



DETERMINATION NO 5 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 13 February 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 1992/5.

PART A

Principal Determination

2. In this Part, Determination 507, Living Out Allowance, as in force¹ is referred to as the Principal Determination.

Approving authorities

3. Each of the provisions referred to in column 1 of Attachment A to this determination is amended in the manner specified in column 2 opposite the reference to the provision in column 1.

PART B

Principal Determination

4. In this Part, Determination 508, Living Out Away from Home Allowance, as in force² is referred to as the Principal Determination.

Approving authorities

5. Each of the provisions referred to in column 1 of Attachment B to this determination is amended in the manner specified in column 2 opposite the reference to the provision in column 1.

PART C

Principal Determination

6. In this Part, Defence Determination 1991/45 as in force³ is referred to as the Principal Determination.

Category MS member

7. Sub-clause 7.2 of the Principal Determination is amended by omitting "sub-clause 4.1" and substituting "sub-clause 7.1".

Note

1. Determination 507, as amended to date. For previous amendments see Note to Determination 1 of 1992 and see also Determination No. 1 of 1992.
2. Determination 508, as amended to date. For previous amendments see Note to Determination 1 of 1992 and see also Determination No. 1 of 1992.
3. Determination 45 of 1991 has been amended by Determination Nos. 87 and 103 of 1991.

**ATTACHMENT A
TO
DEFENCE DETERMINATION 1992/5**

Column 1	Column 2
Provision	Amendment
Clause 2, definition of "Chief of Staff"	Omit
Clause 4	Omit
Clause 7	Omit "the approving authority" (wherever occurring) and substitute "the Chief of the Defence Force"
Clause 8	Omit "the approving authority" and substitute "the Chief of the Defence Force"
Clause 11	Omit "his or her Commanding Officer" and substitute "the Chief of the Defence Force"
Clause 12	Omit "the approving authority" and substitute "the Chief of the Defence Force"
Clauses 14 and 15	Omit "his or her Commanding Officer" and substitute "the Chief of the Defence Force"
Clause 15A	Omit "the approving authority" and substitute "the Chief of the Defence Force"
	Omit "an approving authority" and substitute "the Chief of the Defence Force"
Clauses 15B, 15G and 17	Omit "the approving authority" and substitute "the Chief of the Defence Force"

**ATTACHMENT B
TO
DEFENCE DETERMINATION 1992/5**

Column 1	Column 2
Provision	Amendment
Clause 2, definition of "Chief of Staff"	Omit
Clause 5	Omit
Clause 8	Omit "the approving authority" (wherever occurring) and substitute "the Chief of the Defence Force"
Clauses 9 and 12	Omit "the approving authority" and substitute "the Chief of the Defence Force"
Clause 14A	Omit "the approving authority" and substitute "the Chief of the Defence Force"
	Omit "an approving authority" and substitute "the Chief of the Defence Force"
Clauses 14B, 14G and 17	Omit "the approving authority" and substitute "the Chief of the Defence Force"

EXPLANATORY MEMORANDUM

DETERMINATION NO 5 OF 1992

Defence Act 1903

Parts A and B of this determination amend respectively Determinations 507, Living Out Allowance, and 508, Living Out Away from Home Allowance, by substituting the Chief of the Defence Force for the approving authority previously appointed by the respective Chief of Staff to exercise certain limited discretions in relation to payment of these allowances. One of the affected discretions in Determination 507 was previously exercised by a member's commanding officer.

Criteria exist in the determinations for the exercise of the discretions and Defence Force members have a right of review of adverse decisions. The amendments have been made at the request of the Defence Force.

Part C of this determination corrects an erroneous cross-reference.

Authority: Section 58B of the
Defence Act 1903