

AUSTRALIA

Overseas Defence Determination 1997/3

I, TERENCE GERALD BROSANAN, Assistant Secretary, Overseas Conditions Branch, Australian Government Employment Group, 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 10 February 1997

T. BROSANAN
Assistant Secretary
Overseas Conditions Branch
Australian Government Employment Group Department of Industrial Relations

1. Citation

1.1 This Determination may be cited as Overseas Defence Determination 1997/3.

[NOTE: This Determination commences on the day on which it is made: see Defence Act 1903, subsection 58B(4).]

2. Amendment

2.1 Overseas Defence Determination 1995/26, as amended', is amended as set out in this Determination.

3. New clause 3A

3.1 After clause 3, insert:

Application of Australian Public Service transitional provisions

“3A.1 If this Determination makes provision for or in relation to a matter by applying, adopting or incorporating with or without modification the provisions of the relevant Public Service determination applicable to officers of The Australian Public Service, any transitional provisions relating to amendment of those provisions of the relevant Public Service determination are taken to apply to a member of the Australian Defence Force as if the member were an officer of the Australian Public Service.”.

NOTES

1. Determination 1995/26, as amended to date. For previous amendments see Note to Determination 2 of the 1997 and see also Determination No.2 of 1997.

EXPLANATORY STATEMENT

Defence Determination 1997/3

Defence Act 1903

Overseas Defence Determination 1995/26 (the Principal Determination) authorises conditions of service for members of the Australian Defence Force (ADF) performing duty overseas, other than those rendering warlike, non-warlike or peacekeeping service with an overseas deployment.

For the most part, such conditions are authorised by reference to the relevant Public Service determination (Public Service Determination 1994/162 of 5 October 1994, as in force from time to time). This process is authorised by subsection 58B(1A) of the Defence Act 1903.

Amendments to the relevant Public Service determination made under section 82D of the Public Service Act 1922 occasionally give rise to transitional provisions that temporarily modify the effect of the amendment, usually for a specified period. Such transitional provisions are included as 'stand-alone' clauses in the amending Public Service Determination and are not part of the relevant Public Service Determination.

In order to clarify the application of such transitional provisions to members of the ADF, this Determination amends the Principal Determination by inserting an application clause to the effect that if a Public Service overseas condition of service applies to the ADF by reference, a Public Service transitional provision relating to amendment of that condition of service also applies to the ADF.

This Determination commences on the day on which it is made, as provided by subsection 58B(4) of the Defence Act 1903.

Authority: Section 58B of the
Defence Act 1903