DEFENCE DETERMINATION 1993/20

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 of State for Industrial Relations under Defence Force Regulation 72A, make the following Determination under section 58B of the Defence Act 1903.

Dated 11 August 1993

M. STANTON
First Assistant Secretary
Government Authorities and Defence Division
Department of Industrial Relations

PART A - Preliminary

1. Citation
1.1 This determination may be cited as Defence Determination 1993/20.

2. Commencement
2.1 Parts C, D and E of this Determination are to be taken to have commenced on the day on which Determination No. 12 of 1993, Parachutist Allowance, commenced.

PART B - Repeal of Determination 108

3. Repeal
3.1 Determination 108, Parachutist Allowance, as amended, is repealed.
PART C - Amendment of Determination 2601

4. Amendment
4.1 Determination 2601, Recreation Leave, as amended, is amended as set out in this Part.

5. Clause 36 (Allowances - grant of recreation leave)
5.1 Subparagraphs 36(1)(e)(iii) and (iv):
Delete the subparagraphs, substitute:

"(iii) Parachutist Allowance, where the allowance is payable at an annual rate;".

6. Clause 41 (Allowances - payment in lieu of recreation leave)
6.1 Subparagraphs 41(1)(b)(iii) and (iiia):
Delete the subparagraphs, substitute:

"(iii) Determination No. 12 of 1993, Parachutist Allowance, made by the Defence Force Remuneration Tribunal under section 58H of the Defence Act 1903, other than the on-occurrence rate of the allowance specified in paragraph 4(e) of that Determination;".

PART D - Amendment of Determination 2607

7. Amendment
7.1 Determination 2607, Recreation Leave Bonus, as amended, is amended as set out in this Part.

8. Clause 3 (Rate of salary)
8.1 Subparagraphs 3(d)(iii) and (iiia):
Delete the subparagraphs, substitute:

"(iii) Determination No. 12 of 1993, Parachutist Allowance, made by the Defence Force Remuneration Tribunal under section 58H of the Defence Act 1903, other than the on-occurrence rate of the allowance specified in paragraph 4(e) of that Determination;".

PART E - Amendment of Determination 2701

9. Amendment
9.1 Determination 2701, Long Service Leave, as amended, is amended as set out in this Part.

10. Clause 23 (Salary of a member for long service leave purposes - inclusion of an allowance)
10.1 Subparagraphs 23(1)(b)(iii) and (iiia):
Delete the subparagraphs, substitute:
"(iii) Determination No. 12 of 1993, Parachutist Allowance, made by the Defence Force Remuneration Tribunal under section 58H of the Defence Act 1903, other than the on-occurrence rate of the allowance specified in paragraph 4(e) of that Determination;".

Notes


2. Determination 2601, as amended to date. For previous amendments see Note to Determination 3 of 1993 and see also Determination Nos. 3 and 11 of 1993.

3. Determination 2607 was made by Determination 40 of 1981 and has been amended by Determination Nos. 60 of 1981; 3, 4, 11, 24, 32 and 43 of 1982; 1, 30 and 37 of 1983; 1, 8, 50 and 112 of 1984; 11 of 1985; 17 and 45 of 1988; 6, 18 and 110 of 1989; 16 and 166 of 1990; 100 and 105 of 1991; and 14, 21 and 29 of 1992. This Determination has also been amended by Determination Nos. 1 and 6 of 1988 made under section 58H.

4. Determination 2701, as amended to date. For previous amendments see Note to Determination 11 of 1993 and see also Determination No. 11 of 1993.
Parachutist Allowance for members of the Australian Defence Force has hitherto been authorised by Determination 108, Parachutist Allowance, made by the relevant Minister under section 58B of the Defence Act 1903, and Determination No. 1 of 1986, 3RAR Parachutist Allowance, made by the Defence Force Remuneration Tribunal under section 58H of the Defence Act 1903.

As a result of a 1993 inquiry into the allowance, a new section 58H determination (No. 12 of 1993, Parachutist Allowance) was made by the Defence Force Remuneration Tribunal with effect from 29 July 1993 to restructure the allowance and authorise revised rates of payment.

Part A of this Determination provides for Parts C, D and E of the Determination to commence on the same day as Determination No. 12 of 1993.

Part B repeals Determination 108, Parachutist Allowance, which has been displaced by Determination No. 12 of 1993.

Parts C, D and E make necessary consequential amendments to references to Parachutist Allowance and 3RAR Parachutist Allowance in Determinations 2601, Recreation Leave, 2607, Recreation Leave Bonus, and 2701, Long Service Leave, respectively.

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