



**DETERMINATION NO. 31 OF 1991**

**DETERMINATION UNDER SECTION 58B OF THE DEFENCE ACT 1903**

I, RUTH ALISON CAMPBELL, First Assistant Secretary, 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 13 March 1991

**R.A. Campbell**

First Assistant Secretary  
Remuneration and Conditions Division  
Department of Industrial Relations

**Citation**

1. This determination may be cited as Overseas Defence Determination 1991/31.

**PART A**

**Principal Determination**

2. In this Part, Determination 3732, Overseas Vehicle Allowance, as in force<sup>1</sup> is referred to as the Principal Determination.

**Definitions**

3. Clause 2 of the Principal Determination is amended by inserting after the definition of "recreation leave" the following definition -

"'relevant Public Service determination' means Public Service Board Determination 1983/15 as in force from time to time;"

## **Interpretation**

4. Clause 3 of the Principal Determination is amended by inserting at the end thereof the following sub-clause -

"3.2 For the purposes of this Determination, where a member is at a locality which is not specified in Schedule 3/L/A of Attachment 1 of the relevant Public Service determination, the member is entitled to be paid Overseas Vehicle Allowance in accordance with this determination in respect of the same locality as the member would be entitled to be paid Overseas Living Allowance."

## **Approving authorities**

5. The Principal Determination is amended by omitting clauses 3C and 3D.

## **Rate of Overseas Vehicle Allowance**

6. The Principal Determination is amended by omitting clause 7 and substituting the following clause -

"7. Subject to clauses 10, 12 and 13, Overseas Vehicle Allowance is payable to a member to whom clause 6 applies, for each kilometre that the member travels using a private motor vehicle, at the rate specified in Schedule 3/L/A of Attachment 1 of the relevant Public Service determination in whichever of column 3 or column 4 is applicable according to the vehicle's engine capacity, opposite the member's locality of posting in column 1."

## **Rotary engines**

7.1 The Principal Determination is amended by omitting clause 7A.

7.2 Clause 14 of the Principal Determination is amended by -

(a) omitting "clause 7A" and substituting "this determination", and

(b) omitting paragraph (b) and substituting -

"(b) the capacity of the rotary engine that drives a motor vehicle is to be taken to be twice the displacement of the engine according to the specifications of the engine issued by the manufacturer of the motor vehicle."

7.3 The Principal Determination is amended by omitting clause 15 and substituting the following sub-clause at the end of clause 14 -

"14.2 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 is to 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 of the rotors that comprise the engine."

## **Schedule**

8. The Principal Determination is amended by omitting the Schedule.

## **PART B**

### **Principal Determination**

9. In this Part, Determination 3733, Overseas Vehicle Contribution, as in force is referred to as the Principal Determination.

### **Definitions**

10. Clause 2 of the Principal Determination is amended by inserting after the definition of "overseas post" the following definition -

"'relevant Public Service determination' means Public Service Board Determination 1983/15 as in force from time to time."

### **Interpretation**

11. The Principal Determination is amended by omitting clause 3 and substituting the following clause -

"3.1 Where a member is at a locality which is not specified in Schedule 3/L/A of Attachment 1 of the relevant Public Service determination, the member is required to pay an Overseas Vehicle Contribution in accordance with this determination in respect of the same locality as the member would be entitled to be paid Overseas Living Allowance.

"3.2 The expressions 'rotary engine' and 'displacement of a rotary engine' have the same meaning as in Determination 3732, Overseas Vehicle Allowance."

### **Contribution for occasional use of official vehicle**

12. The Principal Determination is amended by omitting sub-clause 4.1 and substituting the following sub-clause -

"4.1 A member who hires an official vehicle for private purposes is to pay a contribution for each kilometre travelled by the vehicle during the period of hire at the rate specified in Schedule 3/L/A of Attachment 1 of the relevant Public Service determination in whichever of columns 3 or 4 is applicable, according to the vehicle's engine capacity, opposite the locality in column 1 at which the vehicle is hired."

### **Contribution for full-time use of official vehicle**

13. The Principal Determination is amended by omitting clause 5 and substituting the following clause -

"5. Where a member who is a Captain in the Navy, Colonel, Group Captain or lower rank has full-time use of an official vehicle for private purposes, the member is to pay to the Commonwealth for the period the member has the use of the vehicle a contribution at the rate specified in whichever of column 2 or 3 of Schedule 3/L/B of Attachment 1 of the relevant Public Service determination is applicable according to the vehicle's engine capacity, opposite the member's locality of posting in column 1."

### **Schedule**

14. The Principal Determination is amended by omitting the Schedule.

## **PART C**

### **Principal Determination**

15. In this Part, Overseas Defence Determination 1989/27 as in force<sup>1</sup> is referred to as the Principal Determination.

