



DETERMINATION NO 19 OF 1992

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 5 May 1992

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 1992/19.

PART A

Repeal of Determination 3721

2. Determination 3721, Rent and Utilities Contribution, as in force¹ is repealed.

PART B

Repeal of Overseas Defence Determination 1989/105

3. Overseas Defence Determination 1989/105 as in force² is repealed.

PART C

Principal Determination

4. In this Part Defence Determination 1991/45 as in force³ is referred to as the Principal Determination.

Chaplain taken to hold rank

5. The Principal Determination is amended by inserting after clause 4 the following clause -

"4A. For the purpose of a determination, a Chaplain is to be taken to hold the rank in respect of which the Chaplain is entitled to be paid salary."

Relevant Secretary

6. The Principal Determination is amended by inserting after clause 5 the following clause -

"5A. For the purposes of applying to a member a condition of service which is the same as for an officer of the Australian Public Service, a reference to the relevant Secretary is to be read as a reference to the Chief of the Defence Force."

PART D

Principal Determination

7. In this Part Determination 2699, Payment of Financial Entitlements Consequent Upon the Death of a Member or a Former Member, as in force⁴ is referred to as the Principal Determination.

Definitions

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

(a) omitting the definitions of "Child Supplement", "Overseas Living Out Allowance" and "Overseas Rental and Utilities Allowance";

(b) omitting the definition of "Settling In and Settling Out Allowance" and substituting the following definition -

"Settling In and Settling Out" means an allowance payable under Determination 3711, Settling In and Settling Out"; and

(c) omitting the definition of "Upkeep Allowance".

Payment of financial entitlements on death of member

9. Clause 3A of the Principal Determination is amended by -

- (a) omitting from paragraph (d) "or Overseas Living Out Allowance, whichever is applicable" and substituting ", excluding Child Supplement";
- (b) omitting paragraph (e) and substituting -
 - "(e) in relation to residential accommodation, the amount of reimbursement for -
 - (i) expenses incurred in searching for, securing and retaining the accommodation; and
 - (ii) the cost of utilities,
in accordance with Overseas Defence Determination 1992/18;"
- (c) omitting "Allowance" from paragraph (g);
- (d) omitting paragraph (h) and substituting -
 - "(h) if the member occupied the position of Head, Australian Defence Staff in London or Washington DC - the amount payable for household maintenance and assistance,"; and
- (e) omitting "less the amount the member would, but for his or her death, have been required to contribute under Determination 3721, Rental and Utilities Contribution" and substituting "less the rent and utilities contribution that the member would have been required to pay but for the member's death".

PART E

Consequential amendments

10. Each of the provisions referred to in column 1 of the Attachment to this determination is amended in the manner specified in column 2 opposite the reference to the provision in column 1.

ATTACHMENT

Column 1	Column 2
Provision	Amendment
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Determination 2601, Recreation Leave, as in force ⁵	
Paragraph 36(1)(g)	Omit
Paragraph 37(i)	Omit
Clause 37C	Omit
Clause 37D	Omit
Clause 37E	Omit
Determination 3702, Transfer Allowance, as in force ⁶	
Clause 2, definition of "rent group"	Omit "Determination 3721, Rent and Utilities Contribution" and substitute "Overseas Defence Determination 1992/18"
Determination 3901, Complementary Allowances Payable to Member Serving on Duty Overseas as in force ⁷	
Clause 2, definition of "rent group"	Omit "Determination 3721, Rent and Utilities Contribution" and substitute "Overseas Defence Determination 1992/18"

Notes

1. Determination 3721 was made by Determination 84 of 1986 and has been amended by Determination Nos 17, 48, 69, 77 and 78 of 1987; Nos 17 and 34 of 1988; Nos 2, 70, and 78 of 1989; Nos 65, 73, 82, 107, 134, 138, 187 and 191 of 1990; Nos 30, 37, 56 and 75 of 1991.
2. Determination 1989/105 was made on 29 August 1991.
3. Determination 45 of 1991, as amended to date. For previous amendments see Note to Determination 5 of 1992 and see also Determination No 5 of 1992.
4. Determination 2699 was made by Determination 13 of 1984 and has been amended by Determination Nos 67 and 112 of 1984; No 20 of 1987; Nos 14, 17, 37 and 54 of 1988 and No 104 of 1989.
5. Determination 2601, as amended to date. For previous amendments see Note to Determination 12 of 1992 and see also Determination No 12 of 1992.
6. Determination 3702 was made by Determination 82 of 1984 and has been amended by Determination No 110 of 1984; No 87 of 1986; Nos 17 and 77 of 1987; Nos 34 and 54 of 1988; Nos 83 and 203 of 1989 and Nos 17 and 112 of 1991.
7. Determination 3901, as amended to date. For previous amendments see Note to Determination 2 of 1992 and see also Determination Nos 2 and 8 of 1992.

EXPLANATORY MEMORANDUM
DETERMINATION NO 19 OF 1992

Defence Act 1903

Overseas Defence Determination 1992/18 consolidates provisions relating to residential accommodation for members of the Australian Defence Force (ADF) serving on long-term postings overseas.

The provisions were formerly contained in two separate determinations: Determination 3721, Rent and Utilities Contribution, and Overseas Defence Determination 1989/105, which dealt with reimbursement for utility costs and expenses incurred in obtaining accommodation. These determinations are repealed by clauses 2 and 3 of this determination.

Part C of this determination amends Defence Determination 1991/45, which provides standard definition and interpretation clauses for use with determinations made under section 58B of the *Defence Act 1903*. Clause 5 inserts a provision in relation to the rank taken to be held by a Chaplain, while clause 6 provides for interpretation of the term "relevant Secretary" where used in the context of Defence Force conditions of service which are the same as for officers of the Australian Public Service.

Part D amends Determination 2699, Payment of Financial Entitlements Consequent Upon the Death of a Member or a Former Member. Clause 8 omits definitions which are made redundant by this determination and updates one other definition. Clause 9 updates and makes consequential amendments to a clause dealing with payment of financial entitlements on the death of a member during a long-term overseas posting.

Part E makes consequential amendments to three other determinations, including the repeal of redundant provisions from Determination 2601, Recreation Leave.

Authority: Section 58B of the
Defence Act 1903