



DETERMINATION

No. 31 of 1980

DETERMINATION UNDER THE DEFENCE ACT 1903

I, DENIS JAMES KILLEN, the Minister of State for Defence, hereby make the following Determination under section 58B of the *Defence Act* 1903.

Dated this eighteenth day of December 1980.

D. J. KILLEN
Minister of State for Defence

1. This Determination may be cited as Determination 0404, Transport Allowance.* Citation

2. In this Determination—

Definitions

“category O member” means a member who—

- (a) does not maintain a home for dependants; or
- (b) maintains a home for his dependants but chooses not to reside in that home;

“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) the spouse or *de facto* spouse of the member; or
- (c) a person who was formerly the spouse or the *de facto* spouse of the member,

who—

- (d) is less than 21 years of age and is wholly or substantially dependent on the member; or

* Previous amendments to Determination 0404, Transport Allowance: NIL

(e) is 21 years of age or over and is, through illness or infirmity, wholly or substantially dependent on the member;

“*de facto* spouse”, in relation to a member, means a person who, although not legally married to the member lives with the member on a permanent and *bona fide* domestic basis as the member’s spouse;

“dependant”, in relation to a member, means the spouse, the *de facto* spouse or a child of the member;

“live out” in relation to a member means that the member is permitted to provide his own meals or accommodation or both or to reside in a Service owned residence;

“member” means a serving member;

“prescribed period” means the period of 12 months ending on the thirtieth day of June in a year;

“privately owned vehicle” means a vehicle owned by a member or a vehicle which is hired by or lent to a member;

“public holiday” means—

(a) the first day of January;

(b) the twenty-sixth day of January;

(c) Good Friday and the following Monday;

(d) the twenty-fifth day of April;

(e) the Anniversary of the Birthday of the Sovereign;

(f) the twenty-fifth day of December;

(g) the twenty-sixth day of December;

(h) any day or part of a day prescribed under the law of any State or Territory to be observed as a holiday in that State or Territory, in lieu of, or in addition to, any one of the preceding days; or

(i) any day or part of a day proclaimed by the Governor-General or required by any Act to be observed as a holiday in lieu of, or in addition to, any one of the preceding days,

and approved by a member’s commanding officer to be observed as a holiday in the member’s place of duty;

“public transport” means transport available to the public by way of regular services over fixed routes and includes transport provided by the Commonwealth for the purpose of

transporting a member from his ordinary place of residence to his place of duty;

“Service accommodation” means accommodation owned or controlled by the Department of Defence and provided for the use of a category O member.

3. Subject to the succeeding provisions of this Determination, an allowance called “Transport Allowance” is payable to a member whose place of duty is an establishment or place specified in column 1 of the table in clause 8 and who uses a privately owned vehicle for the purposes of transporting himself by the most direct convenient route—

Transport Allowance

- (a) from his ordinary place of residence to his place of duty in order to commence his duties on a day; or
- (b) from his place of duty to his ordinary place of residence on completing his duties on a day.

4. Subject to the succeeding provisions of this Determination, where a member uses a privately owned vehicle for the purposes of transporting himself by the most direct convenient route—

Two periods of duty in a day

- (a) from his place of duty to his ordinary place of residence; or
- (b) from his ordinary place of residence to his place of duty,

during a period of not less than 2 hours that occurs between 2 periods of duty on one day, Transport Allowance is payable to the member in respect of the use of that vehicle in addition to the allowance payable under clause 3.

5. Transport Allowance is not payable to a category O member who is not—

Allowance not payable

- (a) required, due to lack of Service accommodation for the member; or
- (b) permitted by his commanding officer for compelling compassionate or personal reasons,

to live out.

