purpose of clauses 11 and 12.