



Determination No. 2 of 1981

Determinations under section 58B of the Defence Act 1903¹ (Amendment)

I, DENIS JAMES KILLEN, the Minister of State for Defence, hereby make the following Determination under section 58B of the *Defence Act* 1903.

Dated 13 January 1981.

D. J. KILLEN
Minister of State for Defence

Trainee Leader's Allowance

1. Determination 0113, Trainee Leader's Allowance is amended by omitting the Schedule and substituting the following Schedule:

THE SCHEDULE TO DETERMINATION 0113
TRAINEE LEADER'S ALLOWANCE

Clause 2

Column 1	Column 2
Service Training Establishment	Position
A Naval Training Establishment	Chief Midshipman Divisional Midshipman Apprentice Captain Apprentice Vice Captain
Army—	
(i) Royal Military College Duntroon and Officer Cadet School, Portsea	Senior Under Officer Under Officer Senior Officer Cadet
(ii) Women's Royal Australian Army Corps School	Battalion Sergeant Major Apprentice Sergeant Major
(iii) Apprentices School Balcombe	Company Quarter-Master Sergeant Platoon Sergeant
Air Force—	
(i) RAAF Academy, Engineer Cadet Squadron and No. 7 Stores Depot	Air Cadet Under Officer
(ii) No. 1 Flying Training School, No. 2 Flying Training School and School of Air Navigation	Aircrew Cadet—Course Commander
(iii) RAAF School of Technical Training and RAAF School of Radio	Apprentice Warrant Officer Apprentice Flight Sergeant Apprentice Sergeant Apprentice Corporal

District Allowance**2. Determination 0301, District Allowance is amended—**

- (a) by omitting from clause 2 the definition of “child” and substituting the following definition:

“‘child’, in relation to a member, means a child (whether born in or outside wedlock), a step-child or a legally adopted child of—

- (a) that member;
- (b) a person who has ceased to be legally married to that member;
- (c) a person who has lived on a permanent and *bona fide* domestic basis as that member’s spouse;
- (d) the spouse or *de facto* spouse of that member;
- (e) a person who has ceased to be legally married to the spouse or *de facto* spouse of that member; or
- (f) a person who has lived with that member’s spouse or *de facto* spouse on a permanent and *bona fide* domestic basis as a spouse,

who—

- (g) is less than 21 years of age and is wholly or substantially dependent on that member; or
- (h) is 21 years of age or over and is, through illness or infirmity wholly or substantially dependent on that member;”;

- (b) by omitting from clause 2 the definition of “*de facto* spouse”; and
(c) by inserting after clause 2 the following clause:

“2A. In this Determination, the expression ‘*de facto* spouse’ has the same meaning as in Determination 0114, Married Trainee’s Allowance made under section 58B of the *Defence Act 1903*.”.

Transport Allowance**3. Determination 0404, Transport Allowance is amended—**

- (a) by omitting from clause 2 the definition of “child” and substituting the following definition:

“‘child’, in relation to a member, means a child (whether born in or outside wedlock), a step-child or a legally adopted child of—

- (a) that member;
- (b) a person who has ceased to be legally married to that member;

- (c) a person who has lived on a permanent and *bona fide* domestic basis as that member's spouse;
- (d) the spouse or *de facto* spouse of that member;
- (e) a person who has ceased to be legally married to the spouse or *de facto* spouse of that member; or
- (f) a person who has lived with that member's spouse or *de facto* spouse on a permanent and *bona fide* domestic basis as a spouse,

who—

- (g) is less than 21 years of age and is wholly or substantially dependent on that member; or
- (h) is 21 years of age or over and is, through illness or infirmity wholly or substantially dependent on that member;";

- (b) by omitting from clause 2 the definition of "*de facto* spouse"; and
- (c) by inserting after clause 2 the following clause:

"2A. In this Determination, the expression '*de facto* spouse' has the same meaning as in Determination 0114, Married Trainee's Allowance made under section 58B of the *Defence Act 1903*."

Leave for Special Purposes

4. Determination 2603, Leave for Special Purposes is amended—

- (a) by omitting from clause 2 the definition of "child" and substituting the following definition:

"'child', in relation to a member, means a child (whether born in or outside wedlock), a step-child or a legally adopted child of—

- (a) that member;
- (b) a person who has ceased to be legally married to that member;
- (c) a person who has lived on a permanent and *bona fide* domestic basis as that member's spouse;
- (d) the spouse or *de facto* spouse of that member;
- (e) a person who has ceased to be legally married to the spouse or *de facto* spouse of that member; or
- (f) a person who has lived with that member's spouse or *de facto* spouse on a permanent and *bona fide* domestic basis as a spouse,

who—

- (g) is less than 21 years of age and is wholly or substantially dependent on that member; or

(h) is 21 years of age or over and is, through illness or infirmity, wholly or substantially dependent on that member;";

(b) by omitting from clause 2 the definition of "de facto spouse"; and

(c) by inserting after clause 2 the following clause:

"2A. In this Determination, the expression 'de facto spouse' has the same meaning as in Determination 0114, Married Trainee's Allowance made under section 58B of the *Defence Act 1903*."

Post Allowance

5. Determination 3719, Post Allowance is amended—

(a) by omitting from clause 2 the definition of "de facto spouse";

(b) by inserting after clause 2 the following clause:

"2A. In this Determination, the expression 'de facto spouse' has the same meaning as in Determination 0114, Married Trainee's Allowance made under section 58B of the *Defence Act 1903*."; and

(c) by omitting paragraph (d) of clause 5 and substituting the following paragraph:

"(d) Baghdad;".

NOTE

1. For previous Determinations made in respect of a Determination specified in Column 1 of the following table, see Determination Nos. specified in Column 2 opposite that Determination:

Column 1	Column 2
Determination	Previous Determinations
Determination 0113, Trainee Leader's Allowance	Nos. 15 and 17 of 1980
Determination 0301, District Allowance	No. 29 of 1980
Determination 0404, Transport Allowance	No. 31 of 1980
Determination 2603, Leave for Special Purposes	Nos. 21 and 25 of 1980
Determination 3719, Post Allowance	No. 26 of 1980

EXPLANATORY STATEMENT

DETERMINATION NO. 2 OF 1981

ISSUED BY THE AUTHORITY OF THE MINISTER FOR DEFENCE

UNDER SECTION 58B OF THE DEFENCE ACT 1903

Section 58B of the Defence Act 1903 provides that the Minister may make determinations on conditions of service which are beneficial to members of the Defence Force.

This Determination amends clause 2 of each of the following Determinations to substitute a new definition of 'child' which is extended to include, in relation to a member, the child of a former spouse or de facto spouse of a person who is the spouse or de facto spouse of that member - Determinations 0301, District Allowance; 0404, Transport Allowance; 2603, Leave for Special Purposes.

The Determination amends the following Determinations to omit the definition of 'de facto spouse' from clause 2 and to insert a new clause 2A which applies to the Determinations the definition of 'de facto spouse' in Determination 0114, Married Trainee's Allowance - Determinations 0301, District Allowance; 0404, Transport Allowance; 2603, Leave for Special Purposes; 3719, Post Allowance.

The Determination also substitutes a new Schedule in Determination 0113, Trainee Leader's Allowance and makes a minor text amendment to Determination 3719, Post Allowance.