



OVERSEAS DEFENCE DETERMINATION 1995/3

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 11 January 1995

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 1995/3.

2. Commencement

2.1 This Determination is to be taken to have commenced on 7 December 1994.

3. Application

3.1 This Determination applies to a member on long-term posting in Fiji, if the Chief of the Defence Force certifies that the member is required, during the period beginning on 7 December 1994 and ending on 6 December 1996, to perform duty in Tuvalu for periods that are expected to amount in aggregate to 6 months in the year beginning on the day on which the member first performs such duty.

4. Difficult Post Allowance - Tuvalu

4.1 In this clause, "relevant Public Service determination" has the same meaning as in Determination 3719, Difficult Post Allowance.

4.2 Subclause 5.1.3(3) of the relevant Public Service determination does not apply to a member to whom this Determination applies, in relation to duty performed by the member in Tuvalu during the period beginning on 7 December 1994 and ending on 6 December 1996.

4.3 For the purpose of subclause 5.1.3(4) of the relevant Public Service determination, a member is taken to be performing duty on a short-term mission when the member performs duty in Tuvalu.

EXPLANATORY MEMORANDUM

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Defence Act 1903

Determination 3719, Difficult Post Allowance (DPA), authorises payment of DPA to members of the Australian Defence Force by reference to the equivalent provisions for officers of the Australian Public Service in Public Service (PS) Determination 1994/162 ("the relevant Public Service determination").

Subclause 5.1.3(3) of PS Determination 1994/162 precludes payment of DPA for periods of duty at a locality of less than one month.

This Determination cancels the effect of the preclusion for certain members based in Fiji and regularly performing duty in Tuvalu for periods of less than one month in connection with the handover of a new patrol boat. Eligibility depends on the Chief of the Defence Force certifying that a member is required to perform duty in Tuvalu for an expected minimum aggregate period. For the purpose of applying the appropriate DPA entitlements, duty in Tuvalu is treated as duty on a short-term mission overseas.

The Determination is taken to have commenced on 7 December 1994 (the day on which the handover occurred), and applies for a specified period.

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