



DETERMINATION NO 93 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 20 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 1991/93.

PART A

Principal Determination

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

Definitions

3. Clause 2 of the Principal Determination is amended by -
- (a) omitting the definitions of "corresponding rank", "Head of Mission", "Head of Post" and "public holiday";
 - (b) inserting after the definition of "recreation leave" the following definition -

"relevant Public Service determination' means Public Service Board Determination 1983/15 as in force from time to time;"; and
 - (c) omitting "Allowance" from the definitions of "settling in" and "settling out".

Interpretation

4. The Principal Determination is amended by -
- (a) omitting paragraph 3(d) and substituting -

"(d) the expression "appropriate to the member", in relation to a rate of allowance payable to a member, means the rate of allowance specified in the relevant Public Service determination opposite the locality in respect of which the allowance is payable in -
 - (i) where the member holds the rank of Major-General or Brigadier or a corresponding rank - Part B of Schedule 2/C/A or 3/K/A whichever is applicable; and
 - (ii) where the member holds the rank of Colonel or lower rank in the Army, or a corresponding rank - Part C of Schedule 2/C/A or 3/K/A whichever is applicable;"; and
 - (b) omitting clause 3A and substituting -

"3A. Where a member is in the United States of America at a locality (referred to as the relevant locality in this clause) which is not specified in Schedule 2/C/A of the relevant Public Service determination, the member is to be paid an allowance in accordance with this determination as if the member were at the locality in Column 2 opposite to the relevant locality in column 1 of the Table to sub-clause 2/C/1.2 of the relevant Public Service determination."

Chief of the Defence Force

5. The Principal Determination is amended by omitting sub-clauses 27.2 and 58.2.

Consequential amendments

6. Each provision of the Principal Determination referred to in Part A of Attachment A to this determination is amended in the manner specified in column 2 opposite the reference to the provision in column 1.

Schedules

7. The Principal Determination is amended by omitting Schedules 1, 2 and 3.

PART B

Principal Determination

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

Definitions

9. Clause 2 of the Principal Determination is amended by inserting after the definition of "port" the following definition -

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

Interpretation

10. The Principal Determination is amended by omitting clause 2A and substituting -

"2A. Where a member is in the United States of America at a locality (referred to as the relevant locality in this clause) which is not specified in Schedule 2/C/A of the relevant Public Service determination, the member is to be paid an allowance in accordance with this determination as if the member were at the locality in Column 2 opposite to the relevant locality in column 1 of the Table to sub-clause 2/C/1.2 of the relevant Public Service determination."

Rate of allowance

11. The Principal Determination is amended by omitting clause 5 and substituting -

"5. In port allowance is payable to a member at the daily rate specified in Schedule 3/K/A of the relevant Public Service determination under the column heading "Incidentals a day" opposite the locality in which the port visited is located in -

- (i) where a member holds the rank of Major-General or Brigadier or a corresponding rank - Part B of the schedule; or
- (ii) where a member holds the rank of Colonel or lower rank in the Army, or a corresponding rank - Part C of the schedule."

Table of rates

12. The Principal Determination is amended by omitting the Table.

PART C

Principal Determination

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

Definitions

14. Clause 2 of the Principal Determination is amended by -

- (a) omitting the definitions of "child", "Head of Post", "public holiday" and "spouse"; and
- (b) inserting after the definition of "recreation leave" the following definition -

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

Interpretation

15. The Principal Determination is amended by omitting sub-clause 4.3 and substituting -

"4.3 Where a member is in the United States of America at a locality (referred to as the relevant locality in this clause) which is not specified in Schedule 2/C/A of the relevant Public Service determination, the member is to be paid an allowance in accordance with this determination as if the member were at the locality in Column 2 opposite to the relevant locality in column 1 of the Table to sub-clause 2/C/1.2 of the relevant Public Service determination."

Meals supplement

16. The Principal Determination is amended by omitting sub-clause 6.1 and substituting -

"6.1 Where a member and the member's eligible dependants (if any) are, during an approved period, authorised to reside in an hotel, the member is entitled to be paid meals supplement in respect of each meal which would ordinarily be taken during the period the member so resides -

- (a) for the member and each eligible dependant who is not less than 12 years of age -
 - (i) in the case of a member who holds the rank of Major-General or Brigadier or a corresponding rank - at the adult rate for the meal specified in Part A of Schedule 3/E/A of the relevant Public Service determination; and
 - (ii) in any other case - at the adult rate for the meal specified in Part B of the schedule; and
- (b) for each eligible dependant who is less than 12 years of age -
 - (i) in the case of a member who holds the rank of Major-General or Brigadier or a corresponding rank - at the child rate for the meal specified in Part A of Schedule 3/E/A of the relevant Public Service determination; and

- (ii) in any other case – at the child rate for the meal specified in Part B of the schedule."

