



DEFENCE DETERMINATION 1994/18

DETERMINATION UNDER THE DEFENCE ACT 1903

I, MERYL ANNETTE STANTON, 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 30 May 1994

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

1. Citation

1.1 This Determination may be cited as Defence Determination 1994/18.

2. Definition of operational area

2.1 In this Determination "operational area" means -

- (a) the land area of the Former Socialist Federal Republic of Yugoslavia, and the airspace above that area; and
- (b) the Adriatic Sea north of 40° North latitude, but excluding the territorial sea of Italy.

3. Entitlement to allowance in operational area

3.1 A member is entitled to be paid an allowance for each day or part of a day on which the member is in the operational area at the rate of -

- (a) for a member engaged in naval operations - \$27.50 a day;
- (b) for a member engaged in air operations - \$35 a day; and
- (c) for a member engaged in land operations - \$73 a day.

4. Allowance payable during absence on leave

4.1 A member who has been performing the duty referred to in clause 3 and who commences a period of leave immediately after ceasing to perform the duty is entitled to be paid the allowance specified in that clause for a period equal to whichever is the lesser of -

- (a) the period of the leave granted to the member;
- (b) the period of the unused leave credits accrued for service in the operational area; and
- (c) the period of leave that would be accrued by the member for 12 months' service in the operational area.

4.2 The rate of allowance payable to a member under subclause 4.1 is to be the rate payable to the member during the service for which the leave was accrued.

4.3 Where a member ceases duty in the operational area but is prevented from -

- (a) immediately commencing a period of leave; or
- (b) completing a period of leave, or otherwise utilising leave credits,

by reason of the member's injury or illness, or immediate service requirements, the period during which the injury or illness or service requirements prevents the member from taking leave is to be ignored for the purpose of applying subclause 4.1 to the member and any separate periods of leave are to be treated as one period.

4.4 For the purpose of this clause a reference to leave is to be read as a reference to recreation leave.

5. Overseas allowance not payable

5.1 For the purpose of a determination other than Determination 2601, Recreation Leave, and Overseas Defence Determination 1993/24, a member who is entitled to be paid an allowance under this Determination is not to be taken, by reason only of performing duty in the operational area, to be overseas for the period the member is so entitled.

5.2 Subclause 5.1 does not preclude payment of Difficult Post Allowance on any day when a member is not entitled to be paid an allowance under this Determination.

5.3 For the purpose of payment of Difficult Post Allowance, a member is taken to have been paid Difficult Post Allowance during any period for which the member was entitled to be paid an allowance under this Determination.

6. Transitional

6.1 A member is entitled to be paid an additional allowance equal to the amount of allowance that would have been payable to the member under clause 3 if this Determination had been in force for the whole of the period commencing on -

- (a) in the case of a member to whom paragraph 3.1(a) applies - 12 June 1993; and
- (b) in the case of a member to whom paragraph 3.1(b) applies - 8 October 1992,

and ceasing on the day on which this Determination commences.

EXPLANATORY MEMORANDUM
DEFENCE DETERMINATION 1994/18

Defence Act 1903

This Determination establishes special conditions of service for Australian Defence Force members serving on exchange with a foreign defence force and performing duty in the operational area defined in clause 2.

Clause 3 authorises payment of an allowance for members engaged in naval, air and land operations in the operational area, which is defined as a geographic region.

Clause 4 authorises payment of the allowance during a period of recreation leave that is contiguous with cessation of a period of duty.

Clause 5 precludes concurrent eligibility for certain other overseas conditions of service for duty in the operational area.

Clause 6 is a transitional clause providing for payment of the relevant rate of allowance to certain members who performed duty in the operational area in the specified periods before the day on which this Determination commences.

Authority: Section 58B of the
Defence Act 1903