



Defence (Individual Benefits) Determination 2021 (No. 4)

I, FIONA LOUISE McSPEERIN, Assistant Secretary, People Policy and Employment Conditions, make the following Determination under section 58B of the *Defence Act 1903*.

Dated 23 August 2021

F L McSPEERIN
Fiona Louise McSpeerin
Assistant Secretary
People Policy and Employment Conditions
Defence People Group

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1 Name

This instrument is the *Defence (Individual Benefits) Determination 2021 (No. 4)*.

2 Commencement

This instrument commences on the day after it is registered.

3 Authority

This instrument is made under section 58B of the *Defence Act 1903*.

4 Definitions

In this Determination, the following apply.

Decision maker means Director Strategic Issues Management – Air Force.

Deceased member means the former member of the Australian Defence Force who held the employee identification number 8501413.

Eligible person means any of the following.

- a. The father of the deceased member, in his role as the executor of the deceased member's will.
- b. The spouse of the deceased member.

5 Eligibility for assistance

1. An eligible person is eligible for a payment towards the cost of legal advice if the decision maker is satisfied that legal advice is necessary to assist the person to understand the options, and the prospects of success of those options, relating to matters arising out the circumstances of the deceased member's death.

Note: More than one payment may be made under this section, however subsection 6(2) of this Determination limits the combined sum of the payments.

2. For the purpose of subsection 1, matters arising out the circumstances of the deceased member's death include, but are not limited to the following.
 - a. Payments and other benefits provided by the Department of Veteran's Affairs.
 - b. Inquiries undertaken by the Inspector General of the Australian Defence Force.
 - c. Investigations undertaken by COMCOVER.
3. To avoid doubt, a payment under this Determination cannot be made for any of the following.
 - a. Legal representation.
 - b. Legal advice in relation to any other legal matter.

6 Amount of the payment

1. The amount of the payment under section 1 is an amount set by the decision maker having regard to all of the following.
 - a. Guidance on costs provided by the Office of Legal Services Coordination, as in force at the commencement of this Determination.
 - b. The Commonwealth Legal Financial Assistance Schemes Assessment of Costs dated July 2012, published by the Attorney General's Department, as in force on the commencement of this Determination.
2. The combined sum of payments made under this Determination must not exceed \$10,000.

7 Means of payment

A payment made under this Determination is payable to the service provider.

8 Repeals

This Determination is repealed on 1 July 2022.