Consequential amendments

17. Each provision of the Principal Determination referred to in Part B of Attachment A to this determination is amended in the manner specified in column 2 opposite the reference to the provision in column 1.

Schedule

18. The Principal Determination is amended by omitting the Schedule.

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 2 of 1991 and see also Determination Nos 2, 3, 4, 5, 8, 11, 16, 18, 20, 21, 25, 26, 27, 28, 32, 33, 34, 36, 39, 40, 41, 43, 51, 52, 53, 57, 58, 59, 62, 63, 66, 68, 69, 73, 79, 80 and 81 of 1991.

Determination 3610 as amended to date. For previous amendments see Note 1 to Determination No 2 of 1991 and see also Determination Nos 2, 3, 4, 5, 8, 11, 16, 18, 20, 21, 25, 26, 27, 28, 32, 33, 34, 36, 39, 40, 41, 43, 51, 52, 53, 57, 58, 59, 62, 63, 66, 68, 69, 73, 79, 80 and 81 of 1991.

Determination 3711 as amended to date. For previous amendments see Note 1 to Determination No 2 of 1991 and see also Determination Nos 2, 3, 4, 5, 8, 11, 16, 18, 20, 21, 25, 26, 27, 28, 32, 33, 34, 36, 39, 40, 41, 51, 52, 53, 57, 58, 59, 62, 63, 66, 68, 69, 73, 79, 80 and 81 of 1991.

**ATTACHMENT A TO
OVERSEAS DEFENCE DETERMINATION 1991/93**

Column 1

Column 2

Provision

Manner in which amended

PART A

Clause 2

Omit "country" and "countries" from the definitions of "intermediate term duty", "language training course", "long term duty", "rest period" and "short term duty" and from paragraph (a) of the definitions of "time of arrival" and "time of departure" and substitute "locality" and "localities" respectively.

Clause 2A,
Paragraphs 3(f), 4(a),
7(a) and 7(b)

Omit "country" (wherever occurring) and substitute "locality"

Paragraph 7(c)

Omit "country" (first occurring) and substitute "locality"

Paragraph 7(d)

Omit "country" and substitute "locality"

Clause 8

Omit "specified in Schedule 1 appropriate to the member" and substitute "appropriate to the member specified in Schedule 2/C/A of the relevant Public Service determination"

Omit "clauses 32 to 64" and substitute "clauses 32 to 63"

Paragraph 9(a)

Omit "country" and substitute "locality"

Paragraph 9(b)

Omit "specified in Schedule 1 appropriate to the member for country of destination" and substitute "appropriate to the member specified in Schedule 2/C/A of the relevant Public Service determination opposite the member's destination"

Sub-paragraph 9(c)(iv)

Omit "specified in Schedule 1 appropriate to the member for the country" and substitute "appropriate to the member specified in Schedule 2/C/A of the relevant Public Service determination opposite the locality"

Clause 10

Omit "country" (wherever occurring) and substitute "locality"

Column 1	Column 2
Provision	Manner in which amended
Paragraph 10(b)	Omit and substitute – " (b) the daily rate specified for incidentals appropriate to the member specified in Schedule 3/K/A of the relevant Public Service determination for the locality in which the member is living."
Sub-paragraphs 11(b)(ii) and 11(ba)(ii)	Omit and substitute – " (ii) the daily rate for incidentals appropriate to the member specified in Schedule 3/K/A of the relevant Public Service determination for the locality in which the member is living; and"
Sub-paragraph 11(c)(ii)	Omit and substitute – " (ii) the daily rate for incidentals appropriate to the member specified in Schedule 3/K/A of the relevant Public Service determination for the locality in which the member is living."
Clause 12	Omit "country" and substitute "locality"
Paragraph 16(b)	Omit "country" and "countries" and substitute "locality" and "localities" respectively
Clause 17	Omit "clauses 18 to 64" and substitute "clauses 18 to 63"
Clause 17, paragraph 18(a) and sub-paragraph 18(b)(ii)	Omit "specified in Schedule 3 appropriate to the member" and substitute "appropriate to the member specified in Schedule 3/K/A of the relevant Public Service determination"
Sub-paragraph 18(b)(iv)	Omit "specified in Schedule 3 appropriate to the member for the country" and substitute "appropriate to the member specified in Schedule 3/K/A of the relevant Public Service determination opposite the locality"

Column 1**Column 2****Provision****Manner in which amended**

Paragraphs 19(a) and 19(d),
and clause 20

Omit "specified in Schedule 3 appropriate to the member" and substitute "appropriate to the member specified in Schedule 3/K/A of the relevant Public Service determination"

Clause 24

Omit "specified in Schedule 1 appropriate to the member" and substitute "appropriate to the member specified in Schedule 2/C/A of the relevant Public Service determination"

Clause 25

Omit "specified in Schedule 3 appropriate to the member" and substitute "appropriate to the member specified in Schedule 3/K/A of the relevant Public Service determination"

Clause 28

Omit "country" (first occurring) and substitute "locality"

Sub-clause 28.1

Omit "at the rate specified in Schedule 2 according to the rank held by the member in column 3 or 4 which is opposite the country in which the member is serving in column 1 and the currency of payment in column 2." and substitute -

"at the daily rate appropriate to the member specified in Schedule 3/K/A of the relevant Public Service determination for the locality at which the member is serving."

