



Determination No. 169 of 1989

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

I, KEITH SLOANE, Acting First Assistant Secretary, Australian Government Employment Remuneration and Conditions Division, Department of Industrial Relations, pursuant to a delegation made by the Minister of State for Industrial Relations under Defence Force Regulation 72A, hereby make the following Determination under section 58B of the *Defence Act 1903*.

Dated 6 October 1989.

K. SLOANE

Acting First Assistant Secretary  
Australian Government Employment Remuneration and Conditions  
Division  
Department of Industrial Relations

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**Education Allowance**

1. Determination 0501, Education Allowance, is amended -
  - (a) by inserting in paragraph 7(a) "or (aa)" after "8(a)";
  - (b) by inserting in paragraph 7(b) "(aa)," after "8(a),";
  - (c) by inserting in paragraph 8(a) "subject to paragraph (aa)," before "where" (first occurring);
  - (d) by omitting from paragraph 8(a) "658" and "2918" and substituting, respectively, "1270" and "5032";
  - (e) by inserting after paragraph 8(a) the following paragraph:

"(aa) where, after the member has been notified of a posting, the child commences to board and reside at the school at which the child is undertaking a course of education -

- (i) in the case of the academic year in which the child commences to board and reside at the school - an amount equal to so much of the amount in dollars calculated in accordance with the formula -

$$A - \frac{890B}{C}$$

as does not exceed the amount in dollars calculated in accordance with the formula -

$$\frac{5032B}{C} ; \text{ and}$$

- (ii) in any other case - an amount equal to so much of the amount in dollars calculated in accordance with the formula -

$$A - \frac{1270B}{C}$$

as does not exceed the amount in dollars calculated in accordance with the formula -

$$\frac{5032B}{C}$$

where -

A is the amount to the nearest dollar equal to the sum of the fees and compulsory charges (if any) levied on, or incurred by, the member in the year in respect of the provision for the child of board and residence at the school, (other than so much of those fees and charges, if any, as is levied or incurred exclusively in respect of a period preceding the date on which the member is notified of his or her posting or during which the school is in vacation);

B is the number of weeks (not including any week, or part of a week, preceding the date on which the member is notified of his or her posting or during which the school is in vacation) in the year during which the child boards and resides at the school; and

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- C is the number of weeks in the year during which tuition is given to students at the school;"
- (f) by omitting from paragraph 8(b) "660" and "2055" and substituting, respectively, "1270" and "5032";
  - (g) by omitting from paragraph 8(c) "place as does" and substituting "place that is in excess of \$1270 and does";
  - (h) by omitting from paragraph 8(c) "1925" and substituting "4203";
  - (j) by omitting from paragraph 9 "248" and "3958" and substituting, respectively, "88" and "5399";
  - (k) by omitting from paragraph 10 "2715" and substituting "6302"; and
  - (l) by inserting after "but" in paragraphs 13(a) and 13(b) ", in the case of circumstances other than those specified in paragraph 8(aa),".

#### **Application**

2. Subject to clause 3, Determination 0501, Education Allowance, as amended by clause 1 of this Determination shall apply in respect of the attendance of a member's child at a school during or after the third term of the school year of 1989.

#### **Transitional**

3. Where a member was entitled to an amount of boarding or tuition allowance, or both, under clause 8 or 9 of Determination 0501, Education Allowance, prior to the commencement of this Determination which was greater than the amount payable following the commencement of this Determination, the member shall continue to be entitled to the amount of allowance to which the member was entitled for the remainder of the school year of 1989, calculated in accordance with clause 8 or 9 of Determination 0501, Education Allowance, prior to the commencement of this Determination.

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#### **NOTE**

- 1. Previous amendments to Determination 0501, Education Allowance: No. 64 of 1984; No.6 of 1985; No. 4 of 1986; No. 47 of 1987; Nos. 1, 13 and 17 of 1988.

EXPLANATORY STATEMENT

DETERMINATION NO. 169 OF 1989

ISSUED BY THE AUTHORITY OF THE MINISTER FOR INDUSTRIAL RELATIONS

UNDER SECTION 58B OF THE DEFENCE ACT 1903

Sections 58B and 58E of the Defence Act 1903 allow the Minister or his delegate to make determinations on conditions of service for the members of the Defence Force.

Determination 0501, Education Allowance, provides for the payment of an allowance to members of the Defence Force who wish to leave their children in their present school or education system, in order to prevent serious interference with the later years of their secondary education. The allowance is also payable for limited periods when a member places a child in a school at the new locality in advance of a transfer to avoid subsequent serious interference.

This determination amends Determination 0501 to flow on an increase in the Australian Public Service education allowance rates with the same date of effect, which is the beginning of the third term of the 1989 school year for each State and Territory. It is possible that, because the contribution payable by a member towards the cost of the child's education has also been increased, some members may suffer a small reduction in the allowance entitlement. Clauses 2 and 3 of the determination provide for any member affected in this way to remain on the superseded rates until the end of the 1989 school year.