



OVERSEAS DEFENCE DETERMINATION 1994/52

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 14 November 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 1994/52.

2. Definitions

2.1 In this Determination -

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

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

"relevant Public Service determination" means Public Service Determination 1994/162 as in force from time to time.

3. Conditions of service relating to difficulties at posts

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 cases arising as a consequence of war, civil disorder, natural disaster or other similar occurrence at the locality of posting:

- (a) evacuation of the member and any dependant from the locality;
- (b) reimbursement for extraordinary expenses incurred by the member; and
- (c) indemnification for loss or damage to possessions of the member and any dependant.

4. Continuation of representation in adverse circumstances

4.1 If the Secretary of the Department of Industrial Relations is satisfied under clause 5.5.2 of the relevant Public Service determination that it is essential for Australia's foreign relations to maintain a high standard of representation at a locality of posting in the face of direct and immediate risk of harm to officers of the Australian Public Service and their dependants, a member on long-term posting to the locality is entitled to an allowance under that clause for the same period and at the same rate as an officer of the Australian Public Service in the same circumstances as the member.

EXPLANATORY MEMORANDUM

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Defence Act 1903

This Determination authorises the following entitlements for members of the Australian Defence Force on long-term posting overseas and, where applicable, their dependants:

- . conditions of service relating to emergency situations arising from war, civil disorder, natural disaster or similar occurrence, including evacuation from the post; reimbursement for extraordinary expenses; and indemnification for loss or damage to possessions; and
- . a special locality allowance at important posts where it is essential for Australia's foreign relations to maintain a high standard of representation in the face of high personal security risks.

Most of these entitlements were set out in the former Determination 4003, Emergency Evacuation Overseas - Allowances and Compensation, which is repealed by Overseas Defence Determination 1994/53.

This Determination adopts by reference the identical entitlements provided in Public Service Determination 1994/162 made under section 82D of the *Public Service Act 1922* for officers of the Australian Public Service (APS) serving overseas. Such adoption is authorised by subsection 58B(1A) of the *Defence Act 1903*.

The effect of this Determination is that the specified entitlements for members and dependants are provided as if they were APS officers or their dependants.

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

Clauses 3 and 4 apply the entitlements on the same basis as for APS officers.

Authority: Section 58B of the
Defence Act 1903