Clause 29

Omit "country" (first occurring) and substitute "locality"

Sub-clause 29.1

Omit "at the rate specified in Schedule 2 according to the rank held by the member in column 3 or 4 which is opposite the country in which the member is serving in column 1 and the currency of payment in column 2." and substitute -

"at the daily rate appropriate to the member specified in Schedule 3/K/A of the relevant Public Service determination for the locality at which the member is serving."

Column 1**Column 2****Provision****Manner in which amended**

Clause 32

Omit "country" and substitute "locality"

Omit "specified in Schedule 1 or Schedule 3, whichever is applicable, appropriate to the member" and substitute "appropriate to the member specified in whichever of Schedules 2/C/A or 3/K/A of the relevant Public Service determination is applicable to the member"

Paragraph 32A(a)

Omit "at a daily rate equal to the amount specified in Schedule 1 appropriate to the member" and substitute "at the daily rate appropriate to the member specified in Schedule 2/C/A of the relevant Public Service determination "

Paragraph 32A(b)

Omit "at a daily rate equal to two thirds of the amount specified in Schedule 1 appropriate to the member" and substitute "at a daily rate equal to two thirds of the daily rate appropriate to the member specified in Schedule 2/C/A of the relevant Public Service determination"

Clause 42

Omit "country" and "category" and substitute "locality" and "type" respectively

Clause 43

Omit "specified in column 3 of Schedules 1 and 3" and substitute "specified under the column heading 'Allowance type' in Schedules 2/C/A and 3/K/A of the relevant Public Service determination"

Omit "categories" and "category" (wherever occurring) and substitute "types" and "type" respectively

Omit "countries" and substitute "localities"

Clauses 44, 45, 46 and 47

Omit "category" (wherever occurring) and "Schedule 1 or 3" and substitute "type" and "Schedule 2/C/A or 3/K/A of the relevant Public Service determination" respectively

Column 1**Column 2****Provision****Manner in which amended**

Clause 48

Omit "specified in Schedule 3 appropriate to the member for the country of duty" and substitute "appropriate to the member specified in Schedule 3/K/A of the relevant Public Service determination for the locality where the duty is performed"

Clause 51

Omit "category" and "country" and substitute "type" and "locality" respectively

Clause 53

Omit "specified in Schedule 1 appropriate to the member for the place of temporary duty" and substitute "appropriate to the member specified in Schedule 2/C/A of the relevant Public Service determination opposite the locality"

Clauses 53, 54 and 62

Omit "country" (wherever occurring) and substitute "locality"

PART B

Clauses 4 and 5

Omit "country" (wherever occurring) and substitute "locality"

EXPLANATORY MEMORANDUM

DETERMINATION NO 93 OF 1991

Defence Act 1903

This determination amends Determinations:

- 3601 - Travelling Allowance
- 3610 - In Port Allowance
- 3711 - Settling In and Settling Out

Part A of this determination (clauses 2 to 7) amends Determination 3601, Travelling Allowance, to provide by reference to Public Service Board Determination 1983/15 for members to be paid Travelling Allowance at the same rates and on the same basis as officers of the Australian Public Service (APS).

Clause 3 inserts a definition of "relevant Public Service Determination" (Public Service Board Determination 1983/15) and corrects the reference to Determination 3711, Settling In and Settling Out.

Clauses 4 to 7 introduce amendments consequential to the Clause 3 amendment to provide for direct reference to the appropriate schedules in Public Service Board Determination 1983/15.

Part B of this determination (clauses 8 to 12) amends Determination 3610, In Port Allowance, to provide by reference to Public Service Board Determination 1983/15 for members to be paid In Port Allowance at the same rates and on the same basis as officers of the APS are paid incidentals allowance.

Clause 9 inserts a definition of "relevant Public Service Determination" (Public Service Board Determination 1983/15) and clauses 10 to 12 introduce consequential amendments.

Part C of this determination (clauses 13 to 18) amends Determination 3711, Settling In and Settling Out, to provide by reference to Public Service Board Determination 1983/15 for members to be paid an allowance during periods of settling in and settling out at the same rates and on the same basis as officers of the APS.

Clause 14 inserts a definition of "relevant Public Service Determination" (Public Service Board Determination 1983/15) and clauses 15 to 18 introduce consequential amendments.

Authority: Section 58B of the
Defence Act 1903