



# DEFENCE DETERMINATION 1994/4

## 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 24 February 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 1994/4.

### 2. Commencement

2.1 This Determination is to be taken to have commenced on 23 July 1993.

### 3. Amendment

3.1 Determination 202, Separation Allowance, as amended<sup>1</sup>, is amended as set out in this Determination.

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#### Note

1. Determination 202 was made by Determination 38 of 1982 and has been amended by Determination Nos. 54 of 1982; 18, 28 and 37 of 1983; 45, 52, 64, 76, 100, 110 and 112 of 1984; 53 of 1985; 87 of 1986; 17 of 1987; 17 of 1988; 19 of 1989; 103 and 166 of 1990; 21 of 1992 and 25 and 32 of 1993. The Determination has also been amended by Determination Nos. 8 of 1985; 5 of 1986; 1 of 1988; 3 and 6 of 1991; 16 of 1992; 2 of 1993; 5 of 1994 and 24 of 1993 made under section 58H.

**4. Clause 6 (Allowance not payable)**

**4.1 Paragraph 6(b):**

Delete the paragraph, substitute:

"(b) is entitled to be paid Travelling Allowance, except where the member is accommodated on board a sea-going ship during a visit by the ship to an overseas port."

EXPLANATORY MEMORANDUM

DEFENCE DETERMINATION 1994/4

*Defence Act 1903*

Clause 6 of Determination 202, Separation Allowance, precludes payment of Separation Allowance to a member who is in receipt of Travelling Allowance (TA).

This Determination amends Determination 202 to authorise concurrent payment of Separation Allowance to a member who is in receipt of a form of TA payable to a member accommodated on board ship during an overseas port visit.

The amendment restores an entitlement which existed before this form of TA was subsumed into the general TA provisions with the repeal on 23 July 1993 of Determination 3610, In Port Allowance, by Overseas Defence Determination 1993/25.

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*