



Determination No. 2 of 1988

Determination under Section 58B of the Defence Act 1903

I, ALLAN CLYDE HOLDING, the Minister of State for Employment Services and Youth Affairs acting for and on behalf of the Minister of State for Industrial Relations, hereby make the following Determination under section 58B of the *Defence Act 1903*.

Dated 15 January 1988.

CLYDE HOLDING

Minister of State for Employment Services and Youth Affairs
for and on behalf of the
Minister for State for Industrial Relations

Citation

1. This Determination may be cited as Determination 0510, Child Care Reimbursement Allowance.¹

Definitions

2. In this Determination, unless the contrary intention appears—
“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 on a permanent and *bona fide* domestic basis as a spouse,

who—

- (g) is less than 11 years of age at the time of the removal in respect of which Child Care Reimbursement Allowance is payable;
- (h) is wholly or substantially dependent on the member; and
- (j) normally resides with the member;

“family”, in relation to a member, means one or more of the following persons who normally reside with the member:

- (a) the spouse of the member;
- (b) a child;
- (c) where the member is widowed, unmarried, permanently separated, divorced or the member’s spouse is invalided—a housekeeper or a person acting as guardian to a child; and
- (d) any other person who would be included in a member’s family for the purposes of a removal at Commonwealth expense;

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

“removal”, in relation to a member, means a removal within Australia of the furniture or effects, or both, of the member and the family of the member at the expense, or partly at the expense, of the Commonwealth.

Interpretation

3. In this Determination—

- (a) the expression “*de facto* spouse” has the same meaning as in Determination 0114, Trainee’s Dependant Allowance, made under section 58B of the *Defence Act 1903*;
- (b) “spouse”, other than in paragraph (c) or (f) (last occurring) of the definition of “child” in clause 2, includes “*de facto* spouse”; and
- (c) the corresponding ranks of members shall be ascertained by reference to Defence Regulation 8.

Approving Authorities

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

- (a) in the case of the Chief of Naval Staff—
 - (i) an officer who holds a rank in the Navy not below the rank of Lieutenant; or
 - (ii) a person from time to time holding or performing the duties of an office or appointment in the Australian Public Service which is under the functional control of the Chief of Naval Staff and for which the minimum rate of salary is not less than the minimum rate of salary for an office of Clerical Administrative Class 9 in that Service;

- (b) in the case of the Chief of the General Staff—an officer in the Army not below the rank of Captain; or
- (c) in the case of the Chief of the Air Staff—
 - (i) an officer holding or performing the duties of an office or appointment in the Air Force for which the minimum rate of salary is not less than the minimum rate of salary for an officer holding the rank of Flight Lieutenant in that Force; or
 - (ii) a person from time to time holding or performing the duties of an office or appointment in the Australian Public Service for which the minimum rate of salary is not less than the minimum rate of salary for an office of Clerical Administrative Class 6 in that Service,

to be an approving authority for the purposes of paragraph 5 (b).

Child Care Reimbursement Allowance

5. Where—

- (a) a member is granted a removal;
- (b) it is possible for only the member or one adult member of the member's family to be present during that removal because—
 - (i) the member is a single parent and there are no other adult members in his or her family; or
 - (ii) the member, the member's spouse or other adult members of the member's family are absent—
 - (A) for Service reasons;
 - (B) due to illness, injury or hospitalization; or
 - (C) for reasons approved by the approving authority as acceptable; and
- (c) as a result of only one adult being present during that removal it is necessary for the member to arrange to have his or her child minded, an allowance called "Child Care Reimbursement Allowance" is payable to the member.

6. In giving an approval under sub-paragraph 5 (b) (ii) (C) the approving authority shall have regard to—

- (a) the member's family circumstances;
- (b) the personal circumstances of the member and, if applicable, his or her spouse;
- (c) the circumstances of the removal; and
- (d) whether or not the reasons for the absence are—
 - (i) of a personal nature; or
 - (ii) unavoidable.

Amount of Allowance

7. The amount per day of Child Care Reimbursement Allowance payable to a member in respect of a child is an amount equal to the lesser of—

- (a) the amount incurred by the member in respect of a day for child minding for that child; or
- (b) \$20.00.

Dual Entitlement

8. Where the spouse of a member is also a member and both members would, but for this clause, have an entitlement to Child Care Reimbursement Allowance under this Determination in respect of a child—

- (a) in the case where both members hold the same or a corresponding rank—the member with the lower seniority in that rank; or
- (b) in any other case—the member who holds the lower rank, shall not be entitled to Child Care Reimbursement Allowance under this Determination in respect of that child.

Allowance not Payable

9. Where a member arranges for child minding for a child in the circumstances described in clause 5 for a period in excess of 2 days in respect of the removal referred to in paragraph 5(a) Child Care Reimbursement Allowance is not payable to the member in respect of that child for that excess period.

Application

10. This Determination shall apply in relation to service by a member on or after 5 November 1987.

NOTE

1. Previous amendments to Determination 0510, Child Care Reimbursement Allowance: Nil.

EXPLANATORY STATEMENT

DETERMINATION NO. 2 OF 1988

ISSUED BY THE AUTHORITY OF THE MINISTER FOR INDUSTRIAL RELATIONS
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 payment of an allowance called Child Care Reimbursement Allowance to reimburse members of the Defence Force for costs which they incur for child minding when, because of Service reasons or other acceptable reasons, only one adult member of the family can be present during a removal.

Clause 5 of this determination provides the basic qualifying conditions for payment of the allowance. Clause 6 specifies the matters to which the approving authority must have regard when considering whether to approve the reasons for absence as acceptable (clause 4 names the approving authorities for this purpose). Clause 7 specifies the amount of allowance payable to a member. Clauses 8 and 9 preclude payment to two members in respect of the same child and for periods in excess of 2 days per removal.

The date of effect of this determination is 5 November 1987.