



## OVERSEAS DEFENCE DETERMINATION 1994/5

### 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 17 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 Overseas Defence Determination 1994/5.

#### 2. Definition

2.1 In this Determination "relevant Public Service determination" means Public Service Board Determination 1983/15 as in force from time to time.

#### 3. Application

3.1 This Determination applies to a member who is serving on a long-term posting.

**4. Meaning of "eligible person"**

4.1 For the purposes of this Determination, the relevant Public Service determination is modified by omitting the definition of "eligible person" and substituting the following definition -

"'eligible person', in relation to a member, means a dependant of the member;".

**5. Assistance with health costs for eligible person**

5.1 A member is entitled to assistance under the relevant Public Service determination with health services provided overseas in relation to an eligible person as if the member were an officer of the Australian Public Service in the same circumstances as the member.

**EXPLANATORY MEMORANDUM**

**OVERSEAS DEFENCE DETERMINATION 1994/5**

*Defence Act 1903*

This Determination provides for assistance with health services for dependants of members of the Australian Defence Force (ADF) serving on long-term posting overseas.

The provisions were formerly contained in Determinations 3737, Medical and Hospital Expenses of a Member's Family Overseas, and 3738, Dental Expenses of a Member's Family Overseas, which have been repealed by Overseas Defence Determination 1994/6.

This Determination adopts by reference the identical entitlements provided overseas for officers of the Australian Public Service (APS) in Public Service Board (PSB) Determination 1983/15 made under section 82D of the *Public Service Act 1922*. Such adoption is authorised by subsection 58B(1A) of the *Defence Act 1903*.

The effect of the Determination is that assistance with health services is provided in relation to dependants of members as if the members were APS officers. The Commonwealth makes separate arrangements for the provision of health services to the members themselves.

Clause 2 of this Determination sets out a definition used in the Determination.

Clause 3 specifies the members to whom the Determination applies.

Clause 4 modifies the definition of the term "eligible person" in PSB Determination 1983/15, where it includes an APS officer as well as the officer's dependants; for ADF purposes, the member is excluded as other arrangements apply.

Clause 5 sets out the entitlement for a member to be assisted with health services for dependants under the same conditions as apply to an APS officer in the same circumstances.

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