



Determination No. 39 of 1981

Determination under Section 58B of the Defence Act 1903¹ (Amendment)

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 4 September 1981.

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

Attendance Allowance

1. Determination 0499, Attendance Allowance, is amended—

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

“‘legal officer’ means an officer who is a barrister or solicitor or barrister and solicitor of the High Court or of the Supreme Court of a State or Territory but does not include an officer who is a Judge of a Federal Court or a Judge of a court of a State or Territory;” and

(b) by omitting from clause 2 the definition of “reserve service” and substituting the following definition:

“‘reserve service’ means service rendered by a member, other than service—

(a) in respect of which he is entitled to be paid salary under the Defence Force (Salaries) Regulations; or

(b) rendered by a legal officer during a period not forming part of a period of service which he is obliged to render in order to fulfil his training commitment and being a period during which he—

(i) would otherwise be engaged in his private professional capacity, other than as an employee, between the hours

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of 9 o'clock in the morning and 5 o'clock in the evening on a Monday, Tuesday, Wednesday, Thursday or Friday;
or

- (ii) while being a member to whom sub-paragraph (i) applies, is performing duties associated with a court martial, court of inquiry, appeal or other tribunal and continues to perform such duties on a Saturday or Sunday or between the hours of 5 o'clock in the evening and 9 o'clock in the morning on a Monday, Tuesday, Wednesday, Thursday or Friday;”.

NOTE

1. Previous amendments to Determination 0499, Attendance Allowance: No. 18 of 1981.

EXPLANATORY STATEMENT

DETERMINATION NO. 39 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.

Determination 0499, Attendance Allowance defines 'legal officer' and 'reserve service' for the purposes of remuneration for members of the Reserve Forces.

Members of the Reserve Forces who perform legal duties in a professional capacity for the Defence Force may be paid either Reserve rates of pay or a special scale of fees. The type of remuneration is assessed according to the nature of a member's civil employment.

This Determination amends the definitions of 'legal officer' and 'reserve service' in Determination 0499 to apply Reserve rates of pay to Judges, and to extend the payment of the special scale of fees to legal officers who perform services at courts martial, courts of inquiry and appeals or other tribunals that extend into a weekend.

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