



# DEFENCE DETERMINATION 1994/41

## 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 21 September 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 1994/41.

### 2. Amendment

2.1 Determination 705, Gratuities, as amended<sup>1</sup>, is amended as set out in this Determination.

### 3. Clause 2 (Definitions)

3.1 Definition of "member":  
Delete the definition.

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#### Note

1. Determination 705 was made by Determination 83 of 1984 and has been amended by Determination Nos. 20 and 29 of 1987.

**4. New clause 4A**

4.1 After clause 4, insert:

**Application**

"4A. This Determination applies to a member rendering continuous full-time service, other than a member to whom the *Military Superannuation and Benefits Act 1991* applies."

**EXPLANATORY MEMORANDUM**

**DEFENCE DETERMINATION 1994/41**

*Defence Act 1903*

Determination 705, Gratuities, provides for the payment of a gratuity under certain conditions to serving members who are not entitled to pensions or invalidity benefits under the Defence Force Retirement and Death Benefits (DFRDB) legislation.

This Determination amends Determination 705 by inserting an application clause which excludes payment of such a gratuity to members whose retirement and death benefits cover stems from the Military Superannuation and Benefits Scheme (MSBS), introduced in 1991. This exclusion also affects members who have elected to transfer from the DFRDB scheme to the MSBS, in relation to their eligible service for DFRDB purposes.

The Determination also deletes the redundant definition of "member", which formerly specified the members to whom Determination 705 applied.

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