



Defence Determination 2007/59

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 7 September 2007

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

1 Citation

This Determination is Defence Determination 2007/59, Miscellaneous provisions – amendment.

2 Commencement

This Determination commences on 7 September 2007.

3 Amendment

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

4 Paragraph 4.4.10B.a (ADF district allowance – members working on Operation Outreach)

omit

qualifying time in paragraph 4.4.5.1.b

insert

qualifying times in either of paragraphs 4.4.5.1.b or 4.4.5.2.b

5 Paragraph 4.4.10B.a (ADF district allowance – members working on Operation Outreach), cross reference

substitute

See: Clause 4.4.5, Members who are entitled

6 Subclause 4.7.21.2 (Reimbursement for cost of textbooks)

omit

\$323

insert

\$340

7 Subclause 5.3.8.3 (How much long service leave?), cross reference

substitute

See: Chapter 5 Part 3 Division 5, Payment instead of long service leave

8 Clause 7.7.16 (Member not entitled to allowance)

insert at the end

e. The member is on a long-term overseas posting.

9 Clause 15.5.22 (Assignment of rights to recover costs), note

omit the note

10 Transitional – ADF district allowance

1. This clause applies to a member working on Operation Outreach between 29 June 2007 and 6 September 2007.
2. The member is to be paid the difference between the following amounts.
 - a. The amount for ADF district allowance the member received between 29 June 2007 and 6 September 2007.
 - b. The amount the member would have received for that period if clause 4 of this Determination had 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, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57 and 58.

EXPLANATORY STATEMENT

Defence Determination 2007/59

This Determination amends Defence Determination 2005/15, Conditions of Service (the Principal Determination), made under section 58B of the *Defence Act 1903* (the Act).

It has several purposes.

- It removes the requirement for members on Reserve service who are working on Operation Outreach to work for 21 days in a location before they are eligible for ADF district allowance. (Chapter 4 of the Principal Determination, which deals with allowances for members of the Australian Defence Force (ADF)).
- It increases the maximum rate of reimbursement for the purchase of textbooks, for members who are students of the Australian Defence Force Academy. (Chapter 4 of the Principal Determination, which deals with allowances for members of the ADF).
- It makes a minor technical correction to a cross reference. (Chapter 5 of the Principal Determination, which deals with long service leave for members of the ADF).
- It clarifies access to food allowance for members overseas. (Chapter 7 of the Principal Determination, which deals with meals for ADF members).
- It removes health insurance advice for members overseas from the Principal Determination. The advice is more properly provided through an administrative instruction. (Chapter 15 of the Principal Determination, which deals with conditions on long-term posting overseas for ADF members).

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 7 September 2007, the day it is made, as provided for under subsection 58B(4) of the Act.

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

Clauses 4 and 5 vary ADF district allowance, for members on Reserve service working on Operation Outreach. Operation Outreach is the name given to Defence assistance to Indigenous communities in the Northern Territory. The changes make it possible for members on Reserve service to move frequently across the Northern Territory and remain eligible for the rate of ADF district allowance that applies to the member's forward operating base.

Clause 4 varies paragraph 4.4.10B.a of the Principal Determination. The amendment includes members on Reserve service in the class of members who are exempt from the requirement to stay for 21 days in a remote location before becoming eligible for ADF district allowance.

Clause 5 varies the cross reference to paragraph 4.4.10B.a of the Principal Determination. The changed reference substitutes a more helpful cross reference, to reflect the change made in clause 4 of this Determination.

Clause 6 varies subclause 4.7.21.2 of the Principal Determination. The new subclause increases the maximum rate of reimbursement for the purchase of textbooks, for members who are students of the Australian Defence Force Academy. The rate had not been varied since 2003. It was frozen while an alternative method of delivery of the benefit was investigated. As the alternative method did not prove feasible, the allowance has been increased by the Books component of the Consumer Price Index, over the period September 2002 to September 2006. After rounding, this has produced an increase of 5.3%.

Clause 7 corrects an error in a cross reference in subclause 5.3.8.3 of the Principal Determination.

Clause 8 inserts a new paragraph 7.7.16.e into the Principal Determination. The new paragraph clarifies that members on an overseas posting are not eligible for food allowance. Members on overseas postings are entitled to overseas living allowance, which includes a component to cover higher food costs that may be encountered at an overseas post.

Clause 9 omits the note from clause 15.5.22 of the Principal Determination. The note previously provided health insurance advice to members that will now be provided through an administrative instruction.

Clause 10 provides a transitional provision to make a payment to those members who would have been entitled to a higher amount of ADF district allowance, had the changes in clause 4 of this Determination taken effect on 29 June 2007.

Authority: Section 58B of the
Defence Act 1903