



Determination No. 3 of 1985

## Determination under Section 58B of the Defence Act 1903' (Amendment)

I, KIM CHRISTIAN BEAZLEY, the Minister of State for Defence, hereby make the following Determination under section 58B of the *Defence Act 1903*.

Dated 10 January 1985.

K. C. BEAZLEY  
Minister of State for Defence

### Settling In and Settling Out Allowance

1. Determination 3711, Settling In and Settling Out Allowance, is amended—

- (a) by omitting from clause 9 "25" and substituting "24";
- (b) by inserting at the end of sub-paragraph 9 (c) (i) (B) "other than an additional amount payable under clause 10A of that Determination,";
- (c) by omitting from clause 19 "23, 24 and 25" and substituting "23 and 24"; and
- (d) by omitting clause 25.

### Child Allowance

By No. 87 of 1986 - 30 Oct 86.

2. Determination 3724, Child Allowance, is amended—

- (a) by inserting after "10" in clause 4 "10A,";
- (b) by omitting from clause 6 "or 8" and substituting ", 7A or 8";
- (c) by inserting after clause 7 the following clause:

"7A. Where—

- (a) a member, other than a member referred to in clause 8, is serving on long term duty;
- (b) the member and the member's spouse are required to undertake simultaneously a language training course at the same location overseas;

- (c) there is at least one child at the location under school age;
- (d) the language training course cannot be undertaken at the member's home or accommodation; and
- (e) the language training course is undertaken at a language training institute which does not provide child minding facilities,

the member shall be paid an additional amount of Child Allowance in respect of child minding costs, if any, approved under clause 10A.”;

- (d) by inserting after clause 10 the following clause:

**Child Minding Costs**

“10A. The additional amount of Child Allowance payable to a member to whom clause 7A applies in respect of the child minding costs incurred by the member shall be an amount approved by the approving authority having regard to—

- (a) the reasons, if any, why the training of the member and the member's spouse must be simultaneous;
  - (b) where the training of the member and the member's spouse does not necessarily need to be simultaneous, whether or not simultaneous training of the member and the member's spouse which requires child minding is demonstrably cost effective;
  - (c) whether every reasonable effort has been taken by the member to avoid or reduce child minding costs;
  - (d) the amount of child minding costs incurred by the member; and
  - (e) the domestic assistance component included in the allowance payable under Determination 3714, Overseas Living Out Allowance and in the appropriate annual rate specified in the Schedule to this Determination.”;
- (e) by inserting at the end of clause 29 “, except for the additional amount of Child Allowance payable in accordance with the provisions of clause 10A”; and
  - (f) by inserting after “10” in paragraph 30 (c) “or 10A”.

**Application**

3. This Determination shall take effect on the day on which Determination 3714, Overseas Living Out Allowance, is made under section 58B of the *Defence Act 1903*.

**NOTE**

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

Column 1 Determination	Column 2 Previous Determination
Determination 3711, Settling In and Settling Out Allowance	Nos. 3, 5, 14, 18, 19, 31, 36 and 37 of 1983; Nos. 7, 12, 14, 24, 37, 44, 59, 62, 64, 100, 110 and 112 of 1984
Determination 3724, Child Allowance	Nos. 38, 55, 66, 75, 93 and 113 of 1984; No. 2 of 1985

EXPLANATORY STATEMENT

DETERMINATION NO. 3 OF 1985

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.

Determination 3711, Settling In and Settling Out Allowance, provides for payment of an allowance to a member of the Defence Force posted overseas for longer than 6 months who is required to reside in hotel accommodation at the overseas post.

Determination 3724, Child Allowance, provides for payment of an allowance to a member of the Defence Force who is serving overseas on long term duty to meet the additional cost of maintaining his or her children in the country of posting compared with Australia.

This Determination amends both Determination 3711 and 3724 to remove the entitlement to the reimbursement of child minding costs during periods of foreign language training overseas from Determination 3711 and to provide for the reimbursement of these costs as part of Child Allowance, whether the member is settling in a hotel or is living in permanent accommodation.