



DETERMINATION NO. 19 OF 1990

DETERMINATION UNDER SECTION 58B OF THE DEFENCE ACT 1903

I, RUTH ALISON CAMPBELL, First Assistant Secretary, Australian Government Employment Remuneration 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 16 February 1990

R.A. Campbell

First Assistant Secretary
Australian Government Employment
Remuneration and Conditions Division
Department of Industrial Relations

Citation

1. This determination may be cited as Overseas Defence Determination 1990/19.

Commencement

2. This determination shall come into operation on the first day of the pay period commencing on or after the date of signature of this determination.

Part A

Principal Determination

3. In this Part, Defence Determination 3601, Travelling Allowance as in force¹, is referred to as the Principal Determination.

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Interpretation

4. The Principal Determination is amended by omitting clause 3A and substituting the following clause -

"3A. Where a member is in the United States of America at a locality which is not specified in the Schedules to this determination (referred to as the relevant locality in this clause), the member shall be entitled to be paid an allowance in accordance with this determination as if the member were at the locality in column 2 of the following Table opposite to the relevant locality in column 1:

Column 1	Column 2
Relevant Locality	Locality in respect of which allowance payable
Alabama, Arkansas, Delaware, District of Columbia, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia	Washington DC
New York State	New York
Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont	Stratford
Missouri	St Louis
Alaska, Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Wisconsin,	Chicago
California (north of 36th parallel), Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming	San Francisco
California (south of 36th parallel)	Los Angeles
Florida	Miami
Arizona, New Mexico, Oklahoma, Texas	Houston
Hawaii	Honolulu

Rates of Travelling Allowance - USA, Statford and St Louis

5. Schedules 1, 2 and 3 of the Principal Determination are amended by inserting, in alphabetical order according to locality, the entries set out respectively in Parts A, B and C of Table 1 to this determination.

Part B

Principal Determination

6. In this Part, Defence Determination 3610, In Port Allowance as in force¹ is referred to as the Principal Determination.

Interpretation

7. The Principal Determination is amended by omitting clause 2A and substituting the following clause -

"2A. Where a member is in the United States of America at a locality which is not specified in clause 5 to this determination, the member shall be entitled to be paid an allowance in accordance with this determination in respect of the same locality as the member would be entitled to be paid travelling allowance in accordance with Defence Determination 3601 as in force from time to time."

Rates of In Port Allowance

8. The table in clause 5 of the Principal Determination is amended by inserting, in alphabetical order according to locality, the entries set out Table 2 to this determination.

Part C

Principal Determination

9. In this Part, Defence Determination 3711, Settling In and Settling Out Allowance as in force¹ is referred to as the Principal Determination.

Interpretation

10. The Principal Determination is amended by omitting paragraph 4(f) and substituting the following paragraph -

"(f) where a member is in the United States of America at a locality which is not specified in the Schedule to this determination, the member shall be entitled to be paid an allowance in accordance with this determination in respect of the same locality as the member would be entitled to be paid travelling allowance in accordance with Defence Determination 3601 as in force from time to time."

Settling In and Settling Out Allowances

11.1 The Schedule to the Principal Determination is amended by inserting in after item 97, the items set out in Table 3 to this determination.

11.2. Where, on the day on which this determination comes into operation, a member is in a period of settling in or setting out and, but for this clause, the amount of settling in or settling out allowance payable to the member in respect of the period is less than the amount that would have been payable to

the member in accordance with the provisions in force immediately before this determination came into force, the member shall be entitled to settling in or settling out allowance for the period as if the amendments made by this determination had not been made.

Part D

Principal Determination

12. In this Part, Defence Determination 3714, Overseas Living Allowance as in force is referred to as the Principal Determination.

Interpretation

13. The Principal Determination is amended by omitting paragraph 4(g) and substituting the following paragraph -

"(g) where a member is at a locality which is not specified in Schedule 2 to this determination (referred to as the relevant locality in this clause), the member shall be entitled to be paid an allowance in accordance with this determination as if the member were at the locality in column 2 of the following Table opposite to the relevant locality in column 1:

Column 1**Column 2****Relevant Locality****Locality in respect of
which allowance payable**

Canada

Montreal

Toronto

Locality other than Montreal

Ottawa

Indonesia

Juanda, Jogjakarta, Malang, Surabaya

Bali

Bandung, Bogor

Jakarta

Malaysia

Johore Bahru, Melaka, Sungei Petani

Butterworth

Seremban, Port Dickson

Kuala Lumpur

United States of AmericaAlabama, Arkansas, Delaware, District of Columbia,
Georgia, Kentucky, Louisiana, Maryland, Mississippi,
North Carolina, South Carolina, Tennessee, Virginia,
West Virginia

