



Defence Determination 2000/29

I, MAL PEARCE, Director General Personnel Policy and Employment Conditions, Defence Personnel Executive, make this Determination under section 58B of the *Defence Act 1903*.

Dated 18 September 2000

M. PEARCE
Director General
Personnel Policy and Employment Conditions
Defence Personnel Executive

1 Citation

This Determination is Defence Determination 2000/29, Travelling allowance (Defence Determination 2000/1 – Amendment).

[NOTE: This Determination commences on the day on which it is made: see *Defence Act 1903*, subsection 58B(4).]

2 Amendment

Defence Determination 2000/1, Conditions of Service, as amended,¹ is amended as set out in this Determination.

3 Subclause 3.1.9 (1) (Entitlement not to exceed 21 days)

omit

If

insert

Subject to subclause (5), if

4 Subclauses 3.1.9 (4) and (5) (Entitlement not to exceed 21 days)

substitute

- (4) A member is not entitled to an amount under subclause (2) if the member:
 - (a) leaves the locality to perform duty elsewhere; or
 - (b) is on recreation leave; or
 - (c) is undertaking reunion travel.
- (5) For a member mentioned in subclause (4), the entitlement on return to the locality is:
 - (a) if the member leaves the locality to perform duty elsewhere and returns to the locality after more than 7 days — the amount applicable to the member under clauses 3.1.4, 3.1.5 and 3.1.6; and
 - (b) otherwise — the amount applicable to the member under subclause (2) for the balance of the period, beginning at midnight on the day the member recommences duty at the locality.
- (6) For a member to whom paragraph (4) applies, the entitlement for the locality during the absence from duty at the locality is an amount equal to the cost of retaining accommodation at the locality, if:
 - (a) the absence is for not more than 1 week; or
 - (b) for a longer absence — the CDF is satisfied that the absence is reasonable.
- (7) For paragraph (6) (b), the CDF must have regard to:
 - (a) the reason for and the duration of the absence; and
 - (b) the expected period the member will remain at the locality after his or her return; and
 - (c) the cost of retaining the accommodation during the absence; and
 - (d) the availability of alternative accommodation at the locality on the member's return; and
 - (e) any other factor relevant to the absence.

NOTE

1. Defence Determination 2000/1 was made on 6 January 2000 and has been amended by Defence Determinations 2000/2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 22, 23, 24, 25, 26, 27 and 28. The Determination has also been amended by Determination No. 8 of 2000 made under section 58H.

EXPLANATORY STATEMENT

Defence Determination 2000/29

This Determination amends Defence Determination 2000/1, Conditions of Service (“the Principal Determination”), made under section 58B of the *Defence Act 1903*, which includes provisions dealing with the payment of travelling allowance.

If a member travels from his or her normal place of duty to perform duty another locality in Australia, subclause 3.1.9 (1) of the Principal Determination provides that the full daily rate of travelling allowance ceases to apply to the member after 21 days. However, subclause 3.1.9 (2) provides that after 21 days the member is still entitled to an amount to cover any reasonable costs incurred for accommodation, meals and incidentals (“the reviewed rate”). This reviewed rate is based on factors and amounts that are set out in a schedule to the Principal Determination.

Subclause 3.1.9 (4) formerly provided that the reviewed rate is resumed if the member leaves the locality to perform duty elsewhere for not more than 1 week, and returns after not more than 1 week. Subclause 3.1.9 (5) provided that the member is also entitled to an allowance for retention of accommodation where the absence is for not more than 1 week, or where there are specified circumstances that render a longer absence reasonable.

As the former provisions do not cover the range of situations which may arise, this Determination replaces subclauses 3.1.9 (4) and (5) with expanded provisions, the effect of which is that:

- members who leave the temporary locality to perform duty elsewhere are entitled to an allowance for retention of accommodation for short absences from duty at the locality of not more than 1 week; on their return, they resume the reviewed rate unless the absence is more than 7 days, in which case they revert to the full daily rate for the next 21 days; and
- members who take recreation leave (whether at the locality or elsewhere) or undertake reunion travel are entitled to an allowance for retention of accommodation for short absences from duty at the locality of not more than 1 week; on their return, they resume the reviewed rate in all cases.

A discretion is provided for the Chief of the Defence Force (CDF) to authorise an allowance for retention of accommodation for eligible members for absences longer than 1 week, if satisfied that the absence is reasonable. Criteria are specified for the CDF’s exercise of this power. Adverse decisions are subject to a redress of grievance process and review by the Defence Force Ombudsman.

The Determination also makes a minor consequential amendment to subclause 3.1.9 (1).

This Determination commences on the day on which it is made, as provided by subsection 58B(4) of the *Defence Act 1903*.

Authority: Section 58B of the
Defence Act 1903