



Defence Determination 2004/49

I, SUSAN JANE PARR, Director General Personnel Policy and Employment Conditions, Defence Personnel Executive, make this Determination under section 58B of the *Defence Act 1903*.

Dated 15 December 2004

S J PARR
Director General
Personnel Policy and Employment Conditions
Defence Personnel Executive

Ref473

1 Citation

This Determination is Defence Determination 2004/49, Overseas conditions of service – amendment.

2 Commencement

This Determination commences on these dates.

- a. Clause 5 commences on 30 December 2004.
- b. The remaining clauses commence on the date of signature.

3 Amendment

Defence Determination 2003/21, Conditions of Service, as amended,¹ is amended as set out in this Determination.

4 Clause 15.2.30 (Recreation leave)

substitute:

- 1. A member continues to accrue recreation leave while on long-term posting overseas.
See: Chapter 8 Part 1 Recreation leave.
- 2. Overseas living allowance is payable during the member's leave, subject to these conditions.
 - a. It is only payable for the period of recreation leave that the member has accrued on their long-term posting.
 - b. It is payable for the period in paragraph a., no matter where the member takes the leave during their long-term posting.
 - c. The limits in clause 15.2.34 apply to leave taken after the posting ends.

5 Annex 15.2.A (Post indexes)

substitute:

The Annex set out in the Attachment to this Determination.

6 Part 1 of Annex 15.6.A (Pre-schools)

insert after the item for the Solomon Islands

Spain	American School of Madrid
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7 Part 2 of Annex 15.6.A (Primary schools)

insert after the item for the Solomon Islands

Spain	American School of Madrid
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8 Part 3 of Annex 15.6.A (Secondary schools)

insert after the item for the Solomon Islands

Spain	American School of Madrid
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NOTE

1. Defence Determination 2003/21 as amended to date. For previous amendments see Note to Defence Determination 2004/1 and see also Defence Determinations 2004/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48. Certain provisions of the Determination have been modified by Determination Nos. 2, 6 and 14 of 2004, made under s58H of the Defence Act 1903.

ATTACHMENT

Annex 15.2.A: Post indexes

Posting location	Applied index	Published index
BAHRAIN	100.0	86.8
BELGIUM	132.3	132.3
CAMBODIA	100.0	92.1
CANADA British Columbia	118.3	118.3
CANADA Ontario	121.4	121.4
CANADA Other	110.5	110.5
CHINA	102.5	102.5
COOK ISLANDS	134.7	134.7
EAST TIMOR	100.0	96.5
EGYPT	100.0	56.8
FIJI	100.0	87.3
FRANCE Paris	138.3	138.3
FRANCE Other	130.9	130.9
GERMANY	135.3	135.3
INDIA	100.0	69.4
INDONESIA	100.0	85.9
IRAQ	100.0	0.00 [Note: no price data is available for this locality.]
ISRAEL	114.0	114.0
ITALY	132.1	132.1
JAPAN	181.4	181.4
JORDAN	100	97.2
KIRIBATI	128.0	128.0
KOREA	141.5	141.5
KUWAIT	100.0	95.1
LEBANON	100.3	100.3
MALAYSIA	100.0	69.5
MARSHALL ISLANDS	117.8	117.8
MICRONESIA	106.5	106.5
NETHERLANDS	133.8	133.8
NEW ZEALAND Wellington	115.3	115.3
NEW ZEALAND Auckland	108.9	108.9
NEW ZEALAND Other	110.2	110.2
PAKISTAN	100.0	60.6
PALAU	166.0	166.0
PAPUA NEW GUINEA	102.0	102.0
PHILIPPINES	100.0	58.3
SAMOA	100.7	100.7
SAUDI ARABIA	100.0	80.9
SINGAPORE	103.2	103.2
SOLOMON ISLANDS	100.0	96.3
SPAIN	114.6	114.6
SWEDEN	144.4	144.4
SYRIA	100.0	87.5
THAILAND	100.0	70.0
TONGA	101.3	101.3
TUVALU	130.7	130.7

Posting location	Applied index	Published index
United Arab Emirates	100.0	93.3
UK London	149.6	149.6
UK Other	128.2	128.2
USA Alaska	128.3	128.3
USA California	114.2	114.2
USA Colorado	104.9	104.9
USA Connecticut/Rhode Island	110.2	110.2
USA Florida	108.6	108.6
USA Georgia	102.7	102.7
USA Illinois	116.6	116.6
USA Hawaii	121.7	121.7
USA Manhattan	128.2	128.2
USA Maryland/Virginia, including Washington DC	118.4	118.4
USA Massachusetts	114.0	114.0
USA Missouri	115.7	115.7
USA New York State, excluding Manhattan	120.8	120.8
USA Texas	101.2	101.2
USA Washington State	112.1	112.1
USA Other	104.8	104.8
VANUATU	134.5	134.5
VIETNAM	100.0	68.7

EXPLANATORY STATEMENT

Defence Determination 2004/49

This Determination amends Defence Determination 2003/21, Conditions of Service (the Principal Determination), made under section 58B of the *Defence Act 1903* (the Act). Chapter 15 of the Principal Determination sets out provisions dealing with overseas living allowance for members of the Australian Defence Force (ADF) who are on long term posting overseas.

The purpose of this Determination is to limit the payment of overseas living allowance that will be paid during a period of leave.

Clause 1 of this Determination sets out the manner in which this Determination may be cited.

Clause 2 of this Determination provides that it commences on the date of signature, with the exception of clause 5 of the Determination, which commences on the payday of 30 December 2004.

Clause 3 specifies that the amendment is made to the Principal Determination, as amended.

Clause 4 substitutes a new clause 15.2.30 into the Principal Determination. The revised clause 15.2.30 explains the interaction between overseas living allowance and recreation leave. It provides that overseas living allowance is only payable for the leave accrued on the posting.

This means that a member wishing to take a longer period of recreation leave has an incentive to take it at the normal rate of pay prior to a posting, ensuring that they are rested before they start the posting. If the member does choose to take a longer period of leave during the posting, they do not attract the allowance for the period of leave accrued before the posting. These rules apply no matter where the leave is taken.

Clause 5 substitutes a new Annex 15.2.A into the Principal Determination. The new Annex changes post indexes at a range of posting localities. The applied post indexes have remained the same for all localities except:

- Korea, Sweden, and Tonga, where they increased; and
- China, Israel, Lebanon, Marshall Islands, Micronesia, Palau, Papua New Guinea, Samoa and USA, where they decreased.

Clauses 6, 7 and 8 amend Annex 15.6.A to insert a benchmark school for children of members posted to Madrid in Spain.

Criteria are provided for the exercise of discretions under the Principal Determination, as amended by this Determination. Adverse decisions are subject to merits review under the ADF redress of grievance system, including an appeal to the Defence Force Ombudsman.

Authority: Section 58B of the
Defence Act 1903