



DETERMINATION NO 91 OF 1991

DETERMINATION UNDER SECTION 58B OF THE DEFENCE ACT 1903

I, REX JEFFERY HOY, First Assistant Secretary, 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 15 August 1991

R.J. Hoy

**First Assistant Secretary
Remuneration and Conditions Division
Department of Industrial Relations**

Citation

1. This determination may be cited as Overseas Defence Determination 1991/91.

Principal Determination

2. In this determination, Determination 3901, Complementary Allowances Payable to Member Serving on Duty Overseas, as in force¹ is referred to as the Principal Determination.

Definitions

3. Clause 2 of the Principal Determination is amended by -
- (a) omitting the definition of "accommodation group";
 - (b) omitting paragraphs (m) and (x) from the definition of "complementary allowances"; and
 - (c) inserting after the definition of "private motor vehicle" the following definition -

"relevant Public Service determination' means Public Service Board Determination 1983/15 as in force from time to time;".

Interpretation

4. Clause 4 of the Principal Determination is amended by -
- (a) omitting "other than household maintenance and assistance allowance," from paragraph 4(aa); and
 - (b) omitting paragraph 4(c) and substituting the following paragraph -
 - "(c) where a member is at a locality which is not specified in Schedule 2A to the relevant Public Service determination, the member is entitled to be paid in accordance with this determination in respect of the same locality as the member would be entitled to be paid Overseas Living Allowance."

Household maintenance and assistance allowance

5. The Principal Determination is amended by omitting clauses 6A, 6B, 6E, and 7.

Annual and monthly amounts to apply

- 6.1 Clause 8 of the Principal Determination is amended by omitting ", other than clauses 18 and 61,".

- 6.2 Clause 9 of the Principal Determination is amended by omitting ", other than clauses 18 and 61,".

Part II - Complementary Allowances Payable to a Member Serving On Duty Overseas

7. Part II of the Principal Determination is amended by inserting immediately before Division 2 the following Division -

"DIVISION 1 - Household maintenance and assistance

Reimbursement of expenses for household maintenance and assistance

"13. A member who is entitled to be paid Overseas Living Allowance is entitled to be reimbursed for household maintenance and gardening expenses in accordance with the relevant Public Service determination as if the member were an officer of the Australian Public Service.

Head, Australian Defence Staff

"14. For the purpose of applying the relevant Public Service determination to a member who performs duties as Head, Australian Defence Staff, the entries set out in the Schedule are to be taken to be included in Part C of Schedule 2A to that determination.

Accommodation group

"15. For the purpose of applying the relevant Public Service determination, 'accommodation group', in relation to a member, means the accommodation group that would have been applicable to the member in accordance with Determination 3718, Overseas Rental and Utilities Allowance, as in force immediately before Overseas Defence Determination 1989/104 came into operation if that determination had not been repealed and the member were entitled to be paid overseas rental and utilities allowance in accordance with that determination.

Certain provisions not to apply

"16. Reimbursement made under this Division is not subject to clauses 8 to 12 inclusive."

Snow-clearing allowance - Canada

8. Clause 33 of the Principal Determination is amended by omitting "the costs he or she so incurs per annum and the amount specified in column 5 opposite the appropriate locality in column 1 of Schedule 2 to this Determination" and substituting "the costs the member so incurs in a year and the amount specified in column 5 of item 85 of Schedule 2A to the relevant Public Service determination".

