



Defence Determination 2005/2

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 12 January 2005

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

1 Citation

This Determination is Defence Determination 2005/2, Hardship and civil practice support allowances – amendment.

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,¹ is amended as set out in this Determination.

4 Clause 10.1.9 (Entitlement)

add at the end

10.1.10 Special entitlement for members assigned for peacetime duty on OPERATION SUMATRA ASSIST

In spite of any contrary words in this Division, a member is entitled to a civil practice support allowance as if subclause 10.1.9 applied to them, if:

- (a) the CDF certifies that the person is on a specialist medical roster in support of the peacetime OPERATION SUMATRA ASSIST, to provide medical assistance to those areas of Indonesia, Malaysia and Thailand damaged by the tsunami of 26 December 2004; and
- (b) the member has a functioning civil medical practice.

5 Subclause 16.2.4.2 (Amount of hardship allowance), table item 7 and example

substitute

7.	G	29,470	Nil
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Example: For item 7 in the table, a member would get AUD29,470 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.

NOTE

- 1. Defence Determination 2003/21 as amended to date. For previous amendments see Note to Defence Determination 2005/1.

EXPLANATORY STATEMENT

Defence Determination 2005/2

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 10 of the Principal Determination sets out a civil practice support allowance for specialist medical officers in the ADF. Chapter 16 of the Principal Determination sets out provisions dealing with conditions of service for members of the Australian Defence Force (ADF) who perform peacetime duty at a location to which a hardship grading applies.

The primary purpose of this Determination is increase the amount of hardship allowance payable to members of the ADF who are assigned for short-term duty with the peacetime operation known as OPERATION SUMATRA ASSIST in Malaysia, Thailand and Indonesia. These members 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 inserts a new clause 10.1.10 into the Principal Determination. The new clause allows specialist Reserve medical officers serving on OPERATION SUMATRA ASSIST to be eligible for civil practice support allowance during time away from their Australian medical practices. During their short-term duty, these Reserve members may be required to render assistance in Indonesia, Thailand or Malaysia.

Clause 5 amends the rate of hardship allowance payable for Grade G in clause 16.2.4 of the Principal Determination. The new rate of allowance is significantly increased from the original rate set for this new grading. The higher rate is based on the rate for Grade F hardship allowance, with a higher amount factored in to deal with very difficult environmental conditions linked to lack of amenity and hygiene. Advice about conditions in the province of Aceh has revealed that the environment is more damaged than initial reports suggested and so the amount has increased to AUD80.74 per day, an annual rate rounded to AUD29,470.

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. No transitional or savings provision is included to cover members previously entitled to hardship allowance under Defence Determination 2005/1, Hardship allowance for the province of Aceh, Indonesia, as the retrospective rate of allowance substituted for Grade G replaces the earlier rate in its totality. The new rate is significantly higher than the rate that members were previously entitled to.

Authority: Section 58B of the
Defence Act 1903