Defence Act 1903

Defence Determination 1998/15

I, NICHOLAS JEFFERSON FORD, Director General Financial Conditions, Defence Personnel Executive, Department of Defence, acting under a delegation made by the Minister for Workplace Relations and Small Business under regulation 72A of the Defence Force Regulations, make the following Determination under section 58B of the Defence Act 1903.

Dated 3 April 1998

N.J. FORD
Air Commodore
Director General Financial Conditions
Defence Personnel Executive
Department of Defence
1. **Citation**
1.1 This Determination may be cited as Defence Determination 1998/15.

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

2. **Amendment**
2.1 Defence Determination 1998/3 is amended as set out in this Determination.

3. **Clause 1.3 (Definitions)**
3.1 After the definition of “the Act”, insert:

“‘the Secretary’ means the Secretary to the Department of Defence;”.
EXPLANATORY STATEMENT

Defence Determination 1998/15

Defence Act 1903

Defence Determination 1998/3 of 9 February 1998 (the Principal Determination) provides for additional compensation in relation to members of the Australian Defence Force (ADF) who suffer an injury resulting in death or severe impairment and in respect of which compensation is payable under the Safety, Rehabilitation and Compensation Act 1988.

The Principal Determination confers several powers on “the Secretary”, including the power to authorise the payment of an amount under the Determination. It is intended that these powers should be exercised by the Secretary to the Department of Defence, as that Department is responsible for administering compensation matters generally in relation to ADF members.

Previously, the term “Secretary” was not defined in the Principal Determination. In the absence of a specific definition, the term took its meaning from the parent Act (the Defence Act 1903), in which “The Secretary” is defined as “the Secretary to the Department”.

However, since the Principal Determination is made under section 58B of the parent Act, and that section is currently administered by the Minister for Workplace Relations and Small Business, it is necessary to amend the Determination by including the required specific meaning of “Secretary”. This avoids the unintended outcome that the term as used in the Principal Determination means the Secretary to the Department of Workplace Relations and Small Business.

Action is in progress to transfer responsibility for section 58B of the parent Act from the Minister for Workplace Relations and Small Business to the Minister for Defence; the amendment made by this Determination is required in the meantime to provide for the administration of the Principal Determination by the Department of Defence, as intended.

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