Household maintenance and assistance allowance - China

9. The Principal Determination is amended by omitting clause 37.

Household maintenance and assistance allowance - France

10. The Principal Determination is amended by omitting clauses 55 and 56.

Household maintenance and assistance allowance - Germany

11. The Principal Determination is amended by omitting Clauses 62 and 63.

Household maintenance and assistance allowance – Hong Kong

12. The Principal Determination is amended by omitting clauses 66 and 67.

Gardening assistance – India

13. The Principal Determination is amended by omitting clause 73.

Household maintenance and assistance allowance – Indonesia

14. The Principal Determination is amended by omitting clause 80.

Household maintenance and assistance allowance – Israel

15. The Principal Determination is amended by omitting clause 85.

Household maintenance and assistance allowance – Japan

16. The Principal Determination is amended by omitting Division 13.

Household maintenance and assistance allowance – Malaysia

17. The Principal Determination is amended by omitting clauses 105 and 106.

Household maintenance and assistance allowance – New Zealand

18. The Principal Determination is amended by omitting Division 17.

Household maintenance and assistance allowance – Papua New Guinea

19. The Principal Determination is amended by omitting clause 129.

Household maintenance and assistance allowance – the Philippines

20. The Principal Determination is amended by omitting clause 138.

Household maintenance and assistance allowance – Singapore

21. The Principal Determination is amended by omitting Division 21.

Household maintenance and assistance allowance – Sweden

22. The Principal Determination is amended by omitting Division 23.

Household maintenance and assistance - United Kingdom

23. The Principal Determination is amended by omitting clauses 181, 181A and 181B and substituting the following clause -

"181. A member who -

- (a) performs the duties of Head, Australian Defence Staff, London; and
- (b) expends an amount in a year on minor household maintenance in excess of the amount that the member would contribute for household maintenance in accordance with clause 3.3.8 of the relevant Public Service determination if the member were a Head of Post for the purposes of that clause,

is entitled to be paid the amount of the excess."

Household maintenance and assistance - USA

24.1 The Principal Determination is amended by omitting clauses 190 and 191 and substituting the following clause -

"191. A member who -

- (a) performs the duties of Head, Australian Defence Staff, Washington; and
- (b) expends an amount in a year on minor household maintenance in excess of the amount that the member would contribute for household maintenance in accordance with clause 3.3.8 of the relevant Public Service determination if the member were a Head of Post for the purposes of that clause,

is entitled to be paid the amount of the excess."

24.2 Clause 199 of the Principal Determination is amended by omitting "the costs he or she so incurs per annum or the amount specified in column 5 opposite the appropriate locality in column 1 of Schedule 2 to this Determination" and substituting "the costs the member so incurs in a year and the amount specified in column 5 of item 128 of Schedule 2A to the relevant Public Service determination".

Application

25. The Principal Determination is amended by omitting clauses 215, 215A and 216.

Schedule

26. The Principal Determination is amended by omitting the Schedule and substituting the Schedule set out in Attachment A to this determination.

NOTE

- 1.** Determination 3901 as amended to date. For previous amendments see Note 1 to Determination No 12 of 1991 and see also Determination Nos 12, 15, 19, 24, 35, 42, 44, 54, 60, 64, 72, 74, 77 and 88 of 1991.

**ATTACHMENT A TO
OVERSEAS DEFENCE DETERMINATION 1991/91**

SCHEDULE

HOUSEHOLD MAINTENANCE AND ASSISTANCE

Column 1	Column 2	Column 3	Column 4	Column 5
Item No.	Locality and Currency	Position	Residential address	Limit of Reimburse- ment
1.	United Kingdom Pound	Head, Australian Defence Staff	7 Argyle Road London	5138
2.	USA - Washington US\$	Head, Australian Defence Staff	7112 Loch Lomond Dr Bethesda	16579

EXPLANATORY MEMORANDUM

DETERMINATION NO 91 OF 1991

Defence Act 1903

This determination amends Determination 3901, Complementary Allowances Payable to Member Serving on Duty Overseas, to provide (by reference to the APS determination) for members to be reimbursed for household maintenance and assistance and related expenditure at overseas posts on the same basis as APS officers.

Redundant provisions on these matters are repealed from Determination 3901, together with the application clauses which are now out of date.

The former Schedule is replaced by a Schedule prescribing the limits of reimbursement for members performing the duties of Head, Australian Defence Staff in London and Washington.

Authority: Section 58B of the
Defence Act 1903