Washington DC

Connecticut, Maine, Massachusetts, New Hampshire,
New Jersey, Pennsylvania, Rhode Island, Vermont

Stratford

Missouri

St Louis

Alaska, Illinois, Indiana, Iowa, Michigan, Minnesota,
Ohio, Wisconsin,

Chicago

California (north of 36th parallel), Colorado, Idaho,
Kansas, Montana, Nebraska, Nevada, North Dakota,
Oregon, South Dakota, Utah, Washington, Wyoming

San Francisco

California (south of 36th parallel)

Los Angeles

Florida

Miami

Arizona, New Mexico, Oklahoma, Texas

Houston

Hawaii

Honolulu

Part E

Principal Determination

14. In this Part, Defence Determination 3723, Reunion Supplement as in force¹ is referred to as the Principal Determination.

Interpretation

15. The Principal Determination is amended by omitting paragraph 4(d) and substituting the following paragraph -

"(d) where a member is at a locality which is not specified in the Schedule to this determination, the member shall be entitled to be paid an allowance in accordance with this determination in respect of the same locality as the member would be entitled to be paid Overseas Living Allowance in accordance with Defence Determination 3714 as in force from time to time."

Part F

Principal Determination

16. In this Part, Defence Determination 3724, Child Supplement as in force¹ is referred to as the Principal Determination.

Interpretation

17. The Principal Determination is amended by omitting paragraph 4(d) and substituting the following paragraph -

"(d) where a member is at a locality which is not specified in the Schedule to this determination, the member shall be entitled to be paid an allowance in accordance with this determination in respect of the same locality as the member would be entitled to be paid Overseas Living Allowance in accordance with Defence Determination 3714 as in force from time to time."

Part G

Principal Determination

18. In this Part, Defence Determination 3731, Meal Allowance Overseas as in force¹ is referred to as the Principal Determination.

Interpretation

19. The Principal Determination is amended by omitting clause 2A and substituting the following clause -

"2A. Where a member is in the United States of America at a locality which is not specified in the Schedule to this determination, the member shall be entitled to be paid an allowance in accordance with this determination in respect of the same locality as the member would be entitled to be paid travelling allowance in accordance with Defence Determination 3601 as in force from time to time."

Rates of Meal Allowance

20. The Schedule to the Principal Determination is amended by inserting , in alphabetical order according to locality, the entries set out in Table 4 to this determination.

Part H

Principal Determination

21. In this Part, Defence Determination 3732, Overseas Vehicle Allowance as in force¹ is referred to as the Principal Determination.

Interpretation

22. The Principal Determination is amended by omitting paragraph 3C(b) and substituting the following paragraph -

"(b) where a member is at a locality which is not specified in the Schedule to this determination, the member shall be entitled to be paid an allowance in accordance with this determination in respect of the same locality as the member would be entitled to be paid Overseas Living Allowance in accordance with Defence Determination 3714 as in force from time to time."

Part I

Principal Determination

23. In this Part, Defence Determination 3733, Overseas Vehicle Contribution as in force¹ is referred to as the Principal Determination.

Interpretation

24. The Principal Determination is amended by omitting clause 4.

Overseas Vehicle Contribution

25. The Principal Determination is amended by inserting after clause 9 the following clause -

"10. Where a member is at a locality which is not specified in the Schedule to Determination 3732 as in force from time to time, the member shall be required to pay the Overseas Vehicle Contribution in accordance with this determination in respect of the same locality as the member would be entitled to be paid Overseas Living Allowance in accordance with Defence Determination 3714 as in force from time to time."

Part J

Principal Determination

26. In this Part, Defence Determination 3901, Complementary Allowances Payable To Member Serving On Duty Overseas as in force¹ is referred to as the Principal Determination.

Interpretation

27. The Principal Determination is amended by omitting paragraph 4(c) and substituting the following paragraph -

"(c) where a member is at a locality which is not specified in the Schedule to this determination, the member shall be entitled to be paid an allowance in accordance with this determination in respect of the same locality as the member would be entitled to be paid Overseas Living Allowance in accordance with Defence Determination 3714 as in force from time to time."

NOTE

1 Details of the various Determinations as in force are as follows -

Determination 3601 as amended to date. For previous amendments see Note 1 to Determination No. 1 of 1990 and see also Determination Nos 1, 4, 5, 6, 8, 14, 15, 16, 21, 22 and 23 of 1990.

Determination 3610 as amended to date. For previous amendments see Note 1 to Determination No. 1 of 1990 and see also Determination Nos 1, 4, 5, 6, 8, 14, 16, 21, 22 and 23 of 1990.

Determination 3711 as amended to date. For previous amendments see Note 1 to Determination No. 1 of 1990 and see also Determination Nos 1, 4, 5, 6, 8, 14, 16, 21, 22 and 23 of 1990.

