



DEFENCE DETERMINATION 1994/58

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 December 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 1994/58.

2. Amendment

2.1 Determination 507, Living Out Allowance, as amended¹, is amended as set out in this Determination.

Note

1. Determination 507 was made by Determination 32 of 1984 and has been amended by Determination Nos. 98 and 112 of 1984; 20 and 45 of 1987; 17 and 65 of 1988; 183 of 1989; 34 and 103 of 1990; 85, 103 and 106 of 1991; 1, 5 and 21 of 1992 and 31 of 1993.

3. Clause 2 (Definitions)

3.1 Definition of "paid leave of absence":
Delete the definition.

4. Clause 6 (Admissible expenditure)

4.1 Delete "clauses 16 and 18", substitute "clause 16".

5. Clause 11 (Living Out Allowance)

5.1 Delete ", 18".

6. Clause 16 (Retention of accommodation)

6.1 Paragraph 16(a):
Delete at the end "or".

6.2 Paragraph 16(b):
Delete the paragraph.

7. Clauses 18 and 19 (Retention of accommodation)

7.1 Delete the clauses.

8. Clause 21 (Allowance not payable)

8.1 Delete "the provisions of clause 11, 16 or 18",
substitute "clause 11 or 16".

EXPLANATORY MEMORANDUM

DEFENCE DETERMINATION 1994/58

Defence Act 1903

Defence Determination 507, Living Out Allowance, (the Principal Determination) provides an allowance for single members of the Australian Defence Force (ADF) who provide their own accommodation because the ADF cannot provide suitable accommodation on base.

Clauses 16 to 19 inclusive of the Principal Determination provide for the full rate of the allowance to be reduced, in certain situations, to a rate which covers the cost of retaining the member's accommodation. These situations include absence on paid leave. The Principal Determination formerly authorised slightly different arrangements for members on recreation leave and certain other forms of paid leave, as compared with those on long service leave (LSL).

It is no longer appropriate to maintain this distinction, and the purpose of this Determination is to amend the Principal Determination so as to put the "retention of accommodation" rate for members on other forms of paid leave on the same basis as for those on LSL.

Clause 3 of this Determination deletes the definition of "paid leave of absence", which included all forms of paid leave except LSL. Since this artificial distinction has been dispensed with, the definition is redundant.

Clause 6 makes a minor typographical amendment and deletes a redundant paragraph applying to "retention of accommodation" rate to a member who does not vacate accommodation while on recreation leave and certain other forms of paid leave.

Clause 7 deletes clauses 18 and 19 of the Principal Determination, which formerly dealt separately with the "retention of accommodation" rate for members on LSL.

Clauses 4, 5 and 8 make minor consequential amendments as a result of the deletion of clause 18 from the Principal Determination.

Authority: Section 58B of the
Defence Act 1903