



Defence Determination 2009/39

I, BRIAN GARY PAULE, Director General Personnel Policy and Employment Conditions, make this Determination under section 58B of the *Defence Act 1903*.

Dated 15 June 2009

B G PAULE
Director General
Personnel Policy and Employment Conditions
People Strategies and Policy Group

1 Citation

This Determination is Defence Determination 2009/39, International campaign allowance – amendment

2 Commencement

This Determination commences on the day it is signed.

3 Amendment

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

4 Clause 17.9.21 (Definitions), table

substitute

Item	Term	Definition in this Chapter
1.	The deployment	The ADF contribution deployed overseas to any of the following. a. The US-led: i. military response to international terrorism. ii. coalition operations in Iraq to support the Australian effort to assist with the rehabilitation of Iraq and to remove the threat posed to world security by Iraq's weapons of mass destruction capability. b. Support for the UN Assistance Mission in Afghanistan. c. Provide security to the Australian Embassy in Iraq. d. Support for the UN Assistance Mission in Iraq.

2.	Specified area	The specified area for each area of the deployment is as follows.	
		a. For the contribution to the US-led military response to international terrorism (item 1.a.i)	The area bounded by 35 degrees east longitude, 12 degrees north latitude, 81 degrees east longitude and 48 degrees north latitude See: Annex 17.9.B.
		b. For participation in US-led coalition operations in Iraq to support the Australian effort to assist with the rehabilitation of Iraq and to remove the threat posed to world security by Iraq's weapons of mass destruction capability (item 1.a.ii)	All of the following areas. i. Bahrain, Iraq, Kuwait, Qatar and the United Arab Emirates. ii. Saudi Arabia north of 23 degrees north latitude. iii. the Arabian Gulf and the Strait of Hormuz north of a line drawn between 25 degrees 2 minutes north, 56 degrees 36 minutes east and 25 degrees 32 minutes north, 57 degrees 35 minutes east. See: Annex 17.9.C.
		c. For support to the UN Assistance Mission in Afghanistan (item 1.b)	Afghanistan
		d. For the ADF contribution to the provision of security to the Australian Embassy (item 1.c)	Iraq
		e. For the ADF contribution to the United Nations Assistance Mission in Iraq (item 1.d)	Iraq

5 Transitional

1. This clause applies to a member who was deployed to Iraq as a part of Operation RIVERBANK for any period between 21 July 2008 and the commencement of this Determination.
2. The member is to be paid a transitional payment for the period in subclause 1. The payment is the amount of international campaign allowance that would have been payable to the member had this Determination commenced on 21 July 2008.

NOTE

1. Defence Determination 2005/15 commenced on 31 May 2005. For previous amendments see Note to Defence Determination 2009/1 and see also Defence Determinations 2009/2, 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 and 38.

EXPLANATORY STATEMENT

Defence Determination 2009/39

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 17 of the Principal Determination sets out provisions dealing with warlike and non-warlike deployments overseas for members of the Australian Defence Force (ADF).

The purpose of this Determination is to add Operation RIVERBANK to the list of operations that attract payment of international campaign allowance.

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 the day on which it is made, as provided by subsection 58B(4) of the Act.

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

Clause 4 substitutes the table in clause 17.9.21 of the Principal Determination, inserting a new paragraph d. into item 1 of the table and a new paragraph e. into item 2 of the table. The new paragraphs include a new operation to support to the UN Assistance Mission in Iraq in the list of ADF operation locations that attract payment of international campaign allowance.

Clause 5 provides a transitional payment for members who were deployed to Iraq as part of Operation RIVERBANK between 21 July 2008 and commencement of this Determination. Eligible members are to be paid an amount that represents international campaign allowance at the rate outlined in clause 17.9.25 of the Principal Determination from the time their duty commenced.

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.

The one-off transition payment in 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