6. Transport Allowance is not payable to a member unless—

Conditions of payment

- (a) there is no public transport that has a stopping place within 1.6 kilometres from his place of duty;
- (b) there is not normally available public transport that could be used by the member—
 - (i) to enable him to arrive at the stopping place of that transport nearest to his place of duty within one

hour before the time at which he is to commence duty and, after leaving that public transport, to reach his place of duty before that time; and

- (ii) to enable him to depart from the stopping place nearest to his place of duty, within one hour after ceasing duty, in order to proceed to his ordinary place of residence; or
- (c) in relation to a period of duty on a week day that commences before 8 o'clock in the morning or finishes after 6 o'clock in the evening, or a period of duty on a Saturday, Sunday or public holiday, the only public transport meeting the requirement of paragraph (b) is such that—
- (i) if he used that public transport, the journey to the member's place of duty from his ordinary place of residence, or to his ordinary place of residence from his place of duty, would take not less than one hour longer than the time it would take if he were able to use public transport that is normally used by him in respect of the periods of duty between the hours of 8 o'clock in the morning and 6 o'clock in the evening on week days; or
 - (ii) on the journey to his place of duty from his ordinary place of residence, or to his ordinary place of residence from his place of duty, the nearest stopping place of the public transport would be more than 1.6 kilometres from his place of residence.

Calculation
of Transport
Allowance

7. Transport Allowance payable under clause 3 shall be calculated separately from the Transport Allowance payable under clause 4 except that, for the purposes of the application of the appropriate rates of Transport Allowance specified in the table in clause 10, travel in respect of which Vehicle Allowance is payable under regulation 196 of the Naval Financial Regulations, regulation 108 of the Military Financial Regulations or Air Board Determination F33/1, as amended, made under regulation 606 of the Air Force Regulations, as appropriate, or any travel in respect of which Transport Allowance is payable under either clause 3 or 4, shall be taken into account when calculating the rate of allowance payable under either of those clauses.

Locality
for which
Transport
Allowance
is payable

8. Where Transport Allowance is payable under clause 3 or 4 in respect of the use of a privately owned vehicle for transporting a member in a prescribed period, the allowance shall be paid for each kilometre of that transport not exceeding in respect of each of those payments on

any one day the number of kilometres specified in column 2 of the following table opposite the member's place of duty:

Column 1	Column 2
	kilometre
<i>Queensland—</i>	
Eagle Farm Airport, Brisbane—	
Air Traffic Control Centre	32
121 Supply Company, Macrossan	32
Land Warfare Centre, Canungra	72
<i>New South Wales—</i>	
Kingsford Smith Airport, Sydney—	
Services Air Movement Control Office	32
Kingsford Smith Airport, Sydney—	
Air Traffic Control Centre	32
Kingsford Smith Airport, Sydney—	
Qantas Repair and Overhaul Shop	32
1 Central Ammunition Depot, Kingswood	32
RAAF Base, Wagga Wagga	32
RAAF Base, Williamtown	32
221 Supply Company, Bogan Gate	32
222 Supply Company, Myambat	32
223 Supply Company, Marrangaroo	32
311 Supply Company, Ettamogah	32
<i>Australian Capital Territory—</i>	
HMAS CRESWELL, Jervis Bay	84
Government House, Yarralumla	32
<i>Victoria—</i>	
Tullamarine Airport, Melbourne—	
Services Air Movement Control Office	32
Tullamarine Airport, Melbourne—	
Air Traffic Control Centre	42
RAAF Base, Point Cook	32
RAAF Base, East Sale	32
HMAS CERBERUS	60
RAN Gunnery Range, Flinders	60
331 Supply Company, Mangalore	32
Proof and Experimental Establishment, Graytown	32
Trials and Proof Wing, Monegeetta	32
School of Military Survey, Bonegilla	32
<i>South Australia—</i>	
Woodside Military Area	120
Murray Bridge Range	32
411 Supply Company, Gladstone	32
District Support Unit, Port Augusta	32
<i>Western Australia—</i>	
Kalamunda Radar Site	86
RAAF Base, Pearce	84
<i>Northern Territory—</i>	
HMAS COONAWARRA, Darwin	32

9. No member shall be entitled to Transport Allowance in respect of the use of a motor vehicle to transport him to the Air Traffic Control Centre at Tullamarine Airport, Melbourne unless he is posted to RAAF Base, Point Cook. Allowance not payable

Rates of
Transport
Allowance

10. Subject to clause 13, the rate at which Transport Allowance is payable to a member is whichever of the rates specified in the following table is applicable:

