



OVERSEAS DEFENCE DETERMINATION 1994/1

DETERMINATION UNDER THE DEFENCE ACT 1903

I, CATHERINE ELEANOR BOSSER, Acting First Assistant Secretary, Government Authorities and Defence Division, Department of Industrial Relations, acting under a delegation made by the Minister for Industrial Relations under Defence Force Regulation 72A, make the following Determination under section 58B of the Defence Act 1903.

Dated 13 January 1994

C. BOSSER
Acting First Assistant Secretary
Government Authorities and Defence Division
Department of Industrial Relations

1. Citation

1.1 This Determination may be cited as Overseas Defence Determination 1994/1.

PART A

2. Amendment

2.1 Determination 3901, Complementary Allowances Payable to Member Serving on Duty Overseas, as amended¹, is amended as set out in this Part.

3. Clause 2 (Definitions)

3.1 Definitions of "child" and "de facto spouse":
Delete the definitions.

3.2 Before the definition of "long term duty", insert the following definition:

"'dependant' has the same meaning as in Part 1 of the relevant Public Service determination;".

4. Clause 3 (Interpretation)

4.1 Paragraph 3(a):
Delete the paragraph.

5. Clause 60A (Excess commuting costs allowance - Germany)

5.1 Paragraph 60A(b):
Delete the paragraph, substitute:

"(b) where the member is accompanied by a dependant who is a child - an English-speaking school suitable for the child is not available at Hurth,".

6. Clause 134 (Video Allowance - Papua New Guinea)

6.1 Paragraphs 134(a) and 134(b):
Delete the paragraphs, substitute:

"(a) where the member is accompanied by a dependant who is a child - Kina 830; and

(b) where the member is not so accompanied - Kina 415."

PART B

7. Amendment

7.1 Determination 4003, Emergency Evacuation Overseas - Allowances and Compensation, as amended², is amended as set out in this Part.

8. Clause 2 (Definitions)

8.1 Definition of "child":
Delete the definition.

8.2 Definition of "dependant":
Delete the definition, substitute:

"'dependant' has the same meaning as in Part 1 of the relevant Public Service determination;".

9. Clause 3 (Interpretation)

9.1 Delete the clause.

10. Clause 5 (Approving authority)

10.1 Delete the clause.

PART C

11. Amendment

11.1 Overseas Defence Determination 1992/18, as amended³, is amended as set out in this Part.

12. Clause 3 (Definitions)

12.1 Before the definition of "relevant Public Service determination", insert the following definition:

"'dependant' has the same meaning as in Part 1 of the relevant Public Service determination;"

13. Clause 5 (Residential accommodation)

13.1 Delete "eligible dependant", substitute "dependant".

PART D

14. Amendment

14.1 Overseas Defence Determination 1993/24 is amended as set out in this Part.

15. Clause 2 (Definitions)

15.1 Definition of "dependant":

Delete the definition, substitute:

"'dependant' has the same meaning as in Part 1 of the relevant Public Service determination;"

PART E

16. Amendment

16.1 Overseas Defence Determination 1993/26 is amended as set out in this Part.

17. Clause 2 (Definitions)

17.1 Definition of "dependant":

Delete "Overseas Defence Determination 1993/24", substitute "Part 1 of the relevant Public Service determination".

Notes

1. Determination 3901 was made by Determination 86 of 1986 and has been amended by Determination No 101 of 1986; Nos 17, 48, 50, 58, 70, 77, 79 and 93 of 1987; No. 3, 15, 28, 34, 35, 44, 46, 63, 65, 68, 74 and 79 of 1988; Nos 3, 11, 70, 98, 102, 103, 104, 107, 108, 116, 127, 140, 152, 167, 174, 177, 182, 185, 188 and 209 of 1989; Nos 13, 15, 16, 19, 25, 33, 48, 49, 50, 55, 59, 60, 81, 88, 91, 102, 108, 111, 115, 120, 127, 135, 138, 145, 162, 169, 171, 185 and 191 of 1990; Nos 12, 15, 19, 24, 35, 42, 44, 48, 54, 60, 64, 72, 74, 77, 88, 91, 104, 116 and 120 of 1991; Nos 2, 8, 19, 42, 45, 47, 56 and 62 of 1992; Nos. 6, 10, 31 and 41 of 1993.
2. Determination 4003 was made by Determination 47 of 1981 and has been amended by Determination No 37 of 1983; No 110 of 1984; No 15 of 1985; No 87 of 1986; No 77 of 1987; No 78 of 1989; No 187 of 1990; No 125 of 1991 and No 10 of 1993.
3. Determination 1992/18 was made on 5 May 1992 and has been amended by Determination Nos. 21, 29 and 56 of 1992.

EXPLANATORY MEMORANDUM

OVERSEAS DEFENCE DETERMINATION 1994/1

Defence Act 1903

Section 58B of the *Defence Act 1903* provides for determinations on conditions of service for members of the Australian Defence Force (ADF). Such determinations for members performing duty overseas reflect the conditions for officers of the Australian Public Service (APS) in similar circumstances. Many such determinations adopt by reference the overseas conditions set out in the relevant Public Service determination under section 82D of the *Public Service Act 1922*, as authorised by subsection 58B(1A) of the *Defence Act 1903*.

The purpose of this Determination is to amend five principal Defence overseas determinations to reflect recent changes to the definition of "dependant" in the relevant Public Service determination.

Part A of this Determination amends Determination 3901, Complementary Allowances Payable to Member Serving on Duty Overseas, by:

- . removing two redundant definitions in relation to dependants (the meaning of "child" and "spouse" in Determination 3901 now reverts to the definitions in Defence Determination 1991/45, which provides standard definitions and interpretation for use with any other section 58B Defence determination);
- . inserting a new definition of "dependant" by reference to the relevant Public Service determination;
- . removing a redundant interpretation provision in relation to a de facto spouse; and
- . making minor consequential amendments to the wording of two clauses which contain entitlements in relation to children of members.

Part B amends Determination 4003, Emergency Evacuation Overseas - Allowances and Compensation, by:

- . removing a redundant definition;
- . substituting a new definition of "dependant" by reference to the relevant Public Service determination;

- . removing a redundant interpretation provision in relation to a de facto spouse; and
- . deleting a provision containing criteria under which the Chief of the Defence Force was to exercise a discretion to approve a person as a dependant; the discretion and criteria are now adopted by reference from the definition of "dependant" in the relevant Public Service determination.

Part C amends Overseas Defence Determination 1992/18, which sets out conditions of service in relation to residential accommodation overseas. It inserts a new definition of "dependant" by reference to the relevant Public Service determination, and makes a minor consequential amendment.

Part D amends Overseas Defence Determination 1993/24, which authorises Travelling Allowance and related conditions of service for members and dependants travelling on short-term overseas duty. The former definition of "dependant" is replaced by reference to the similar definition in the relevant Public Service determination.

Part E amends Overseas Defence Determination 1993/26, which adopts APS conditions in relation to class of air travel and rest periods for members and dependants travelling overseas on duty. The amendment defines "dependant" by reference to the relevant Public Service determination instead of to Overseas Defence Determination 1993/24.

Authority: Section 58B of the
Defence Act 1903