



# OVERSEAS DEFENCE DETERMINATION 1994/49

## 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 20 October 1994

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

### PART A

#### 1. Citation

1.1 This Determination may be cited as Overseas Defence Determination 1994/49.

#### 2. Commencement

2.1 Parts B to E inclusive are to be taken to have commenced on 5 October 1994.

2.2 Part F is to be taken to have commenced on 13 May 1994.

## PART B

### 3. Amendment

3.1 Determination 3714, Overseas Living Allowance, as amended<sup>1</sup>, is amended as set out in this Part.

### 4. Clause 6 (Disposable salary)

4.1 Definition of "disposable salary for Cost of Living Adjustment":

Delete "'disposable salary for Cost of Living Adjustment' means", substitute "'disposable salary for Cost of Living Adjustment", in relation to a member, means".

4.2 Definition of "disposable salary for Cost of Living Adjustment":

Delete "a member" (second occurring), substitute "the member".

4.3 Definition of "disposable salary for Cost of Living Adjustment", paragraph (b):

Delete "sub-clause 3.2.3(1)", substitute "subclause 4.6.3(1)".

4.4 Definition of "disposable salary for General Adjustment":

Delete "'disposable salary for General Adjustment' means", substitute "'disposable salary for General Adjustment', in relation to a member, means".

4.5 Definition of "disposable salary for General Adjustment":

Delete "a member" (second occurring), substitute "the member".

4.6 Definition of "disposable salary for General Adjustment", paragraph (b):

Delete "sub-clause 3.2.3(2)", substitute "subclause 4.6.3(2)".

4.7 Definition of "disposable salary for General Adjustment", paragraph (d):

Delete "by the member.", substitute "by the member.'."

## PART C

### 5. Amendment

5.1 Determination 3732, Overseas Vehicle Allowance, as amended<sup>2</sup>, is amended as set out in this Part.

### 6. Clause 3 (Interpretation)

6.1 Subclause 3.2:

Delete "Schedule 3/L/A of Attachment 1 of", substitute "Schedule 11 to".

### 7. Clause 7 (Rate of overseas vehicle allowance)

7.1 Delete "Schedule 3/L/A of Attachment 1 of", substitute "Schedule 11 to".

## PART D

### 8. Amendment

8.1 Determination 3733, Overseas Vehicle Contribution, as amended<sup>3</sup>, is amended as set out in this Part.

### 9. Clause 3 (Interpretation)

#### 9.1 Subclause 3.1:

Delete "Schedule 3/L/A of Attachment 1 of", substitute "Schedule 11 to".

### 10. Clause 4 (Contribution for occasional use of official vehicle)

#### 10.1 Subclause 4.1:

Delete "Schedule 3/L/A of Attachment 1 of", substitute "Schedule 11 to".

### 11. Clause 5 (Contribution for full-time use of official vehicle)

11.1 Delete "Schedule 3/L/B of Attachment 1 of", substitute "Schedule 12 to".

## PART E

### 12. Amendment

12.1 Determination 4003, Emergency Evacuation Overseas - Allowances and Compensation, as amended<sup>4</sup>, is amended as set out in this Part.

### 13. Clause 13 (Continuation of representation in adverse circumstances)

13.1 Delete "clause 3/S/24", substitute "clause 5.5.2".

## PART F

### 14. Amendment

14.1 Overseas Defence Determination 1992/32, as amended<sup>5</sup>, is amended as set out in this Part.

### 15. Clause 5 (Serious interference)

15.1 Delete "minimum officer contribution", substitute "ordinary school fees".

---

#### Notes

1. Determination 3714, as amended to date. For previous amendments see Note to Determination 33 of 1994 and see also Determination Nos 33 and 46 of 1994.
2. Determination 3732, as amended to date. For previous amendments see Note to Determination 46 of 1994 and see also Determination No 46 of 1994.
3. Determination 3733, as amended to date. For previous amendments see Note to Determination 46 of 1994 and see also Determination No 46 of 1994.
4. Determination 4003, as amended to date. For previous amendments see Note to Determination 1 of 1994 and see also Determination Nos 1 and 46 of 1994.
5. Determination 1992/32 was made on 19 June 1992 and has been amended by Determination No 46 of 1994.

## EXPLANATORY MEMORANDUM

### OVERSEAS DEFENCE DETERMINATION 1994/49

#### *Defence Act 1903*

This Determination amends cross-references and other minor textual features of certain determinations authorising conditions of service for members of the Australian Defence Force (ADF) on long-term postings overseas.

The cross-references formerly related to the equivalent provisions applicable to officers of the Australian Public Service (APS) under Public Service Board (PSB) Determination 1983/15, made under section 82D of the *Public Service Act 1922*.

PSB Determination 1983/15 was replaced on 5 October 1994 by Public Service (PS) Determination 1994/162, and was repealed on the same day. Subclause 2.1 provides that the necessary amendments to cross-references in the Defence determinations are also made effective from that day.

In addition to amending cross-references, Part B (clause 4) also amends the modified ADF definitions of "disposable salary" in Determination 3714, Overseas Living Allowance, by adopting minor drafting changes from PS Determination 1994/162 and inserting quotation marks to make it clear that the definitions are in substitution for the equivalent APS definitions.

Part F (clause 15) revises a defined term in a determination which authorises education assistance for members' children by reference to the equivalent APS provisions. Subclause 2.2 provides for the amendment to take effect on 13 May 1994, the day on which revised education assistance provisions (including new definitions) were inserted into the former PSB Determination 1983/15 by PS Determination 1994/134.

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*