EXPLANATORY STATEMENT

Defence Determination, Conditions of service Amendment (Additional risk insurance and deployment allowance) Determination 2019 (No. 29)

This Determination amends Defence Determination 2016/19, Conditions of service (Principal Determination), made under section 58B of the Defence Act 1903 (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.

This Determination amends the following Chapters of the Principal Determination for members of the Australian Defence Force (ADF).

- Chapter 4 sets out provisions dealing with allowances and reimbursements for members of the ADF.
- Chapter 17 sets out provisions dealing with warlike and non-warlike deployments for members of the ADF.

This Determination has the following purposes:

- To increase the maximum amount a member may be reimbursed for the additional costs of buying life insurance.
- To increase the daily deployment allowance rates for members deployed on overseas operations.

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

Section 2 provides that this instrument commences on 14 November 2019.

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

Section 4 provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Additional risk insurance and deployment allowance amendments

Section 1 amends subsection 4.10.4.1 of the Principal Determination, which sets the maximum amount that a member may be reimbursed for the additional costs of buying life insurance, due to the nature of ADF duties. The rate that may be reimbursed for life insurance is increased by 2%, and then rounded to the nearest dollar. This is in line with the adjustment to the salaries of ADF members under the ADF Workplace Remuneration Arrangement, published at www.dfrt.gov.au.

Section 2 omits and substitutes subsection 17.7.6.1 of the Principal Determination, which provides the daily rates of deployment allowance payable to members deployed on various warlike and non-warlike operations. The daily rates for deployment allowance are increased by 2% in line with the adjustment to the salaries of ADF members under the ADF Workplace Remuneration Arrangement.

Consultation

Consultation is not considered necessary in the annual additional deployment allowance adjustment processes as it falls within the bounds of routine, house keeping of established benefits. The adjustments are made according to established policy.

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, Conditions of service Amendment (Additional risk insurance and deployment allowance) Determination 2019 (No. 29)

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

This Determination has the following purposes:

- To increase the maximum amount a member may be reimbursed for the additional costs of buying life insurance.
- To increase the daily deployment allowance rates for members deployed on overseas operations.

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 helps financially to compensate members for the conditions they encounter while on deployment.

This Determination increases deployment allowance rates by 2% in line with the increase to salary and other salary related allowances. It also makes an adjustment to the maximum annual amount Defence may contribute towards the cost of a member's life insurance. The assistance ensures the member is not financially disadvantaged because of the nature of their work.

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.

Kirk Marcel Lloyd, Acting Assistant Secretary People Policy and Employment Conditions