



Public Service Act 1922

Public Service (Defence) Determination 1999/8

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 22 October 1999

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

PART A – Preliminary

1. Citation

1.1 This Determination may be cited as Public Service (Defence) Determination 1999/8, Overseas Conditions of Service (Public Service (Defence) Determinations 1999/1 and 1999/7 – Amendment).

2. Commencement

2.1 Part C and Attachments D, E and F are to be taken to have commenced on 14 October 1999.

2.2 The remaining provisions of this Determination commence on 28 October 1999.

PART B – Amendment of Public Service (Defence) Determination 1999/1

3. Amendment

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

4. Clause 1.2.1 (Definitions)

4.1 Definition of “Cost of Living Index”:
Omit the definition.

4.2 After the definition of “period of evacuation”, insert:

“‘Post Index’, for an officer, means the Post Index specified in Schedule 7 for the officer’s locality of posting and allowance category;”.

5. Provisions listed in Attachment A

5.1 Omit “Cost of Living Index” (wherever occurring), substitute “Post Index”.

6. Schedule 7 (Overseas Living Allowance)

6.1 Omit the item for a locality mentioned in Attachment B, substitute the corresponding item mentioned in Attachment B.

7. Schedule 8 (Supplementary Allowances)

7.1 Omit the item for a locality mentioned in Attachment C, substitute the corresponding item mentioned in Attachment C.

PART C – Amendment of Public Service (Defence) Determination 1999/7

8. Amendment

8.1 Public Service (Defence) Determination 1999/7, Overseas Conditions of Service (Public Service (Defence) Determination 1999/1 – Amendment) is amended as set out in this Part.

9. Clause 26 (Interpretation)

9.1 Definition of “revised amount of overseas allowances”:
Omit the definition, substitute:

“revised amount of overseas allowances’, for an officer, means:

- (a) if more than one date of effect is mentioned for a locality in Attachment C, D or E — the sum of the amounts of overseas allowances (as varied with effect from each of those dates) to which the officer would have been entitled for each portion of the relevant period; and
- (b) otherwise — the amount of overseas allowances to which the officer would have been entitled for the relevant period,

if this Determination had been in force for the whole of that period;”.

9.2 Definition of “revised rate of overseas allowances”:
Omit “is entitled on the commencement day”, substitute “is entitled under the Principal Determination as in force from time to time”.

10. Attachment C (Schedule 7 – Overseas Living Allowance)

10.1 Omit the item for a locality mentioned in Attachment D to this Determination, substitute the corresponding items mentioned in Attachment D.

11. Attachment D (Schedule 8 – Supplementary Allowances)

11.1 Omit the item for a locality mentioned in Attachment E to this Determination, substitute the corresponding item or items mentioned in Attachment E.

12. Attachment E (Schedule 10 – Difficult Post assistance)

12.1 Part A (Difficult post grade, ordinary period of posting, assisted leave travel and additional annual leave):

Omit the item for a locality mentioned in Attachment F to this Determination, substitute the corresponding items mentioned in Attachment F.

NOTE

- 1. Public Service (Defence) Determination 1999/1, Overseas Conditions of Service, as amended to date. For previous amendments see Public Service (Defence) Determination Nos. 1999/2, 3, 4, 5, 6 and 7.

ATTACHMENT A

PROVISIONS IN WHICH “COST OF LIVING INDEX” IS REPLACED BY “POST INDEX”

Provision	Title
Clause 2.1.4	Camping Allowance
Clause 4.6.11	Calculation of Cost of Living Adjustment
Clause 4.6.12	Calculation of General Adjustment
Clause 4.7.11	Excess commuting costs
Clause 4.8.7	School transport costs
Clause 4.10.1	Vehicle Allowance
Schedule 7	Overseas Living Allowance

ATTACHMENT B

OVERSEAS LIVING ALLOWANCE

Column 1 LOCALITY OF POSTING	Column 2 Column 3 POST INDEX		Column 4 Column 5 Column 6 Column 7 POST ADJUSTMENT			
	Category FP	Category LTFP	Category FP		Category LTFP	
			Unaccomp- anied AUD	Accomp- anied AUD	Unaccomp- anied AUD	Accomp- anied AUD
COOK ISLANDS	0	122	0	0	5027	5468
MARSHALL ISLANDS	0	165	0	0	9310	9548
PALAU	0	129	0	0	11478	12236
SINGAPORE	122	131	6552	6742	6880	7079

