



DEFENCE DETERMINATION 1994/15

DETERMINATION UNDER THE DEFENCE ACT 1903

I, MERYL ANNETTE STANTON, First Assistant Secretary, Government Authorities and Defence Division, Department of Industrial Relations, acting under a delegation made by the Minister for Industrial Relations under Defence Force Regulation 72A, make the following Determination under section 58B of the *Defence Act 1903*.

Dated 10 May 1994

M. STANTON
First Assistant Secretary
Government Authorities and Defence Division
Department of Industrial Relations

1. Citation

1.1 This Determination may be cited as Defence Determination 1994/15.

2. Amendment

2.1 Determination 505, Disturbance Allowance, as amended¹, is amended as set out in this Determination.

3. Clause 11 (Conditions of payment)

3.1 Delete the clause, substitute:

"11. A reference to the number of prior removals of a member is to be read as a reference to the number of the member's removals for which the member was entitled to be paid Disturbance Allowance as a member with family, but excluding -

- (a) removals to furnished accommodation which occurred before 9 May 1986; and
- (b) removals within the same locality."

4. Clause 25 (Allowance not payable)

4.1 Delete the clause, substitute:

Dual entitlement

"25. Where, but for this clause, a member and the member's spouse, who is also a member, would both be entitled to be paid Disturbance Allowance under this Determination for the same removal, Disturbance Allowance for the removal is payable only to -

- (a) in a case where the member and the member's spouse jointly nominate one member to be paid Disturbance Allowance for the removal - the member so nominated; and
- (b) in any other case -
 - (i) where the members hold different ranks - the member who holds the higher rank; and
 - (ii) where the members hold the same rank - the member with the greater seniority in that rank."

Note

- 1. Determination 505, as amended to date. For previous amendments see Note to Determination 3 of 1994 and see also Determination No. 3 of 1994.

EXPLANATORY MEMORANDUM

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Defence Act 1903

Determination 505, Disturbance Allowance (the Principal Determination), provides for the payment of an allowance to assist members of the Australian Defence Force (ADF) with unreimbursed costs associated with removals and accelerated depreciation of furniture and effects caused by repeated removals at Commonwealth expense.

Clause 11 of the Principal Determination sets out the basis on which a member's prior removals are taken into account in assessing the rate of allowance payable. As formerly worded, the clause admitted all prior removals of a member, whether undertaken with or without a family.

Clause 3 of this Determination substitutes a revised clause which re-expresses the interpretation of 'number of prior removals' and provides that only removals undertaken as a member with a family are to be included.

Clause 4 amends Clause 25 of the Principal Determination to provide that, where both spouses are members of the ADF, the spouses may jointly nominate which member is to be paid Disturbance Allowance for a removal. Where no nomination is made, the former arrangement is retained, ie that Disturbance Allowance is not payable to the more junior member.

Authority: Section 58B of the
Defence Act 1903