



# DEFENCE DETERMINATION 1994/47

## 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 11 October 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 1994/47.

### 2. Amendment

2.1 Determination 2904, Financial Benefits for Members of the Australian Defence Force Declared Redundant, as amended<sup>1</sup>, is amended as set out in this Determination.

---

#### Note

1. Determination 2904, as amended to date. For previous amendments see Note to Determination 7 of 1994 and see also Determination No. 7 of 1994.

---

[ref697]

**3. Clause 3 (Definitions)**

**3.1 Definition of "month":**

Delete the definition.

**4. New clause 4A**

4.1 After clause 4, insert:

**Notice period**

"4A. A member who is declared redundant is entitled to a notice period of one month beginning on the specified day."

**5. Clause 8 (Termination of service before completion of notice period)**

**5.1 Subclause 8.1:**

Delete the subclause, substitute:

"8.1 If a member is given formal notice of redundancy and ceases service at the member's own request during the notice period, the member is entitled to be paid in lieu of salary for the remainder of the notice period."

EXPLANATORY MEMORANDUM

DEFENCE DETERMINATION 1994/47

*Defence Act 1903*

This Determination amends Determination 2904, Financial Benefits for Members of the Australian Defence Force Declared Redundant, which authorises specified entitlements for members of the Australian Defence Force when they cease to be members as a result of being made redundant.

The purpose of this Determination is to remove uncertainty about the use of the word "month" in Determination 2904. The word is used in relation to both completed months of continuous service rendered by a member, and also in more general senses of 'period of days comprising a month'. However, the word was formerly defined only in the context of continuous service.

Clause 3 of this Determination deletes the definition of "month", thereby allowing the definition set out in subsection 22(1) of the *Acts Interpretation Act 1901* to apply by virtue of paragraph 46(1)(a) of that Act. This definition better suits the senses in which the word is used in Determination 2904.

Clause 4 inserts a provision maintaining an entitlement to a notice period of one month.

Clause 5 consequentially revises a provision which authorises payment in lieu of salary for a member who ceases voluntarily after receiving notice of redundancy but before the end of the notice period. The revision removes two unnecessary references to "month".

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