



Determination No. 39 of 1982

## Determination under Section 58B of the Defence Act 1903<sup>1</sup> (Amendment)

I, IAN MCCAHERN SINCLAIR, the Minister of State for Defence, hereby make the following Determination under section 58B of the *Defence Act 1903*.

Dated 14 October 1982.

IAN SINCLAIR  
Minister of State for Defence

### Maternity Leave

Determination 2604, Maternity Leave, is amended—

- (a) by inserting in clause 2 after the definition of “Service medical officer” the following definition:

“ ‘termination’, in relation to a member’s pregnancy, means a termination of pregnancy other than by a live birth.”;

- (b) by omitting from clause 3 “is pregnant and is not absent on Leave Without Pay granted to her for a period in excess of 6 weeks before she became pregnant” and substituting “becomes pregnant other than during a period of leave without pay in excess of 6 weeks granted for reasons other than pregnancy”;

- (c) by omitting paragraph 3 (b) and substituting the following paragraph:  
“(b) 6 weeks after the termination of her pregnancy where that termination occurs not later than 20 weeks before the expected date of birth of the child.”;

- (d) by omitting clause 9 and substituting the following clause:

“9. Subject to clauses 10, 11, 12 and 13, where a member is absent from duty for a period under paragraph 3 (a) or clause 5 (hereinafter called the first-mentioned period) salary is payable—

- (a) in the case of a member whose pregnancy terminates not earlier than 6 weeks before the expected date of birth or terminates after the expected date of birth—for the period commencing 6 weeks before the expected date of birth and ending—

- (i) on the expected date of birth or the date of termination, whichever is the later; or

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- (ii) the day immediately preceding the date the member is granted permission to resume duty under clause 7, whichever is the earlier;
  - (b) in the case of a member whose pregnancy terminates not earlier than 20 weeks before the expected date of birth but earlier than 6 weeks before the expected date of birth—for the period commencing on the day the pregnancy terminates and ending—
    - (i) 6 weeks after the date of termination of pregnancy; or
    - (ii) the day immediately preceding the date the member is granted permission to resume duty under clause 7, whichever is the earlier; or
  - (c) in any other case—for a period of—
    - (i) 12 weeks of that first-mentioned period; or
    - (ii) that first-mentioned period, whichever is the lesser.”; and
  - (e) by omitting from clause 11 “clause 9 or 10” and substituting “paragraph 9 (c)”.
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**NOTE**

1. Previous amendments to Determination 2604, Maternity Leave: Nos. 24, 52 and 55 of 1981 and Nos. 3, 4 and 13 of 1982.

EXPLANATORY STATEMENT  
DETERMINATION NO. 39 OF 1982

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 2604, Maternity Leave provides for the grant of maternity leave to eligible female members of the Defence Force.

This determination amends clause 3 of Determination 2604 to provide for an entitlement to 52 weeks leave in respect of the pregnancy of a member whose pregnancy terminates within 20 weeks of the expected date of birth of her child.

Consequential amendments are also made to clauses 2, 9 and 11 of Determination 2604.

The date of effect is the date this Determination is made.