



Public Service Act 1922

Public Service (Defence) Determination 1999/6

I, MAL PEARCE, Director General Personnel Policy and Employment Conditions, Defence Personnel Executive, acting under a subdelegation made by the Secretary to the Department of Employment, Workplace Relations and Small Business under subsection 18(3) of the *Public Service Act 1922*, make the following Determination under section 82D of that Act.

Dated 28 September 1999

M. PEARCE
Director General
Personnel Policy and Employment Conditions
Defence Personnel Executive

1. Citation

1.1 This Determination may be cited as Public Service (Defence) Determination 1999/6, East Timor Allowance (Public Service (Defence) Determination 1999/1, Overseas Conditions of Service – Amendment).

2. Commencement

2.1 This Determination is to be taken to have commenced on 23 September 1999.

3. Amendment

3.1 Public Service (Defence) Determination 1999/1, Overseas Conditions of Service, as amended¹, is amended as set out in this Determination.

4. Part 5 (Conditions of service for officers at difficult posts)

4.1 Add at the end:

‘DIVISION 6 – East Timor Allowance

Definition

“5.6.1 In this Division, ‘operational area’ means East Timor and the territorial sea of Indonesia adjacent to East Timor.

Application

“5.6.2 This Division applies to an officer performing duty for a period in support of the International Force East Timor.

Entitlement

“5.6.3 An officer is entitled to East Timor Allowance at the rate mentioned in clause 5.6.4 for:

- (a) each day or part of a day the officer is in the operational area; and
- (b) if the officer is on leave during the officer’s period of duty — each day or part of a day of the leave that does not exceed the leave credit accrued by the officer for the period of duty.

Rate

“5.6.4(1) The daily rate of East Timor Allowance is the sum of:

- (a) a hardship rate of \$53 a day; and
- (b) an arduous duties rate of:
 - (i) for a weekday — \$82; and
 - (ii) for a Saturday, Sunday or public holiday — \$167.

“(2) The officer’s arduous duties rate for a day under paragraph (1)(b) is to be reduced by any amounts to which the officer is entitled for that day by way of:

- (a) overtime;

- (b) shift penalty payments;
- (c) Restriction Allowance; and
- (d) special entitlements for duty at sea.

“(3) In subparagraph (1)(b)(ii), ‘public holiday’, for an officer, means a day or part of a day observed as a public holiday at the officer’s normal headquarters in Australia.

Allowance not payable

“5.6.5 While an officer is entitled to East Timor Allowance, the officer is not entitled to any of the following allowances:

- (a) Camping Allowance;
- (b) Difficult Post Allowance;
- (c) Equipment Allowance;
- (d) Overseas Living Allowance; and
- (e) Travelling Allowance.

Additional annual leave

“5.6.6 For Division 3 of this Part, additional annual leave accrues for duty in the operational area at the rate of 10 days a year.”.

NOTE

1. Public Service (Defence) Determination 1999/1, Overseas Conditions of Service, as amended to date. For previous amendments see Public Service (Defence) Determinations 1999/2, 3, 4 and 5.

EXPLANATORY STATEMENT

Public Service (Defence) Determination 1999/6

Public Service Act 1922

This Determination, made under section 82D of the *Public Service Act 1922* (the Act), amends Public Service (Defence) Determination 1999/1, Overseas Conditions of Service (the Principal Determination). The amendments authorise a supplementary East Timor Allowance for officers of the Department of Defence performing duty in support of the International Force East Timor (Operation WARDEN).

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

Clause 2 provides for this Determination to commence on 23 September 1999, the day on which officers first entered the operational area.

Clause 3 specifies that the amendments are made to the Principal Determination.

Clause 4 adds a new Division dealing with East Timor Allowance to Part 5 of the Principal Determination. Part 5 authorises various entitlements for officers performing duty at difficult posts. The new Division:

- defines the operational area for the purposes of the Division;
- identifies the officers to whom the Division applies;
- authorises the entitlement to the allowance for each day or part of a day of duty in the operational area, and for each day or part of a day of leave in the circumstances specified;
- sets the daily rate of the allowance as the sum of a hardship rate and an arduous duties rate, and provides for the latter to be reduced by the amounts of certain other payments to which the officer may be entitled for the same day;
- provides for certain other allowances not to be payable while the officer is entitled to East Timor Allowance; and
- authorises a maximum of 10 additional days of annual leave, depending on the number of complete months of duty in the operational area. (This entitlement is subject to the conditions set out in Division 3 of Part 5 of the Principal Determination, which governs the accrual of additional annual leave credits for duty at certain overseas localities).

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 82D of the
Public Service Act 1922