



# DEFENCE DETERMINATION 1994/2

## 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 25 January 1994

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

### PART A - Preliminary

#### 1. Citation

1.1 This Determination may be cited as Defence Determination 1994/2.

### PART B - Amendment of Determination 709

#### 2. Amendment

2.1 Determination 709, Medical Officers and Dental Officers - Bounty Payable on Appointment to a Permanent or Short Service Commission, as amended<sup>1</sup>, is amended as set out in this Part.

#### 3. Clause 8 (Approving authority)

3.1 Delete the clause.

**4. Clause 9 (Approving authority)**

4.1 Delete "approving authority", substitute "Chief of the Defence Force".

**Part C - Amendment of Determination 805**

**5. Amendment**

5.1 Determination 805, Detention Allowance, as amended<sup>2</sup>, is amended as set out in this Part.

**6. Clause 5 (Approving authorities)**

6.1 Delete the clause.

**7. Clause 8 (Amount of allowance)**

7.1 Paragraph 8(f):

Delete "approving authority" (twice occurring), substitute "Chief of the Defence Force".

**Part D - Amendment of Determination 1503**

**8. Amendment**

8.1 Determination 1503, Cancelled Posting Expenses, as amended<sup>3</sup>, is amended as set out in this Part.

**9. Clause 3 (Reimbursement of expenses on cancellation of posting)**

9.1 Paragraph 3(g):

Delete ", or an officer not below the rank of Brigadier or equivalent appointed by the Chief of the Defence Force for the purposes of this clause,".

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**Notes**

1. Determination 709 was made by Determination 88 of 1984 and has been amended by Determination No. 112 of 1984, No. 204 of 1989 and No. 21 of 1992.
2. Determination 805 was made by Determination 48 of 1985 and has been amended by Determination No. 87 of 1986; Nos. 17 and 77 of 1987 and No. 204 of 1989.
3. Determination 1503 was made by Determination 124 of 1989 and has been amended by Determination No. 33 of 1992.

## EXPLANATORY MEMORANDUM

### DEFENCE DETERMINATION 1994/2

#### *Defence Act 1903*

This Determination amends:

- . Determination 709, Medical Officers and Dental Officers - Bounty Payable on Appointment to a Permanent or Short Service Commission, which authorises a bounty to be paid to Medical and Dental Officers appointed to a permanent commission or to a short service commission of at least four years;
- . Determination 805, Detention Allowance, which enables a member to be paid various allowances whilst serving a period of detention; and
- . Determination 1503, Cancelled Posting Expenses, which provides for reimbursement for unavoidable expenses incurred as a result of the cancellation of a posting.

The main purpose of this Determination is to substitute the Chief of the Defence Force for the former approving authorities in a limited number of discretionary provisions in these Determinations. The discretions have been reviewed to ensure that appropriate criteria are set out for decision-making. Members have a right of review of adverse decisions through ADF grievance processes including appeal to the Defence Force Ombudsman.

Part B of this Determination amends Determination 709 by deleting a redundant clause dealing with the appointment of approving authorities, and substituting the CDF for the former approving authority in a discretion waiving a requirement to repay the bounty in certain circumstances.

Part C makes similar amendments to Determination 805, in relation to a discretion to approve payment of Overseas Living Allowance to a member serving a period of detention.

Part D amends Determination 1503 by deleting a reference to other approving authorities appointed by the CDF, so that a discretion under clause 3 resides with the CDF. The discretion relates to approval of the reimbursement of certain posting expenses, and excess amounts of other posting expenses.

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