



# DEFENCE DETERMINATION 1994/12

## DETERMINATION UNDER THE DEFENCE ACT 1903

I, **MERYL ANNETTE STANTON**, First Assistant Secretary, Government Authorities and Defence Division, Department of Industrial Relations, acting under a delegation made by the Minister for Industrial Relations under Defence Force Regulation 72A, make the following Determination under section 58B of the *Defence Act 1903*.

Dated 8 April 1994

**M. STANTON**  
First Assistant Secretary  
Government Authorities and Defence Division  
Department of Industrial Relations

### 1. Citation

1.1 This Determination may be cited as Defence Determination 1994/12.

### 2. Gratuity to compensate for loss of income

2.1 Flight Lieutenant Terence John Neill is entitled to be paid a gratuity equal to the amount by which the amount of salary payable to him during the relevant period is exceeded by the amount of salary that would have been payable to him if Determination No. 87 of 1987 had been in force for the whole of the relevant period.

2.2 In this Determination, "relevant period" means the period commencing on 29 April 1985 and ceasing at the expiration of 19 December 1987.

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[ref755]

**EXPLANATORY MEMORANDUM**

**DEFENCE DETERMINATION 1994/12**

*Defence Act 1903*

This Determination provides for payment of a gratuity to Flight Lieutenant Terence John Neill to compensate for the loss of income between the period 29 April 1985 to 19 December 1987 inclusive.

Flight Lieutenant Neill was a member of the Australian Defence Force for the period 30 April 1968 to 31 July 1981, who, prior to discharge, was entitled to receive a higher rate of salary provided by Defence Force (Salaries) Regulations and Air Force Regulations, by virtue of his status as an officer commissioned from the ranks.

On Flight Lieutenant Neill's re-appointment in April 1985, Determination 0101, Salary of Permanent Force Members, did not provide access to the higher salary scale for former members on re-appointment. Therefore, on re-appointment, he was not eligible to the higher salary scale he had previously been entitled to immediately prior to his discharge in 1981.

As a result of an amending determination, Determination No. 87 of 1987, Flight Lieutenant Neill became eligible to the higher salary scale from 20 December 1987. This amending determination provided access to the higher scale of salary to former members who had been previously entitled to the higher salary rates, on their re-appointment to the Australian Defence Force.

Flight Lieutenant Neill was therefore eligible to receive the special salary scale for the period 31 January 1979 to 31 July 1981 and again from 20 December 1987.

This Determination provides for payment of a gratuity to Flight Lieutenant Neill for the period 29 April 1985, the date of his re-appointment to the Australian Defence Force, to 19 December 1987, the date immediately prior to the date of effect of Determination No. 87 of 1987.

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