



## DETERMINATION NO. 45 OF 1991

### DETERMINATION UNDER SECTION 58B OF THE DEFENCE ACT 1903

I, PATRICK DENNIS GOURLEY, Acting First Assistant Secretary, Remuneration and Conditions Division, Department of Industrial Relations, pursuant to a delegation made by the Minister of State for Industrial Relations under Defence Force Regulation 72A, hereby make the following Determination under section 58B of the *Defence Act 1903*.

Dated 9 May 1991.

**P.D. Gourley**

Acting First Assistant Secretary  
Remuneration and Conditions Division  
Department of Industrial Relations

#### Citation

1. This determination may be cited as Defence Determination 1991/45.

#### Application

2. This determination applies to any provision of a determination under section 58B of the *Defence Act 1903* which is affected by an amendment made on or after the date on which this determination commences.

### **Meaning of certain words**

3. In a provision to which this determination applies –

"child" includes an adopted child, an ex-nuptial child, a foster child, a step-child or a ward;

"corresponding rank", in relation to a rank, means the corresponding rank ascertained in accordance with Regulation 8 of the Defence Force Regulations as in force from time to time;

"Head of Post", in relation to a member, means the person employed by the Australian Government who is in charge at the locality of posting of the member;

"married quarters" means quarters provided by the Commonwealth for the use of a member and family as a residence;

"public holiday", in relation to a member, means a day, or part of a day, that is observed as a public holiday by the Australian Public Service at the locality at which the member performs duty;

"spouse", in relation to a member, includes a person who is living with the member as a spouse on a bona fide domestic basis although not legally married to the member; and

"trainee" means a member who is undergoing training in a trainee capacity specified in Determination 101 as in force from time to time.

### **Medical and dental officers**

4. A member shall not be taken to be a medical or dental officer unless the member is eligible to be a registered practitioner in accordance with the law of a State or Territory and is serving in a medical or dental branch of the Defence Force.

### **Exercise of powers by Chief of Defence Force**

5. In a determination a reference to the Chief of the Defence Force is to be taken as including reference to such other person as the Chief of the Defence Force authorises for the purpose of the provision in which the reference occurs.

### **Calculation of daily rate of payment**

6. The daily rate of any payment is one three hundred and sixty-fifth part of the annual rate of payment.

# EXPLANATORY MEMORANDUM

## DETERMINATION NO. 45 OF 1991

### *Defence Act 1903*

This determination prescribes the meanings to be attributed to certain words and expressions used in any determination which is affected by an amendment made on or after the date on which this determination commences.

Section 58B(1)(h) of the *Defence Act 1903* permits the making of such a determination.

Clause 3 defines various terms for use in determinations.

Clause 4 provides the basis upon which members will be recognised as qualified to be medical or dental officers.

Clause 5 prescribes the method for calculating daily rates of payment of annual rates of allowances.

Authority: Section 58B of the  
*Defence Act 1903*