



DETERMINATION NO 49 OF 1992

DETERMINATION UNDER SECTION 58B OF THE DEFENCE ACT 1903

I, MERYL ANNETTE STANTON, First Assistant Secretary, Government Authorities and Defence 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 9 October 1992

M.A. Stanton
First Assistant Secretary
Government Authorities and Defence Division
Department of Industrial Relations

Citation

1. This determination may be cited as Overseas Defence Determination 1992/49.

Commencement

2. This determination is to be taken to have commenced on 14 August 1992.

Principal Determination

3. In this determination Defence Determination 1991/108 as in force¹ is referred to as the Principal Determination.

Deployment Allowance for service with UN Mission

4. The Principal Determination is amended by -

- (a) omitting "an allowance" from sub-clause 2.1 and substituting "Deployment Allowance"; and
- (b) omitting "an allowance under sub-clause 2.1" from sub-clauses 2.2 and 2.3 and substituting "Deployment Allowance".

Allowance payable during absence on leave after cessation of duty with UN Mission

5. Sub-clause 3.1 of the Principal Determination is amended by omitting "an allowance in accordance with clause 2" and substituting "Deployment Allowance".

Overseas allowance not payable

6. Clause 4 of the Principal Determination is amended by -

- (a) omitting "an allowance under this determination" and substituting "Deployment Allowance"; and
- (b) inserting at the end thereof the following sub-clauses -

"4.2 Sub-clause 4.1 does not preclude payment of Difficult Post Allowance on any day when a member is not entitled to be paid Deployment Allowance.

"4.3 For the purpose of payment of Difficult Post Allowance, a member is to be taken to have been paid Difficult Post Allowance during any period for which the member was entitled to be paid Deployment Allowance."

Note

1. Determination 1991/108, as amended to date. For previous amendments see Note to Determination 12 of 1992 and see also Determination Nos. 12, 41 and 48 of 1992.

EXPLANATORY MEMORANDUM
DETERMINATION NO 49 OF 1992
Defence Act 1903

Defence Determination 1991/108 (the Principal Determination) provides for payment of an allowance to members of the Australian Defence Force performing duty in a defined area with the United Nations (UN) in Cambodia.

This determination makes amendments in relation to a member's eligibility to payment of Difficult Post Allowance where the member is not entitled to payment of the allowance provided under clause 2 of the Principal Determination.

The amendments apply from 14 August 1992, the date when changed operational circumstances affecting the UN Mission became known.

Clauses 4 and 5 and paragraph 6(a) of this determination substitute the term "Deployment Allowance" for certain former references to the allowance payable under the Principal Determination.

Paragraph 6(b) modifies a clause of the Principal Determination which precludes entitlement to overseas conditions of service during payment of Deployment Allowance. It inserts new provisions which:

- . ensure that a member is not precluded from receiving payment of Difficult Post Allowance on any day when the member is not entitled to be paid Deployment Allowance; and
- . treat a member as having been paid Difficult Post Allowance during any period for which the member was entitled to be paid Deployment Allowance as eligibility for payment of Difficult Post Allowance depends on continuity of service in localities where the allowance is payable.

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 person.

Authority: Section 58B of the
Defence Act 1903