



## **Public Service (Defence) Determination 2001/39**

I, SUSAN JANE PARR, Acting Director General Personnel Policy and Employment Conditions, Defence Personnel Executive, make this Determination under subsection 24 (1) of the *Public Service Act 1999*.

Dated 24 December 2001

S.J. PARR  
Acting Director General  
Personnel Policy and Employment Conditions  
Defence Personnel Executive

**1 Citation**

This Determination is Public Service (Defence) Determination 2001/39, Rate of post adjustment.

**2 Commencement**

This Determination commences on 1 January 2002.

**3 Amendment**

Public Service (Defence) Determination 1999/11, Overseas Conditions of Service, as amended,<sup>1</sup> is amended as set out in this Determination.

**4 Clause 4.7.18 (United States of America – Christmas gratuities on Manhattan)**

*omit*

**5 Clause 4.6.12 (Rate of post adjustment)**

*insert at the end*

(4) In addition, if:

- (a) an employee is on long-term posting to Manhattan in the United States of America; and
  - (b) the Secretary is satisfied that the employee is obliged to pay a Christmas gratuity to maintain existing contracts for apartment and garage service;
- the employee is entitled to an annual supplementary post adjustment at the rate of AUD 1,200.

---

**NOTE**

1. Public Service (Defence) Determination 1999/11 as amended to date. For previous amendments see Note to Public Service (Defence) Determination 2001/1 and see also Determinations 2001/1, 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

## Public Service (Defence) Determination 2001/39

This Determination amends Public Service (Defence) Determination 1999/11, Overseas Conditions of Service (the Principal Determination), made under subsection 24 (1) of the *Public Service Act 1999*. Chapter 4 of the Principal Determination sets out provisions dealing with conditions of service for Australian Public Service employees of the Department of Defence who are on long-term posting overseas.

Defence Determination 2000/1, Conditions of Service, made under section 58B of the *Defence Act 1903*, applies the provisions of the Principal Determination to members of the Australian Defence Force as if the members were employees in the same circumstances.

The purpose of this Determination is to streamline administration by including the Christmas gratuity provision for Manhattan, USA, in the rate of post adjustment for that location.

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 1 January 2002 so that the new annual rate of post adjustment can be paid to eligible employees during that year.

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

Clause 4 omits clause 4.7.18 of the Principal Determination, which provides for the reimbursement of employees on long-term posting to Manhattan who are obliged to pay a Christmas gratuity in order to maintain apartment and garage services at an appropriate level over the Christmas period.

Clause 5 inserts a new subclause into clause 4.6.12 of the Principal Determination, which deals with rates of post adjustment. The new subclause provides a supplementary post adjustment for employees who are obliged to pay a Christmas gratuity in Manhattan. Eligibility to receive the adjustment will depend on the Secretary's assessment that an obligation has been placed on the employee to provide the payment so that contracted services will continue over the Christmas period.

The new amount is based on the average of reimbursements provided in 1999 and 2000 and is to be reviewed annually in mid-December each year. The new flat-rate amount will simplify administration for the post and its inclusion as a component of overseas living allowance will mean that it ceases to be subject to Fringe Benefits Tax.

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 Part 5 of the *Public Service Regulations 1999*.

Authority: Subsection 24 (1) of the  
*Public Service Act 1999*