### **Definitions**

16. Clause 3 of the Principal Determination is amended by

- (a) omitting from paragraph (c) of the definition of "compulsory boarding fees" "Schedule 1" and substituting "Schedule 3/H/A of Attachment 1 of the relevant Public Service determination";
- (b) omitting from paragraph (d) of the definition of "compulsory boarding fees" "Schedule 1" and substituting "the Schedule";
- (c) omitting from paragraph (b) of the definition of "maximum admissible school costs" "Schedule 1" and substituting "Schedule 3/H/A of Attachment 1 of the relevant Public Service determination";
- (d) omitting from paragraph (b) of the definition of "minimum member contribution" "Schedule 1" and substituting "Schedule 3/H/A of Attachment 1 of the relevant Public Service determination";
- (e) omitting from paragraph (c) of the definition of "ordinary boarding cost" "Schedule 1" and substituting "Schedule 3/H/A of Attachment 1 of the relevant Public Service determination";

- (f) omitting from paragraph (d) of the definition of "ordinary boarding cost" "Schedule 1" and substituting "the Schedule";
- (g) omitting from paragraph (c) of the definition of "ordinary tuition costs" "Schedule 1" and substituting "Schedule 3/H/A of Attachment 1 of the relevant Public Service determination";
- (h) inserting after the definition of "relevant school" the following definition -

"'relevant Public Service determination' means Public Service Board Determination 1983/15 as in force from time to time;"

#### **Reimbursement of transport costs**

17. Clause 8 of the Principal Determination is amended by omitting "Schedule 5" and substituting "Schedule 3/H/B of Attachment 1 of the relevant Public Service determination".

#### **Reduction in parental contribution in certain circumstances**

18. Clause 10 of the Principal Determination is amended by omitting "Schedule 1" and substituting "Schedule 3/H/A of Attachment 1 of the relevant Public Service determination".

#### **Schedules**

19. The Principal Determination is amended by omitting Schedule 1 and Schedule 5.

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#### **NOTE**

1 Details of the various Determinations as in force are as follows -

Determination 3732 as amended to date. For previous amendments see Note 1 to Determination No. 12 of 199 and see also Determination No. 12, 19 and 24 of 1991.

Determination 3733 was made by Determination 85 of 1986 and has been amended by Determination Nos 17, 50, 81 and 92 of 1987; Nos 3, 15, 28, 31, 32, 40, 42, 46, 50, 55, 63, 73, 74, 75 and 79 of 1988; Nos 28, 38, 70 94 and 103 of 1989; Nos 19, 32, 54, 143, 170 and 171 of 1990.

Overseas Defence Determination 1989/27 as amended to date. For previous amendments see Note 1 to Determination Nos 10, 12, 19 and 24 of 1991.

EXPLANATORY MEMORANDUM

**DETERMINATION NO. 31 OF 1991**

Defence Act 1903

This determination amends Determinations:

3732 Overseas Vehicle Allowance  
3733 Overseas Vehicle Contribution  
1989/27 - Education Assistance.

Part A of this determination (clauses 2 to 8) amends Determination 3732, Overseas Vehicle Allowance, to provide by reference to Public Service Board Determination 1983/15 for members to be paid Overseas Vehicle Allowance at the same rates and on the same basis as officers of the Australian Public Service (APS).

Clause 3 inserts a definition of "relevant Public Service determination" (Public Service Board Determination 1983/15) and clauses 6 and 8 introduce consequential amendments.

Clause 4 restates the former clause 3C as sub-clause 3.2 and clause 3C is deleted, together with a redundant and superfluous clause 3D (Approving authorities), by clause 5.

Clause 7 provides a basis for assessing the appropriate allowance category for vehicles with rotary engines.

Part B of this determination (clauses 9 to 14) amends Determination 3733, Overseas Vehicle Contribution, to provide (by reference to Public Service Board Determination 1983/15) for members who use vehicles owned by the Commonwealth to pay a contribution at the same rate and on the same basis as officers of the APS.

Clause 10 inserts a definition of "relevant Public Service determination" (Public Service Board Determination 1983/15). Clauses 11, 12 and 13 and 14 introduce consequential amendments and delete the existing schedule.

Part C of this determination (clauses 15 to 19) amends Overseas Defence Determination 1989/27 to provide (by reference to the APS determination) for reimbursement of education expenses of members who are posted overseas on the same basis as members of the APS.

Clause 16 inserts a definition of "relevant Public Service determination" (Public Service Board Determination 1983/15) and provides a reference to the appropriate schedule in that Determination. Clauses 17 and 18 also provide references to the appropriate schedules in that Determination and clause 19 deletes the superseded schedules.

Authority: Section 58B of the  
Defence Act 1903