Defence Determination 2014/56, Deployment allowance – amendment

I, JOHN WILLIAM GEERING, Director General People Policy and Employment Conditions, make this Determination under section 58B of the Defence Act 1903.

Dated 31 October 2014

[Signature]

Director General
People Policy and Employment Conditions
Defence People Group
1 Citation

1. This Determination is Defence Determination 2014/56, Deployment allowance – amendment.

2. This Determination may also be cited as Defence Determination 2014/56.

2 Commencement

This Determination commences on the date of signature.

3 Amendment

Defence Determination 2014/54, Deployment allowance and international campaign allowance – amendment, is amended as set out in this Determination.

4 Schedule, subclause 17.9.6.1 (Rate of allowance), table

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<tr>
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<th>HIGHROAD</th>
<th>Afghanistan</th>
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EXPLANATORY STATEMENT

Defence Determination 2014/56

This Determination amends Defence Determination 2014/54, Deployment allowance and international campaign allowance – amendment (the Principal Determination), made under section 58B of the Defence Act 1903 (the Defence Act) and in accordance with subsection 33(3) of the Acts Interpretation Act 1901 (AIA Act). Determinations made under section 58B of the Defence Act are disallowable non-legislative instruments and are subject to the interpretation principles in the AIA Act, as modified by section 58B of the Defence Act.

Chapter 17 of Defence Determination 2005/15, Conditions of Service, sets out provisions dealing with warlike and non-warlike deployments for members of the Australian Defence Force (ADF).

The purpose of this Determination is to extend deployment allowance to members serving on the ADF operation in support of the whole of government response to the crisis in Afghanistan.

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 date of signature.

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

Clause 4 amends the table in clause 17.9.6 in the schedule to the Principal Determination, to include the new deployment and operational area for the ADF operation in support of the whole of government response to the crisis in Afghanistan for the purpose of the payment of deployment allowance. On 1 January 2015, the Principal Determination will commence and in turn will amend Defence Determination 2005/15, implementing the revised deployment allowance structure.

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.

Authority: Section 58B of the Defence Act 1903
Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Defence Determination 2014/56, Deployment allowance – amendment

This Determination is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

Overview of the Determination

The purpose of this Determination is to extend deployment allowance and international campaign allowance to members serving on the ADF operation in support of the whole of government response to the crisis in Afghanistan.

Human rights implications

Right to the enjoyment of just and favourable conditions of work

The protection of a person's right to remuneration engages Article 7 of the International Covenant on Economic, Social and Cultural Rights. Article 7 guarantees just and favourable conditions of work, including remuneration, safe and healthy conditions, equal opportunity and reasonable limitations.

Legitimate objective: Defence members may be required to perform duty in overseas locations which are areas of military conflict. Defence members who are deployed to some overseas locations will experience adverse conditions during service. These members are compensated for conditions that can include but are not limited to hazard, stress, climate, health care facilities, infrastructure and isolation.

Reasonable, necessary and proportionate: Defence requires its members to perform duty in these locations and therefore provides additional benefits, beyond the normal overseas conditions of service. Deployment allowance is a disability allowance that helps financially to compensate members for the conditions they encounter while on deployment.

Conclusion

This Determination is compatible with human rights because to the extent that it may limit human rights, those limitations are reasonable, necessary and proportionate.

John William Geering, Director General People Policy and Employment Conditions