



Determination No. 39 of 1984

Determination under Section 58B of the Defence Act 1903

I, KIM CHRISTIAN BEAZLEY, the Minister of State for Aviation 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 30 August 1984.

K. C. BEAZLEY
Minister of State for Aviation
for and on behalf of the
Minister of State for Defence

Citation

1. This Determination may be cited as Determination 0307, Bindoon Allowance.¹

Definitions

2. In this Determination—

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

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

“dependant”, in relation to a member, means the spouse of the member, or a child;

“living out”, in relation to a member, means that the member is permitted to provide his own meals or accommodation, or both, or to reside in married quarters, and “live out” has a corresponding meaning;

“long service leave” means long service leave granted under Determination 2701, Long Service Leave;

“married quarters” means quarters—

(a) owned or controlled by the Department of Defence and provided for the use of a member and his family as a residence; or

(b) owned or controlled by another Australian Commonwealth or State Public Service Department and provided, by arrangement between that Department and the Department of Defence, for the use of a member and his family as a residence;

“member” means a member rendering continuous full-time service;

“recreation leave” means leave of absence for the purpose of recreation which has been granted to a member under Determination 2601, Recreation Leave;

“special leave” means leave of absence for special purposes which has been granted to a member under clause 4 of Determination 2603, Leave for Special Purposes;

“temporary duty”, in relation to a member, means duty involving a visit, tour, inspection or other duty of a temporary nature undertaken by a member in a locality other than the member’s locality of posting.

Interpretation

3. In this Determination—

(a) the expression “*de facto* spouse” has the same meaning as in Determination 0114, Trainee’s Dependant Allowance;

(b) “spouse”, other than in paragraph (c) or in paragraph (f) (second occurring) of the definition of “child” in clause 2, includes “*de facto* spouse”; and

(c) a reference to a determination is a reference to a determination made under section 58B of the *Defence Act 1903*.

Bindoon Allowance

4. Subject to this Determination, where a member—

(a) is posted for service in the Bindoon Military Area;

(b) lives out while so serving;

- (c) is accompanied by one or more dependants; and
 - (d) is not entitled to an allowance under Determination 0301, District Allowance, in respect of that service,
- he shall be paid an allowance called "Bindoon Allowance".

Rate of Allowance

5. Bindoon Allowance is payable to a member to whom clause 4 applies at the rate of \$760 per year.

Allowance to be Payable Fortnightly

6. Bindoon Allowance payable to a member under this Determination accrues due from day to day and is payable fortnightly.

Calculation of Fortnightly and Daily Amounts

7. Subject to clause 9, the amount of Bindoon Allowance payable to a member in respect of a fortnight shall be calculated in accordance with the formula—

$$\frac{14 \times A}{365}$$

where A is the rate of Bindoon Allowance.

8. Subject to clause 9, the amount of Bindoon Allowance payable to a member in respect of a period of less than a fortnight shall be calculated in accordance with the formula—

$$\frac{F \times X}{14}$$

where—

F is the amount of Bindoon Allowance payable to a member in respect of a fortnight ascertained in accordance with the formula specified in clause 7; and

X is the number of days in the period.

9. Where an amount calculated in accordance with clause 7 or 8 includes a fraction of a cent, that fraction of a cent shall—

- (a) if the fraction is one-half or greater—be deemed to be a whole cent; and
- (b) if the fraction is less than one-half—be disregarded.

Period of Payment

10. Subject to clauses 11 to 15 inclusive, Bindoon Allowance is payable from and including the day a member is posted to, or arrives in, the Bindoon Military Area, whichever is the later, to and including the day immediately before the day he leaves that area.

Absence on Temporary Duty

11. Where a member who is posted to the Bindoon Military Area is absent from that area for a period of temporary duty and he will, immediately on completion of that temporary duty, return to that area, Bindoon Allowance is payable—

- (a) in the case of a member whose dependants remain in the Bindoon Military Area during the member's absence—for the period of absence; or
- (b) in any other case—
 - (i) for the first 30 days of the period of absence; or
 - (ii) for the period of absence, whichever is the lesser.

Member on Leave, Ill or Hospitalized

12. Subject to clause 13, a member posted to the Bindoon Military Area who—

- (a) is granted a period of long service leave in that area or is granted a period of long service leave while his dependants continue to reside in that area;
- (b) is granted a period of recreation leave or special leave;
- (c) is granted a period of absence from duty in respect of illness; or
- (d) is hospitalized for a period,

shall be deemed to be a member to whom clause 4 applies during such period or periods.

13. A member who leaves the Bindoon Military Area for a period in the circumstances specified in paragraph (b), (c) or (d) of clause 12 and who will not return to that area immediately on completion of that period shall be deemed to be a member to whom clause 12 does not apply.

Member Posted from Area

14. Where a member who is posted to the Bindoon Military Area—

- (a) is granted a period of recreation leave;
- (b) is granted a period of absence from duty in respect of illness; or
- (c) is hospitalized for a period,

and does not immediately on completion of that period or those periods resume his service in that area, such period or periods, including in the case of recreation leave taken in the locality of the member's new posting, the travelling time, if any, approved under clause 6 of Determination 2603, Leave for Special Purposes, to that new locality, shall be deemed to be a period of service in the Bindoon Military Area provided that such period or periods shall not exceed, in the aggregate, the period of recreation leave which the member has accrued in respect of service in that area.

Member Posted While on Temporary Duty

15. Payment of Bindoon Allowance to a member to whom clause 11 applies who is posted from the Bindoon Military Area shall cease from the effective date of posting subject to clause 14 where he is granted recreation leave, absence from duty in respect of illness or is hospitalized.

NOTE

1. Previous amendments to Determination 0307, Bindoon Allowance: NIL.

EXPLANATORY STATEMENT

DETERMINATION NO. 39 OF 1984

ISSUED BY THE AUTHORITY OF THE MINISTER FOR DEFENCE

UNDER SECTION 58B OF THE DEFENCE ACT 1903

Section 58B of the Defence Act 1903 allows the Minister to make determinations on conditions of service for members of the Defence Force.

This Determination provides for the payment of Bindoon Allowance to members of the Defence Force serving in the Bindoon area.

The Determination consolidates the legislative cover for Bindoon Allowance for the three Services in one determination under section 58B of the Defence Act 1903. With this allowance being the only special area allowance determined under regulation 47 of the Military Financial Regulations, regulation 111 of the Naval Financial Regulations and regulation 615A of the Air Force Regulations, those regulations are now being repealed.

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