Column 1	Column 2	Column 3
Type of privately owned vehicle	Rate of allowance per kilometre for the first 12,000 kilometres travelled in a prescribed period	Rate of allowance per kilometre for each kilometre after the first 12,000 kilometres travelled in a prescribed period
	cents	cents
Motor vehicle having a carrying capacity of 1 tonne or more	18.6	13.0
Motor vehicle having a carrying capacity of less than 1 tonne, the engine of which has more than 6 cylinders or is a rotary engine with a capacity of 2,000 cubic centimetres or more	18.1	12.3
Motor vehicle having a carrying capacity of less than 1 tonne, the engine of which has 5 or 6 cylinders or is a rotary engine with a capacity of not less than 1,000 cubic centimetres but less than 2,000 cubic centimetres	14.0	9.9
Motor vehicle having a carrying capacity of less than 1 tonne, the engine of which has 4 cylinders or less or is a rotary engine with a capacity of less than 1,000 cubic centimetres	12.6	8.8
Motor cycle, the engine capacity of which is 250 cubic centimetres or more	9.2	6.6
Any other motor cycle	4.4	3.4

Rotary
engines

11. For the purposes of clause 10—

- (a) a reference to a rotary engine shall be read as a reference to an internal combustion engine in which fuel is ignited by means of a spark and in the combustion chamber, or each combustion chamber, of which a single central rotating arm performs the function performed by a piston in a combustion chamber of a reciprocating internal combustion engine in which fuel is ignited; and
- (b) subject to clause 12, the displacement of the rotary engine that drives a motor vehicle shall be taken to be the displacement of the engine according to the specifications of the engine issued by the manufacturer of the motor vehicle.

Displace-
ment of
the engine

12. Where the specifications issued by the manufacturer of a vehicle that is driven by a rotary engine do not state the displacement of the engine but state the displacement of the rotor or rotors comprising the engine, the displacement of the engine shall be taken to be equal to the displacement, according to those specifications, of the rotor that comprises the engine or the sum of the displacements, according to those specifications, of the rotors that comprise the engine.

13. The amount of Transport Allowance assessed under clause 10 and payable under the provisions of clause 3 or 4 shall be reduced by 3 cents per kilometre subject to a maximum reduction of 96 cents per day or \$4.80 per week in respect of each allowance. Allowance reduction

14. Where a member is in receipt of a Vehicle Allowance under regulation 196 of the Naval Financial Regulations, regulation 108 of the Military Financial Regulations or Air Board Determination F33/1 made under regulation 606 of the Air Force Regulations in respect of the use of a privately owned vehicle for the purpose of transporting himself to and from his place of duty on a day, the member is not entitled to be paid Transport Allowance under this Determination in respect of the use of that vehicle for that purpose on that day. Transport Allowance not payable when Vehicle Allowance paid

15. This Determination shall apply in relation to the use of a privately owned vehicle by a member of the Navy for the purpose of transporting himself to and from his place of duty on or after 1 November 1979. Application

16. The amount of Transport Allowance payable to a member of the Navy in respect of the period commencing on 1 November 1979 and ending on the day before the day on which this Determination is made, is the amount payable to him under this Determination less the amount payable to him under regulation 196A of the Naval Financial Regulations. Transitional

EXPLANATORY STATEMENT
DETERMINATION NO. 31 1980

ISSUED BY THE AUTHORITY OF THE MINISTER FOR DEFENCE

UNDER SECTION 58B OF THE DEFENCE ACT 1903

Section 58B of the Defence Act 1903 provides that the Minister may make Determinations on conditions of service which are beneficial to members of the Defence Force.

This Determination provides for payment of a transport allowance to members of the Defence Force serving at specified isolated localities which are inadequately served by public transport. The allowance compensates such members for using private vehicles to and from their place of duty.

The Determination consolidates legislative cover for transport allowance under a tri-service Determination made under section 58B of the Defence Act 1903 and replaces the allowance payable to members of the Navy under Naval Financial Regulation 196A and members of the Air Force under a determination made under Air Force Regulation 606. There was no previous legislation for members of the Army.

The opportunity has also been taken to update the list of localities for which the allowance is paid and to increase the maximum mileage allowed per day to members of the Navy serving at the RAN Gunnery Range, Flinders, VIC.

The date of effect of the Determination is 1 November 1979 for members of the Navy and the date of signature of the Determination for members of the Army and the Air Force.