



Determination No. 28 of 1986

**Determination under Section 58B of the
Defence Act 1903¹ (Amendment)**

I, JOHN JOSEPH BROWN, the Minister of State for Sport, Recreation and Tourism acting for and on behalf of the Minister of State for Defence, hereby make the following Determination under section 58B of the *Defence Act 1903*.

Dated 6 May 1986.

JOHN BROWN
Minister of State for Sport, Recreation and Tourism
for and on behalf of the
Minister of State for Defence

Higher Duties Allowance

Determination 0104, Higher Duties Allowance, is amended—

- (a) by omitting from clause 2 the definition of “minimum rate of salary for the relevant rank”;
- (b) by omitting paragraph 4 (b) and substituting the following paragraph:
“(b) that member is in receipt of salary at a rate lower than the rate that would be payable to the member on promotion to the relevant rank for that position,”;
- (c) by omitting paragraph 10 (b) and substituting the following paragraph:
“(b) is in receipt of salary at a rate lower than the rate that would be payable to the member on promotion to the relevant rank for that position,”;
- (d) by omitting from clause 22 “the minimum rate of salary for the relevant rank for that day” and substituting “the amount of salary that would be payable to him or her in respect of that day if he or she were to be promoted to the relevant rank”;

- (e) by omitting from clause 23 "A is the minimum rate of salary for the relevant rank and the pay level appropriate to the position for that day" and substituting "A is the rate of salary which would be payable to that member in respect of each day for which he or she is so entitled if he or she were of a rank and included in a class of members to which the rank and pay level of the position is appropriate";
- (f) by omitting from clause 24 "A is the minimum rate of salary for the relevant rank" and substituting "A is the salary";
- (g) by omitting from clause 24A "minimum";
- (h) by omitting from clause 27 "minimum rate of salary for the relevant rank" and substituting "rate of salary"; and
- (i) by omitting sub-paragraphs 28 (a) (i) and 28 (a) (ii) and substituting the following sub-paragraphs:
 - "(i) the salary that would be payable to the temporary occupant in respect of that day if he or she were promoted to the relevant rank; and
 - (ii) the salary that would be payable to the temporary occupant in respect of that day if he or she were promoted to the rank, the equivalent rank or the work-related rank, whichever is appropriate to the position,".

NOTE

1. Previous amendments to Determination 0104, Higher Duties Allowance: Nos. 2, 11, 13, 24, 32, 35, 43 and 58 of 1982; Nos. 20 and 30 of 1983; Nos. 8, 21, 78 and 112 of 1984.

EXPLANATORY STATEMENT

DETERMINATION NO. 28 OF 1986

ISSUED BY THE AUTHORITY OF THE MINISTER FOR DEFENCE

UNDER SECTION 58B OF THE DEFENCE ACT 1903

Section 58B of the Defence Act 1903 allows the Minister to make determinations on conditions of service for members of the Defence Force.

Determination 0104 provides for payment of Higher Duties Allowance to members of the Defence Force who temporarily perform the duties of a higher position.

Previously, when assessing the rate of Higher Duties Allowance payable to a member performing the duties of a higher rank the calculations were based on the minimum rate of salary for the higher rank. In certain circumstances the minimum rate of salary for a higher rank is not the rate of salary that would apply to a member promoted to that higher rank.

This determination amends Determination 0104 to omit the definition of "minimum rate of salary for the relevant rank", which in paragraph (a) deemed the rate of salary in some circumstances to be lower than the rate which would apply on promotion; and to provide in other clauses that the rate of Higher Duties Allowance payable to a member be based on the rate of salary that would be payable to the member if he or she were promoted to that higher rank.

The date of effect of this determination is the date of signature.