



## Defence Determination 2005/1

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 7 January 2005

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

## 1 Citation

This Determination is Defence Determination 2005/1, Hardship allowance for Aceh province, Indonesia.

## 2 Commencement

This Determination is to be taken to have commenced on 27 December 2004.

## 3 Amendment

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

## 4 Clause 16.2.3 (Qualifying period)

*insert at the end*

3. Despite subclause 1, a member assigned for short-term duty with OPERATION SUMATRA ASSIST is not required to serve the 28-day qualifying period before becoming eligible for hardship allowance.

## 5 Subclause 16.2.4.2 (Amount of hardship allowance), table

*insert at the end*

7.	G	21,535	Nil
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**Example:** For item 7 in the table, a member would get AUD21,535 annually for duty in a location with a hardship grade G. No accompanied rate is prescribed as the member would not take their family with them to a location with such a high level of hardship. The tsunami-affected areas in Aceh province are an example of a location where a hardship grade G has been determined.

## 6 Part 1 of Annex 16.A (Hardship post conditions of service for specific posting locations)

*insert after item 10 in the table*

10A.	Indonesia – Aceh province	–	–	–	–	–	2.0	G
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### NOTE

1. Defence Determination 2003/21 commenced on 1 August 2003 and has been amended by Defence Determinations 2003/20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37, and 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, 48, 49 and 50. 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*.

# EXPLANATORY STATEMENT

## Defence Determination 2005/1

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 16 of the Principal Determination sets out provisions dealing with conditions of service for members of the Australian Defence Force (ADF) who perform duty at a location to which a hardship grading applies.

The primary purpose of this Determination is to create a hardship grade for the province of Aceh in Indonesia. Members of the ADF who are assigned for short-term duty with the peacetime operation known as OPERATION SUMATRA ASSIST will be working in Aceh to provide emergency disaster relief and reconstruction in the area affected by the tsunami of 26 December 2004.

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

Clause 2 of this Determination provides that the Determination commences on 27 December 2004, the day immediately following the tsunami disaster. This ensures that the ADF members who are now providing assistance in the area will be eligible for the allowances from the date they commenced that work.

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

Clause 4 amends clause 16.2.3 of the Principal Determination to provide that members assigned for duty on OPERATION SUMATRA ASSIST are able to receive hardship allowance from the first day of duty in the location, rather than waiting for the 28-day qualifying period to run. During their short-term duty with the Operation, members may be required to render assistance in Indonesia, Thailand or Malaysia.

Clause 5 inserts a new hardship grade "G" into clause 16.2.4 of the Principal Determination. The new grade G attracts a higher rate of allowance. The higher rate is based on a peacetime rate, with a higher amount factored in to deal with a very high environmental threat linked to lack of amenity and hygiene.

Clause 6 inserts a new item 10A into the table at Part 1 of Annex 16.A of the Principal Determination. This provides that the province of Aceh attracts hardship allowance based on the highest hardship grade, G. This higher rate of allowance is due to the very high level of damage to the location's infrastructure following the tsunami.

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*