



OVERSEAS DEFENCE DETERMINATION 1994/38

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 9 September 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 Overseas Defence Determination 1994/38.

2. Definitions

2.1 In this Determination:

"dependant" has the same meaning as in the relevant Public Service determination;

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

3. Miscellaneous conditions of service

3.1 A member on long-term posting is entitled to be treated in accordance with the relevant Public Service determination as if the member were an officer of the Australian Public Service in the same circumstances as the member for the following:

- (a) household maintenance and assistance;
- (b) club membership at the locality of posting;
- (c) special clothing requirements at the locality of posting;
- (d) snow clearing;
- (e) excess costs for travel between the member's residence and the place at which the member ordinarily performs duty for a member on long-term posting in Canada, the United Kingdom (London only) or the United States of America;
- (f) excess baggage during travel on recreation leave at Commonwealth expense undertaken by the member or a dependant of the member;
- (g) Camping Allowance where a member is required to camp out;
- (h) supplementary allowance for depreciation during the period of ownership or hire of a motor vehicle where a member -
 - (i) is on long-term posting in Thailand or is directed to reside on Manhattan Island in the United States of America, and so resides; and
 - (ii) purchases a new motor vehicle or hires a motor vehicle on a long-term basis;
- (i) undercover parking for a member on long-term posting in Canada; and
- (j) Christmas gratuities paid to apartment and garage staff by a member who is directed to reside on Manhattan Island in the United States of America, and who so resides.

4. Minor household maintenance

4.1 A member who:

- (a) performs the duties of Head, Australian Defence Staff in London or Washington DC; and
- (b) expends an amount in a year on minor household maintenance in excess of the amount that the member would contribute for household maintenance

in accordance with clause 3.3.8 of the relevant Public Service determination if the member were a Head of Post for the purposes of that clause,

is entitled to be paid the amount of the excess.

5. France - radio and television licence fees

5.1 A member on long-term posting in France is entitled to be reimbursed for radio and television licence fees incurred by the member.

5.2 This clause does not apply to fees incurred by a member after 30 June 1995.

6. India - freight and insurance on provisions

6.1 A member who is a student at the Defence Services Staff College at Wellington in India, and who purchases essential provisions in New Delhi, is entitled to be reimbursed for the costs incurred by the member for freight and insurance on the provisions between New Delhi and Wellington.

7. Thailand - rebate of duty and taxes on petrol

7.1 Where a member on long-term posting in Thailand is eligible for rebate of petrol duties and taxes and the member assigns the rights to any unpaid rebate to the Commonwealth, the member is entitled to be paid an amount equal to the amount of the unpaid rebate.

EXPLANATORY MEMORANDUM

OVERSEAS DEFENCE DETERMINATION 1994/38

Defence Act 1903

This Determination applies to members of the Australian Defence Force (ADF) on long-term posting overseas. It authorises various general conditions of service relating to living costs, and certain other conditions for members at specific posts.

Most of these entitlements were set out in the former Determination 3901, Complementary Allowances Payable to Member Serving on Duty Overseas, which is repealed by Overseas Defence Determination 1994/39. Some of them have not previously been regulated by determination.

The Determination adopts by reference the identical entitlements provided overseas for officers of the Australian Public Service (APS) in Public Service Board (PSB) Determination 1983/15 made under section 82D of the *Public Service Act 1922*. Such adoption is authorised by subsection 58B(1A) of the *Defence Act 1903*.

The effect of this Determination is that where a specified circumstance applies to members and (where applicable) their dependants, entitlements are provided as if they were APS officers or dependants of such officers.

Clause 2 of this Determination defines certain terms used in the Determination.

Clauses 3 sets out various general and post-specific circumstances in which entitlements accrue to members as if they were APS officers.

Clause 4 authorises payment to two specified senior ADF officers of an amount for excess costs of minor household maintenance. The entitlement takes into account the contribution that the officers would be required to make for such maintenance if they were Heads of Post for the purposes of PSB Determination 1983/15.

Clause 5 authorises reimbursement to members in France for radio and television licence fees until 30 June 1995, pending further review of the provision.

Clause 6 authorises reimbursement to members at the Defence Services Staff College, India, for freight and insurance on consignments of essential provisions between New Delhi and the locality of the College.

Clause 7 authorises payment for petrol duty and taxes to members in Thailand who assign any rebate rights to the Commonwealth.

Authority: Section 58B of the
Defence Act 1903