ATTACHMENT C

SUPPLEMENTARY ALLOWANCES

Column 1 LOCALITY OF POSTING	Column 2 BASIC PAYMENT	Column 3 Column 4 Column 5 CHILD SUPPLEMENT			Column 6 Column 7 CHILD REUNION SUPPLEMENT	
		Under 2 years AUD	2 –11 years AUD	12 or more years AUD	2 –11 years AUD	12 or more years AUD
CANADA – Toronto	0	1946	3017	3211	1557	1654
USA – Los Angeles	0	2124	3010	3098	1416	1505

ATTACHMENT D

OVERSEAS LIVING ALLOWANCE

Column 1 LOCALITY OF POSTING	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	POST INDEX		POST ADJUSTMENT			
	Category FP	Category LTFP	Category FP		Category LTFP	
			Unaccomp- anied AUD	Accomp- anied AUD	Unaccomp- anied AUD	Accomp- anied AUD
INDONESIA with effect from 1 April 1999	113	121	10084	10746	10588	11283
INDONESIA with effect from 8 July 1999	120	128	10755	11461	11293	12034
INDONESIA with effect from 19 August 1999	113	121	10096	10760	10601	11298
INDONESIA with effect from 16 September 1999	105	112	9423	10042	9894	10544
INDONESIA with effect from 30 September 1999	102	109	9172	9775	9631	10264
MALAYSIA with effect from 1 April 1999	103	110	9202	9611	9662	10092
MALAYSIA with effect from 16 September 1999	102	109	8308	8608	8723	9038
THAILAND with effect from 1 April 1999	126	135	6875	7396	7219	7766
THAILAND with effect from 16 September 1999	116	124	6265	6688	6578	7022
VIETNAM with effect from 1 April 1999	121	129	9337	9920	9804	10416
VIETNAM with effect from 16 September 1999	116	124	8370	8941	8789	9388

ATTACHMENT E

SUPPLEMENTARY ALLOWANCES

Column 1 LOCALITY OF POSTING	Column 2 BASIC PAYMENT	Column 3 Column 4 Column 5 CHILD SUPPLEMENT			Column 6 Column 7 CHILD REUNION SUPPLEMENT	
		Under 2 years AUD	2 –11 years AUD	12 or more years AUD	2 –11 years AUD	12 or more years AUD
CANADA – Ottawa	0	2122	3375	3761	1736	1929
INDONESIA with effect from 1 April 1999	0	2134	4563	4858	3165	4563
INDONESIA with effect from 8 July 1999	0	2277	4867	5181	3376	3690
INDONESIA with effect from 19 August 1999	0	2137	4569	4864	3169	3464
INDONESIA with effect from 16 September 1999	0	1995	4265	4540	2958	3233
INDONESIA with effect from 30 September 1999	0	1942	4151	4419	2879	3147
MALAYSIA with effect from 1 April 1999	0	1738	3476	3579	2249	2352
MALAYSIA with effect from 16 September 1999	0	1613	3078	3253	1975	2102
THAILAND with effect from 1 April 1999	0	1979	4063	4271	2708	2917
THAILAND with effect from 16 September 1999	0	1611	3304	3535	2237	2419
USA – Honolulu	0	2337	3954	4044	2337	2337

ATTACHMENT F

DIFFICULT POST ASSISTANCE

**PART A - Difficult post grade, ordinary period of posting, assisted leave travel
and additional annual leave**

Column 1 Item	Column 2 Locality	Column 3 Ordinary period of posting #	Column 4 Difficult post grade	Column 5 Leave centre	Column 6 Frequency during posting	Column 7 No. of days additional annual leave
23.	Indonesia – elsewhere (with effect from 1 April 1999)	2	DPA Grade 2	Australia* Singapore	1 1	9
	Indonesia – elsewhere (with effect from 31 August 1999)	2	DPA Grade 1	Australia* Singapore	1 1	9
	Indonesia – elsewhere (with effect from 14 October 1999)	2	DPA Grade 2	Australia* Singapore	1 1	9
36.	Lebanon (with effect from 1 April 1999)	2	DPA Grade 1	London* Rome	1 2	9
	Lebanon (with effect from 30 September 1999)	2	DPA Grade 2	London* Rome	1 2	9
70.	Vietnam (with effect from 1 April 1999)	2	DPA Grade 1	Australia* Singapore*	1 2	10
	Vietnam (with effect from 30 September 1999)	2	DPA Grade 2	Australia* Singapore*	1 2	10

Notes:

See clause 1.2.5 (Ordinary period of posting)

* See clause 5.2.6 (Excess baggage)

EXPLANATORY STATEMENT

Public Service (Defence) Determination 1999/8

Public Service Act 1922

This Determination amends certain aspects of revised overseas allowances for Australian Public Service officers of the Department of Defence. These revised allowances were introduced with effect from 14 October 1999 by Public Service (Defence) Determination 1999/7 (the Amending Determination), which made the necessary changes to the rates of allowances and related provisions of Public Service (Defence) Determination 1999/1 (the Principal Determination).

