



Determination No. 29 of 1981

**Determination under Section 58B of the
Defence Act 1903**

I, KEVIN EUGENE NEWMAN, the Minister of State for Administrative Services acting for and on behalf of the Minister of State for Defence, hereby make the following Determination under section 58B of the *Defence Act 1903*.

Dated 10 July 1981.

KEVIN NEWMAN
Minister of State for Administrative Services
for and on behalf of the
Minister of State for Defence

Citation

1. This Determination may be cited as Determination 1906, Insurance on Removal of Urgently Required Household Items.¹

Definitions

2. In this Determination, unless the contrary intention appears—

“approving authority” means an officer appointed in accordance with clause 5;

“Chief of Staff” means—

- (a) in relation to a member of the Navy—the Chief of Naval Staff;
- (b) in relation to a member of the Army—the Chief of the General Staff; and
- (c) in relation to a member of the Air Force—the Chief of the Air Staff;

“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;

*Determination 1906, Insurance on Removal of
Urgently Required Household Items 1981 No. 29*

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

“family”, in relation to a member, means—

- (a) one or more of the following persons who normally reside with that member—
 - (i) the spouse or *de facto* spouse of that member;
 - (ii) a child of that member; or
 - (iii) where that member is widowed, unmarried or permanently separated or that member's spouse or *de facto* spouse is invalidated—a person acting as a guardian or housekeeper to a child of that member; or
- (b) any other person approved by an approving authority;

“member” means a member rendering continuous full time service.

3. In this Determination—

- (a) a reference to a member who maintains a home for his family shall be read as a reference to a member who provides living and sleeping accommodation for his family; and
- (b) 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*.

Approving Authority

4. In approving a person as a member of a member's family an approving authority shall have regard to—

- (a) the reason that person needs to accompany that member on a removal;
- (b) the financial position of that person;
- (c) the degree of illness or infirmity of that person;
- (d) the degree of dependency of that person on that member;
- (e) the role that person plays in that member's household; and
- (f) the relationship of that person to that member.

5. A Chief of Staff may, either generally or otherwise as provided in the instrument of appointment, by writing signed by him, appoint—

- (a) in the case of the Chief of Naval Staff—an officer who holds a rank in the Navy not below the rank of Lieutenant;
- (b) in the case of the Chief of the General Staff—an officer who holds a rank in the Army not below the rank of Captain; or
- (c) in the case of the Chief of the Air Staff—an officer who holds a rank in the Air Force not below the rank of Flight Lieutenant,

to be an approving authority for the purposes of this Determination.

Insurance on Removal of Urgently Required Household Items

6. Subject to this Determination, where—

- (a) a member or, where a member dies, a member of his family urgently requires household items for his use or the use of a member of his family;
- (b) those household items are to be removed within Australia to that member's residence or that family's residence or other place at the expense of the Commonwealth; and
- (c) that member or that member of his family insures those household items for the duration of that removal,

that member or that member of his family shall be reimbursed the cost of that insurance equal to an amount not exceeding—

- (d) \$500;
- (e) an amount equal to 2 per cent of the insured value of the goods; or
- (f) the actual cost of that insurance,

whichever is the least.

Reimbursement Not Payable

7. Where a male member and a female member are jointly maintaining a home for their family and both would, but for this clause, have an entitlement to reimbursement under this Determination the member who holds the lower rank or, where both members hold the same or corresponding ranks, the member with the lower seniority in that rank shall not be entitled to reimbursement under this Determination.

8. For the purposes of clause 7, a reference to a male member and a female member who are jointly maintaining a home for their family includes a reference to a male member and a female member jointly providing one home for their family whether or not both members reside in that home.

9. For the purposes of clause 7, where a member is married to another member or where a member is living with another member in a *de facto* relationship, and each member maintains a home for his or her family, or they jointly

*Determination 1906, Insurance on Removal of
Urgently Required Household Items 1981 No. 29*

maintain more than one home for their family, the members shall nominate the home to be considered as the home jointly maintained by them for their family.

10. Where the members referred to in clause 9 do not nominate the home to be considered as the home jointly maintained by them for their family, each member shall not be entitled to reimbursement under this Determination.

NOTE

1. Previous amendments to Determination 1906, Insurance on Removal of Urgently Required Household Items: Nil.

EXPLANATORY STATEMENT
DETERMINATION NO. 29 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 provides for reimbursement of insurance premiums for urgently required household items removed within Australia. The reimbursement compensates members for the cost of insuring such goods for the duration of the removal. The Determination also provides for reimbursement of insurance premiums on urgently required household items to a member of the family of a deceased member.

The Determination consolidates the legislative cover for reimbursement of insurance premiums on urgently required household items for members of the Defence Force in one determination under section 58B of the Defence Act 1903 and replaces regulation 125 of the Military Financial Regulations and a determination made under regulation 608 of the Air Force Regulations. There is no existing legislative cover for this reimbursement for Navy members.

The date of effect is the date of signature of the Determination.