Determination 3714 as amended to date. For previous amendments see Note 1 to Determination No. 117 of 1989 and see also Determination Nos 117, 122, 127, 140, 152, 167, 174, 177, 182, 188, 198 and 209 of 1989. See also Determination Nos 13, 16 and 25 of 1990.

Determination 3723 as amended to date. For previous amendments see Note 1 to Determination No. 117 of 1989 and see also Determination Nos 117, 122, 127, 140, 152, 167, 174, 177, 182, 188, 198 and 209 of 1989. See Determination Nos 13, 16 and 25 of 1990.

Determination 3724 as amended to date. For previous amendments see Note 1 to Determination No. 117 of 1989 and see also Determination Nos 117, 122, 127, 140, 152, 162, 167, 174, 177, 182, 188, 198 and 209 of 1989. See Determination Nos 13, 16 and 25 of 1990.

Determination 3731 as amended to date. For previous amendments see Note 1 to Determination No. 1 of 1990 and see also Determination Nos 1, 4, 5, 6, 8, 14, 16, 21, 22 and 23 of 1990.

Determination 3732 as amended to date. For previous amendments see Note 1 to Determination No. 117 of 1989 and see also Determination Nos 117, 122, 140, 152, 156, 167, 174, 182, 188, 198 and 209 of 1989. See Determination Nos 13, 16 and 25 of 1990.

Determination 3733 as amended to date. For previous amendments see Note 1 to Determination No. 94 of 1989 and see also Determination Nos 94 and 103 of 1989.

Determination 3901 as amended to date. For previous amendments see Note 1 to Determination No. 116 of 1989 and see also Determination Nos 116, 127, 140, 152, 167, 174, 177, 182, 185, 188 and 209 of 1989. See Determination No. 13, 15, 16 and 25 of 1990.

TABLE 1 - Rates of Travelling Allowance

Column 1	Column 2	Column 3	Column 4	Column 5
Part A				
USA	US\$	B	65.00	71.00
St Louis		C	22.00	24.00
USA	US\$	B	70.00	77.00
Stratford		C	24.00	26.00
Part B				
USA	US\$	11.00	12.00	-
St Louis				
USA	US\$	12.00	13.00	-
Stratford				
Part C				
USA	US\$	B	54.00	59.00
St Louis		C	11.00	12.00
USA	US\$	B	58.00	64.00
Stratford		C	12.00	13.00

TABLE 2 - Rates of In Port Allowance

Column 1	Column 2	Column 3	Column 4
USA			
St Louis	US\$	11.00	12.00
USA			
Stratford	US\$	12.00	13.00

TABLE 3 - Settling In and Settling Out Allowance

Col 1	Column 2	Col 3	Col 4	Column 5			Column 6		
1	2	3	4	Breakfast	Lunch	Dinner	Breakfast	Lunch	Dinner
97A	USA	US\$	ADULT	6.00	7.30	15.00	6.60	8.00	16.50
	St Louis		CHILD	4.00	4.90	10.00	4.40	5.40	11.00
97B	USA	US\$	ADULT	6.80	7.30	16.90	7.50	8.00	18.60
	Stratford		CHILD	4.50	4.90	11.30	5.00	5.40	12.40

TABLE 4 - Rates of Meal Allowance

Column 1	Column 2	Column 3
USA St Louis	US\$	13.00
USA Stratford	US\$	14.70

EXPLANATORY MEMORANDUM

DETERMINATION NO. 19 OF 1990

Defence Act 1903

This determination amends Determinations:

- 3601 - Travelling Allowance
- 3610 - In Port Allowance
- 3711 - Settling In and Settling Out Allowance
- 3714 - Overseas Living Allowance
- 3723 - Reunion Supplement
- 3724 - Child Supplement
- 3731 - Meal Allowance
- 3732 - Overseas Vehicle Allowance
- 3733 - Overseas Vehicle Contribution
- 3901 - Complementary Allowances Payable to Member Serving on Duty Overseas

Clauses 5, 8, 11 and 21 provide for rates of allowances to members of the Defence Force who are serving at Stratford and St Louis in the United States of America in line with rates determined for Australian Public Service staff serving at these localities.

These arrangements required the amendment of the tables in the determinations which set out the localities on which a member's entitlement is based when the member is performing duty at an unspecified locality. Accordingly this opportunity has been taken to revise the tables in Determinations 3601 and 3714, omit the tables in the other determinations and provide for use of these tables by reference in related determinations

Clause 12 provides for a transition period for members who are in a period of settling in or settling out to avoid any reduction of entitlement during this period.

Authority: Section 58B of the
Defence Act 1903