



Defence Determination 2007/4

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

Dated 9 February 2007

S R GRZESKOWIAK
Director General
Personnel Policy and Employment Conditions
Defence Personnel Executive

1 Citation

This Determination is Defence Determination 2007/4, Hardship allowance – amendment.

2 Commencement

This Determination is taken to have commenced on 27 September 2006.

3 Amendment

Defence Determination 2005/15, Conditions of Service, as amended,¹ is amended as set out in this Determination.

4 Clause 16.2.6 (When member is not eligible for hardship allowance)

substitute

Hardship allowance is not payable to a member for a period when any of the following conditions applies.

- a. They are not entitled to salary.
- b. They are absent from the location, except as provided in clause 16.2.8.
- c. They are entitled to an allowance for an overseas deployment and the member's partner is not living in a hardship location where the member was on long-term posting before their deployment.

5 Clause 17.9.13 (Allowances that may be payable), table item 2

substitute

2.	Hardship allowance	Hardship allowance is not payable in any period in which the member is paid deployment allowance and has no partner living at the hardship location. See: Clause 16.2.4 , Amount of hardship allowance
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6 Clause 17.9.26 (Other allowances that may be payable), table item 2

substitute

2.	Hardship allowance	Hardship allowance is not payable in any period in which the member is paid international campaign allowance and has no partner living at the hardship location. See: Clause 16.2.4 , Amount of hardship allowance
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NOTE

1. Defence Determination 2005/15 commenced on 31 May 2005. For previous amendments see Note to Defence Determination 2007/1 and see also Defence Determinations 2007/2 and 3.

EXPLANATORY STATEMENT

Defence Determination 2007/4

This Determination amends Defence Determination 2005/15, 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 payment of hardship allowance for members of the Australian Defence Force (ADF). Chapter 17 details other allowances that may be payable for overseas deployments.

The purpose of this Determination is to amend hardship conditions of service by inserting an exception to the rule that prevents hardship allowance being paid simultaneously with deployment or international campaign allowances while a member is on deployment and their spouse or interdependent partner remains in a hardship location in which the member was on long-term posting prior to the deployment.

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 is taken to have commenced on 27 September 2006. This period of retrospectivity allows the change to apply to existing long-term postings that may be affected by the change.

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

Clause 4 amends clause 16.2.6 of the Principal Determination to allow hardship allowance to be paid to a member while they receive an allowance for an overseas deployment.

Clause 5 amends clause 17.9.13 of the Principal Determination to allow hardship allowance to be paid to a member while they receive deployment allowance for an overseas deployment.

Clause 6 amends clause 17.9.26 of the Principal Determination to allow hardship allowance to be paid to a member while they receive international campaign allowance for an overseas deployment.

These amendments will enable the payment of benefits to recognise that the spouse or interdependent partner remaining in the hardship location is still subjected to the hardships of that location during the member's absence.

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