EXPLANATORY STATEMENT

Defence Determination 2017/1

This Determination amends Defence Determination 2016/19, Conditions of service (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 legislative instruments subject to the Legislation Act 2003. These instruments are also subject to the interpretation principles in the AIA Act, as modified by section 58B of the Defence Act.

This Determination amends the following Chapters of the Principal Determination.

Chapter 4 sets out provisions dealing with allowances and reimbursements for members of the Australian Defence Force (ADF).

Chapter 5 sets out provisions dealing with leave for members of the ADF.

The purpose of this Determination is to amend the ADF district allowance grading and the additional recreation leave days for service in the remote location of Woomera.

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

Section 2 of this Determination provides that the Determination commences on 26 January 2017.

Section 3 provides that this instrument has authority under section 58B of the Defence Act 1903.

Section 4 specifies that the amendment is made to the Principal Determination, as amended.

Section 5 amends Annex 4.4.A of the Principal Determination, which provides the ADF district allowance grades for remote locations within Australia. A review into the district allowance grading for Woomera, using the Accessibility and Remoteness Index of Australia, indicated Woomera is a Grade E location. The grading for Woomera is increased from Grade C to Grade E. The change in grading significantly increases the benefits and the amount of ADF district allowance that members posted to Woomera are eligible for.

Section 6 amends Annex 5.4.A of the Principal Determination, which sets the annual rate of additional recreation leave for service in remote locations within Australia. The number of additional leave days is increased from two days to five days, consequential to the increase in the remote location grading for Woomera from Grade C to Grade E.

Consultation

Consultation is not considered necessary in the update to district allowance grading for Woomera as this falls within the bounds of routine, house keeping of an established benefit. The data from the Accessibility and Remoteness Index of Australia regarding remote location grades is provided to Defence from a recognised data provider and the adjustments are made according to established policy. The funding for the increase in benefits has been approved by Air Force.

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 2017/1, Remote locations – 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 amend the ADF district allowance grading and the additional recreation leave days for service in the remote location of Woomera.

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.

ADF members who are posted to some remote locations may experience adverse living conditions during service. This could cause significant adverse effect on the lifestyle or welfare of members and their dependants, as a result of the living conditions at the remote location. Those hardship conditions can include but are not limited to climate, health care facilities, infrastructure and isolation.

ADF location allowances provide additional benefits, beyond the normal rates of remuneration, to assist the member and their family to not suffer a disadvantage because of the requirement for the member to live and work in a remote location. This Determination provides that Woomera is increased to the highest remote location grade. This means members posted to Woomera will receive the highest rate of ADF District allowance and the maximum rate of additional recreation leave.

Conclusion

This Determination does not limit the right to an adequate standard of living. It provides additional benefits to members who are required to perform their duties at the remote location of Woomera.

Lisa Annette Arnold, Acting Assistant Secretary People Policy and Employment Conditions