Part A of this Determination sets out preliminary matters. Part C and Attachments D, E and F of this Determination are to be taken to have commenced on 14 October 1999 (the same day as the Amending Determination); the remaining provisions commence on 28 October 1999, the first day of the next pay period commencing after this Determination is made.

Part B amends the Principal Determination by:

- replacing the term “Cost of Living Index” with “Post Index”, to denote the index numbers calculated for each overseas locality of posting in order to adjust officers’ disposable salaries; and
- amending the rates of Overseas Living Allowance (OLA) for certain overseas localities where officers are serving on long-term posting overseas. The revised rates take account of variations in prices and exchange rate movements at three posts in the Pacific islands. They also prospectively correct errors resulting in overstatement of the rates initially determined for Singapore (in relation to the Post Index for certain officers) and for two posts in North America (in relation to Supplementary Allowances).

Part C amends the transitional provisions of the Amending Determination. The main amendment is to a provision authorising payment to an eligible officer of additional overseas allowances equal to the amount (if any) by which the allowances actually payable for the relevant period (1 April 1999 to 13 October 1999) fall short of the revised amount of overseas allowances to which the officer would have been entitled if this Determination had applied during the period. The term “overseas allowances” is defined in the Amending Determination as the sum of OLA and Difficult Post Allowance (DPA).

The definition of “revised amount of overseas allowances” relied on the new rates determined for each post with effect from 14 October 1999. This did not give effect to the intention that the revised rates should match the combined rates of OLA and DPA determined by the Department of Foreign Affairs and Trade (DFAT) for its own staff from time to time during the relevant period. As a result, officers at a small number of posts (mainly in South-East Asia) would have received less than the intended entitlement for the relevant period, because the DFAT rates of OLA and DPA for those posts during the relevant period were higher than the rates effective from 14 October 1999.

Part C of this Determination therefore amends the definition to allow for transitional entitlements to be calculated on the basis of rates with different dates of effect during the

relevant period, at the few posts where such rates are required. The revised schedules of rates in the Amending Determination are varied by omitting the rates for those posts and substituting the necessary rates of OLA and grades of DPA based on different dates of effect.

It is noted that DPA Grade 1 attracts DPA of \$13,226 for an accompanied officer, while DPA Grade 2 attracts DPA of \$9,925. A special provision in the Principal Determination currently maintains DPA Grade 1 temporarily for officers in 'Indonesia – elsewhere' (ie other than in East Timor) for the specific period from 14 October 1999 to 31 December 1999. This temporary upgrading overrides any DPA grade that would otherwise apply during that period, but does not apply during the relevant period. Transitional entitlements for these officers from 1 April 1999 under the Amending Determination were therefore based on the lower DPA Grade 2 rate. Part C and Attachment F of this Determination beneficially authorise calculation of the DPA component of overseas allowances at the higher Grade 1 rate for part of the relevant period, in line with DFAT rates. A similar benefit is provided for officers in Lebanon and Vietnam.

The opportunity is taken in Attachment E to correct an error in the Amending Determination which led to the understatement of rates of Supplementary Allowances for two posts in North America. No variation in Supplementary Allowances is required for Vietnam.

Part C also amends the definition of "revised rate of overseas allowances", which is used in a transitional provision ensuring non-reduction of allowances in the event that any officer may have been adversely affected by the introduction of the revised rates. This term was formerly defined as the rate to which the officer is entitled on the commencement day (14 October 1999). This did not give effect to the intention that the revised rate should be the rate applicable from time to time under the Principal Determination. This amendment is not detrimental to these officers, as they remain entitled to have their overseas allowances maintained at the pre-14 October 1999 rate until the revised rate of overseas allowances equals or exceeds the former rate.

The Attachments to this Determination set out data to be applied under various provisions, as follows:

- Attachment A sets out the provisions in which clause 5 replaces the term "Cost of Living Index" with "Post Index";
- Attachments B and C contain the rates of allowances for particular localities to be inserted into Schedules 7 and 8 to the Principal Determination by clauses 6 and 7 of Part B with effect from 28 October 1999; and
- Attachments D, E and F contain the rates of allowances for particular localities to be taken to have been inserted into Attachments C, D and E to the Amending Determination by clauses 10, 11 and 12 of Part C with effect from 14 October 1999.

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