



DETERMINATION NO 3 OF 1992

DETERMINATION UNDER SECTION 58B OF THE DEFENCE ACT 1903

I, REX JEFFERY HOY, 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 31 January 1992

**R.J. Hoy
First Assistant Secretary
Remuneration and Conditions Division
Department of Industrial Relations**

Citation

1. This determination may be cited as Defence Determination 1992/3.

Principal Determination

2. In this determination, Determination 104, Higher Duties Allowance, as in force¹ is referred to as the Principal Determination.

Appointment of approving authorities

3. The Principal Determination is amended by omitting paragraph 3(a) and substituting the following paragraph -

- "(a) in the case of the Chief of Naval Staff -
- (i) an officer who holds a rank in the Navy not below the rank of Lieutenant; or
 - (ii) a person from time to time occupying or performing the duties of an office in the Australian Public Service in respect of which the salary, or the minimum rate of salary, is not less than the minimum rate of salary payable to an officer who occupies an office of Senior Officer Grade C."

Note:

1. Determination 0104 was made by Determination 2 of 1982 and has been amended by Determination Nos. 11, 13, 24, 32, 35, 43 and 58 of 1982; 20 and 30 of 1983; 8, 21, 78 and 112 of 1984; 28 and 68 of 1986; 17 and 36 of 1988; 6 of 1989; and 123 and 166 of 1990. The Determination has also been amended by Determination 6 of 1988 made under section 58H.

EXPLANATORY MEMORANDUM

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Defence Act 1903

Clause 3 of Determination 104, Higher Duties Allowance, authorises Chiefs of Staff to appoint officers of their respective Services as approving authorities to exercise discretions under the determination.

This determination amends the appointment power of the Chief of Naval Staff by inserting a power to appoint officers of the Australian Public Service in addition to officers of the Navy. The power is restricted to appointment of persons occupying or performing the duties of a position not below Senior Officer Grade C or equivalent level.

Authority: Section 58B of the
Defence Act 1903