



OVERSEAS DEFENCE DETERMINATION 1994/50

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 14 November 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 1994/50.

2. Amendment

2.1 Determination 2699, Payment of Financial Entitlements Consequent Upon the Death of a Member or a Former Member, as amended¹, is amended as set out in this Determination.

Note

1. Determination 2699 was made by Determination 13 of 1984 and has been amended by Determination Nos. 67 and 112 of 1984; 20 of 1987; 14, 17, 37 and 54 of 1988; 104 of 1989; 19 and 21 of 1992 and 30 of 1993.

3. Clause 2 (Definitions)

3.1 Definitions of "accompanied", "long term duty", "Overseas Living Allowance", "recreation leave", "recreation leave bonus", "Settling In and Settling Out" and "war service leave":

Delete the definitions.

3.2 Insert the following definition:

"'relevant Public Service determination' means Public Service Determination 1994/162 as in force from time to time."

4. Clause 2A (Interpretation)

4.1 Delete the clause.

5. Clause 3A (Payment of financial entitlements on death of member)

5.1 Delete the clause, substitute:

Death of member during long-term posting

"3A.1 Where a member dies during a long-term posting, the dependants of the deceased member are entitled to be treated in accordance with the relevant Public Service determination as if the member had been an officer of the Australian Public Service in the same circumstances as the member.

"3A.2 In this clause 'dependant' has the same meaning as in the relevant Public Service determination."

EXPLANATORY MEMORANDUM

OVERSEAS DEFENCE DETERMINATION 1994/50

Defence Act 1903

Determination 2699, Payment of Financial Entitlements Consequent Upon the Death of a Member or a Former Member, provides for certain entitlements arising from the death of a member or former member of the Australian Defence Force to be paid to dependants.

The purpose of this Determination is to revise the provisions of Determination 2699 relating to entitlements payable for service on a long-term posting overseas. It takes account of recent amendments to the corresponding provisions for officers of the Australian Public Service (APS) in Public Service Determination 1994/162 made under section 82D of the *Public Service Act 1922*.

Clause 3 of this Determination deletes certain definitions which were either redundant as a consequence of this Determination, or were not required to permit the proper operation of Determination 2699. A definition is inserted of a term used in the provision substituted by clause 5.

Clause 4 deletes an interpretation provision which related to references to determinations and was not needed to permit the proper operation of Determination 2699.

Clause 5 repeals a provision which dealt with entitlements arising from long-term posting overseas, and substitutes a clause which adopts by reference the identical entitlements provided in Public Service Determination 1994/162 made under the *Public Service Act 1922* in relation to officers of the APS serving overseas. Such adoption is authorised by subsection 58B(1A) of the *Defence Act 1903*.

The effect of the new clause is that where a member dies during a long-term posting, the entitlements for dependants are provided as if they were dependants of APS officers.

Authority: Section 58B of the
Defence Act 1903