



Defence Determination 2007/49

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

Dated 6 August 2007

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

1 Citation

This Determination is Defence Determination 2007/49, Location and higher duties allowances and Operation Outreach – amendment.

2 Commencement

- 1. Clauses 6, 7, 8, 9, 10, 11 and 12 of this Determination commence on 23 August 2007.
- 2. The remainder of this Determination commences on the date of signature.

3 Amendment

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

4 Defence Determination 2005/15 (Conditions of Service), as amended

omit, wherever occurring

Operation Outreach Task Force Commander

insert

Operational Commander of the Northern Territory Emergency Response Task Force

5 Clause 4.1.7 (Member eligible to perform higher duties), example only

omit

clause 4.1.13

insert

clause 4.1.17

6 Clause 4.4.9 (Rate of allowance – member living in), table

substitute

Item	If the member is living in at a location graded...	then their yearly rate of allowance is (\$)...
1.	A	740
2.	B	2,105
3.	C	2,635
4.	D	3,690
5.	E	4,220

7 Subclause 4.4.10.1 (Rate of allowance – member living out), table
substitute

Item	If the member is a member...	and they are living out at a location graded...	then their yearly rate of allowance is... (\$)
1.	with dependants, and items 2 or 4 do not apply	A	2,110
		B	6,020
		C	7,530
		D	10,545
		E	12,055
2.	with dependants, and one or more of those dependants meets both these conditions. a. The dependant is an ADF member or an APS employee in Defence b. The dependant is paid ADF district allowance or district allowance under the Defence Collective Agreement 2006-2009	A	1,055
		B	3,010
		C	3,765
		D	5,275
		E	6,030
3.	...		
4.	with dependants (unaccompanied)	A	1,055
		B	3,010
		C	3,765
		D	5,275
		E	6,030
5.	without dependants	A	1,055
		B	3,010
		C	3,765
		D	5,275
		E	6,030

8 Clause 4.4.22 (Rate of allowance), table

substitute

Item	If the member is a member...	then their yearly rate of allowance is... (\$)
1.	with dependants and items 2, 3 or 4 do not apply	3,060
2.	with dependants, and their spouse or interdependent partner is also a member	1,770
3.	with dependants, and at least one of the dependants living with them or their spouse or interdependent partner is: a. employed, and b. paid an allowance by their employer the same as or more than the rate of allowance a member would get under item 1	
4.	with dependants, and each dependant normally living with them has a yearly income of \$16,830 or more	
5.	of any other kind	1,770

9 Subclause 4.4.26.2 (Entitlement), table

substitute

Item	If the member...	then their yearly rate of allowance is... (\$)
1.	has at least one dependant living at the establishment	2,110
2.	is a member of any other kind	1,055

10 Clause 4.4.40 (Rate of allowance)

omit

\$5,031

insert

\$5,055

11 Clause 4.4.48 (Rate of allowance), table

substitute

Item	If subclause...	then they are entitled to the allowance at a rate of (\$)...
1.	4.4.47.a applies to the member	9,916 a year.
2.	4.4.47.b applies to the member	5,463 a year.

12 Subclause 4.6.11.1 (Conditions for Operation Outreach Task Force Commander), table item 1

omit

\$3,680

insert

\$3,765

13 Subclause 4.6.11.1 (Conditions for Operation Outreach Task Force Commander), table item 2

substitute

2.	Privately-plated vehicle	<p>The member has the use of a vehicle in addition to the vehicle provided under subclause 4.6.8.1.</p> <p>See: Clause 4.6.8, Privately-plated Defence vehicle</p> <p>Note: This vehicle is provided through the Department of Families, Community Services and Indigenous Affairs.</p>
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14 Transitional – Operational Commander of the Northern Territory Emergency Response Task Force

1. This clause applies to the Operational Commander of the Northern Territory Emergency Response Task Force.
2. The member is entitled to the difference between the following benefits.
 - a. The benefits the member was paid between 29 June 2007 and the date of commencement of this Determination.
 - b. The benefits the member would have been paid had this Determination commenced on 29 June 2007.

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, 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.

EXPLANATORY STATEMENT

Defence Determination 2007/49

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 4 of the Principal Determination sets out provisions dealing with allowances and reimbursements for members of the Australian Defence Force (ADF).

The purposes of this Determination are:

- To make routine adjustments to District, Woomera, Port Wakefield, Scherger and Antarctic allowances.
- To amend an example relevant to higher duties allowance.
- To amend the employment conditions of the Operational Commander of the Northern Territory Emergency Response Task Force.

Defence Determination 2007/44 amended the Principal Determination to provide revised employment conditions for members of the Australian Defence Force (ADF) who are working on Operation Outreach. Operation Outreach is the name given to Defence assistance to the national emergency response to protect Aboriginal children in the Northern Territory.

Some of the provisions in Defence Determination 2007/44 were intended to apply only to the occupant of one position. When the Determination was prepared, the title of that position was understood to be the Operation Outreach Task Force Commander. This was an error, and the correct title is the Operational Commander of the Northern Territory Emergency Response Task Force. This Determination corrects that error.

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

Clause 2 of this Determination provides that this Determination commences on two dates. Clauses 1, 2, 3, 4, 5, 13 and 14 of this Determination commence on the date of signature. The remainder of the Determination commences on 23 August 2007.

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

Clause 4 replaces all instances of Operation Outreach Task Force Commander in the Principal Determination with Operational Commander of the Northern Territory Emergency Response Task Force.

Clause 5 amends an incorrect cross reference in the example in clause 4.1.7 of the Principal Determination.

Clause 6 amends the table in clause 4.4.9 of the Principal Determination. The table provides rates of district allowance for a member without dependants or with dependants (unaccompanied) who lives in at a remote locality. The allowance rates have increased by 2.4% in line with the all groups Consumer Price Index (CPI) for March 2007.

Clause 7 amends the table in subclause 4.4.10.1 of the Principal Determination. The table provides rates of district allowance for a member who lives out at a remote locality. The allowance rates have increased by 2.4% in line with the all groups CPI for March.

Clause 8 amends clause 4.4.22 of the Principal Determination. This amendment adjusts the yearly rates of Woomera allowance. The allowance rates have increased by 2.9%, in line with new rates advised by the Department of Employment and Workplace Relations.

Clause 9 amends the table in clause 4.4.26.2 of the Principal Determination. This amendment adjusts the yearly rates of Port Wakefield allowance. The allowance rates have increased by 2.4% in line with the all groups CPI for March.

Clause 10 amends clause 4.4.40 of the Principal Determination. This amendment adjusts the yearly rate of Scherger allowance. The allowance rate has increased by 0.5% in line with the Transportation CPI for March.

Clause 11 amends the table in clause 4.4.48 of the Principal Determination. This amendment adjusts the yearly rates of Antarctic allowance. The allowance rates have increased by 2.9% in line with new rates advised by the Department of Employment and Workplace Relations.

Clause 12 amends table item 1 of subclause 4.6.11.1 of the Principal Determination. This amendment adjusts the rate of district allowance for the Operational Commander of the Northern Territory Emergency Response Task Force. The rate has increased by 2.4% in line with the all groups CPI for March 2007.

Clause 13 amends table item 2 of subclause 4.6.11.1 of the Principal Determination. This amendment provides that the Operational Commander of the Northern Territory Emergency Response Task Force may use a vehicle supplied by the Department of Families, Community Services and Indigenous Affairs.

Clause 14 is a transitional provision for the Operational Commander of the Northern Territory Emergency Response Task Force. This provision ensures that the Operational Commander receives the benefits that would have been paid had this Determination commenced on 29 June 2007.

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