



DETERMINATION NO. 46 OF 1991

DETERMINATION UNDER SECTION 58B OF THE DEFENCE ACT 1903

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

Dated 17.5.91.

Peter Cook

Minister of State for Industrial
Relations

Citation

1. This determination may be cited as Defence Determination 1991/46.

Commencement

2. This determination is to be taken to have commenced on 7 May 1991.

Operation Habitat

3. A member who is assigned for duty on Operation Habitat, or a similar operation being conducted by the defence force of another country, is entitled to be paid an allowance at the rate of \$28.38 per day for each day, or part of a day, during the period commencing on the day on which the member enters the Iraq/Turkey border region and ending on the day on which the member leaves the region on the completion of assignment.

Allowances not payable concurrently

4.1 A member is not entitled to be paid an allowance in accordance with this determination for any period during which the member is entitled to be paid Gulf Allowance.

4.2 A member is not entitled to be paid any allowance in accordance with Determination 3601 during any period the member performs duty in the Iraq/Turkey border region.

Overseas allowances not payable

5. For the purpose of a determination, other than Defence Determinations 2601 and 3601, a member entitled to be paid an allowance under this Determination is not to be taken, by reason only of being assigned for duty with Operation Habitat, to be overseas for the period the member is so entitled.

EXPLANATORY MEMORANDUM

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Defence Act 1903

This determination establishes an allowance for ADF members participating in the international refugee relief effort in the border region of Iraq and Turkey.

Clause 4 excludes concurrent payment of the allowance with Travelling Allowance and Gulf Allowance.

Clause 5 excludes the payment of other overseas allowances where the member is overseas only in connection with Operation Habitat.

The determination is brought into operation on 7 May 1991 as the Operation commenced on this date.

The retrospective application of this determination does not affect the rights of a person (other than the Commonwealth) in a manner prejudicial to that person, nor does it impose any liability on such a person.

Authority: Section 58B of the
Defence Act 1903