



DEFENCE DETERMINATION 1995/9

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 29 March 1995

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 1995/9.

2. Commencement

2.1 This Determination is to be taken to have commenced on 23 June 1994.

3. Amendment

3.1 Defence Determination 1994/28 is amended as set out in this Determination.

4. Clause 4 (Savings)

4.1 After subclause 4.2, insert:

"4.2A Where -

- (a) the Minister for Defence Science and Personnel has not approved threat levels for the purposes of a deployment; and
- (b) subclause 4.1 applies or has applied to any member for service with the deployment,

subclause 4.1 is taken to apply to any other member who is assigned for duty with the deployment as if the member were entitled, on the day immediately before the day on which Defence Determination 1994/27 commences, to be paid an allowance for the deployment under a relevant Determination."

EXPLANATORY MEMORANDUM
DEFENCE DETERMINATION 1995/9
Defence Act 1903

Defence Determination 1994/27 of 23 June 1994 authorised payment of Deployment Allowance to members of the Australian Defence Force serving overseas with United Nations or similar deployments.

Defence Determination 1994/28 of the same date consequentially repealed certain redundant determinations authorising rates of allowance for individual deployments, while preserving the entitlements of members until allowances for those deployments were set under the new arrangements. Eligibility was limited to members who were entitled to an allowance under one of the redundant determinations before 23 June 1994.

This Determination extends eligibility for the transitional entitlement to members who are assigned for duty with a deployment on or after 23 June 1994, if the allowance for the deployment has not yet been brought under the new arrangements and the transitional entitlement has already been established for the deployment.

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