



DETERMINATION NO 3 OF 1993

DETERMINATION UNDER SECTION 58B OF THE DEFENCE ACT 1903

I, **MERYL ANNETTE STANTON**, First Assistant Secretary,
Government Authorities and Defence 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 18 February 1993

M.A. Stanton
First Assistant Secretary
Government Authorities and Defence Division
Department of Industrial Relations

Citation

1. This determination may be cited as Defence Determination 1993/3.

Principal Determination

2. In this determination Determination 2601, Recreation Leave, as in force¹ is referred to as the Principal Determination.

Application

3.1 Sub-clause 47(2) of the Principal Determination is to be taken to apply in relation to Defence Determination 1992/52 as if this amendment to the Principal Determination had been made with effect from 19 October 1992.

3.2 Sub-clause 47(2) of the Principal Determination is to be taken to apply in relation to Defence Determination 1992/64 as if this amendment to the Principal Determination had been made with effect from 18 December 1992.

Allowances not to be included in salary of a member

4. Sub-clause 47(2) of the Principal Determination is amended by -

- (a) inserting "and" after paragraph (b); and
- (b) omitting paragraphs (c) and (d) and substituting the following paragraph -
 - "(c) an allowance under Defence Determination 1991/108, 1992/30, 1992/52 or 1992/64."

Note

1. Determination 2601 was made by Determination 19 of 1980 and has been amended by Determination Nos. 12, 17, 36, 42 and 60 of 1981; 4, 11, 22, 24, 32, 43 and 53 of 1982; 10, 12, 15, 21, 23, 35 and 37 of 1983; 3, 5, 8, 33, 37, 40, 50, 53, 64, 78, 96, 110 and 112 of 1984; 34, 47 and 60 of 1985; 29, 87 and 94 of 1986; 17, 20, 21, 25, 65 and 77 of 1987; 11, 17, 45, 46, 54, 65 and 77 of 1988; 6, 18, 38, 75, 104, 110, 117, 148, 171, 200 and 204 of 1989; 51, 123, 141, 166 and 191 of 1990; 84, 78, 100, 104, 105, 107 and 110 of 1991 and 12, 19, 21, 22, 29, 31, 34, 39, 53 and 59 of 1992. The Determination has also been amended by Determination Nos. 1 and 6 of 1988 made under section 58H.

EXPLANATORY MEMORANDUM
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Clause 47(1) of Determination 2601 Recreation Leave (the Principal Determination) restricts the payment of allowances during recreation leave to those allowances specified in that determination. Sub-clause 47(2) of the determination exempts certain allowances from this restriction where payment of an allowance during leave is authorised in another determination.

Defence Determinations 1992/52 and 1992/64, which deal with conditions of service for Australian Defence Force members deployed in certain overseas localities, provide for payment of an allowance during recreation leave in certain circumstances.

Clause 3 of this determination provides that the amendment made by this determination applies to Defence Determinations 1992/52 and 1992/64 from the dates on which those determinations respectively commenced.

Clause 4 of this determination consolidates the list of Defence Determinations in sub-clause 47(2) of the Principal Determination and adds Defence Determinations 1992/52 and 1992/64 to the list of exempted allowances.

The retrospective application of this determination does not affect the rights of a person (other than the Commonwealth) in a manner prejudicial to that person, nor does it impose any liability on such person.

Authority: Section 58B of the
Defence Act 1903