



DEFENCE DETERMINATION 1994/48

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 17 October 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 1994/48.

2. Amendment

2.1 Determination 402, Vehicle Allowance, as amended¹, is amended as set out in this Determination.

3. Clause 3 (Interpretation)

3.1 Delete ",7".

Note

1. Determination 402 was made by Determination 71 of 1984 and has been amended by Determination Nos. 104 and 112 of 1984; 16 and 66 of 1985; 15 of 1986; 14 of 1987; 7, 17, 24, 77 and 80 of 1988; 184 of 1989; 70 of 1990. and 21 of 1992.

4. Clause 7 (Travel on removal)

4.1 Delete the clause, substitute:

"7.1 A member who is required by the Commonwealth to drive a privately owned vehicle on removal is entitled to be paid an amount equal to the lesser of -

- (a) the sum of -
 - (i) the amount of Vehicle Allowance payable for the journey under clause 21 and, if appropriate, clause 24;
 - (ii) the amount of Travelling Allowance payable to the member for the journey; and
 - (iii) the amount, if any, calculated under clause 7C for the accommodation and meal costs of the member's family during the period of travel; and
- (b) the amount that would be payable under paragraph (a) if the vehicle were driven by the most direct practicable route and without avoidable stopovers.

"7.2 A member who elects to drive a privately owned vehicle on removal, when the Commonwealth would otherwise have paid for the vehicle to be transported, is entitled to be paid an amount equal to the lesser of -

- (a) the amount that would have been payable under subclause 7.1 if the member had been required to drive the vehicle; and
- (b) the amount that the Commonwealth would have paid for travel by the member and family, if any, and the transport of the vehicle.

"7.3 This clause does not apply to a removal for which a member is entitled to be paid an allowance under Determination 405, Allowance Payable for Travel on Termination of Service, as in force from time to time."

5. Clause 9 (Removal of second vehicle)

5.1 Delete all the words before paragraph 9(a), substitute:

"9. Where a second vehicle owned by a member or one of the member's family is required by the Commonwealth to be driven on removal, the member is entitled to be paid an amount under subclause 7.1 as if the amount for the purpose of paragraph 7.1(a) were -".

6. Clause 10 (Calculation of distance)

6.1 Delete the clause.

EXPLANATORY MEMORANDUM
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Determination 402, Vehicle Allowance, provides for payment of an allowance to members of the Australian Defence Force who are authorised to use their privately owned vehicles on travel which would otherwise be at Commonwealth expense.

Clause 7 of Determination 402 relates to travel on removal and sets out the entitlements for a member who is authorised to drive a privately owned vehicle.

Clause 4 of this Determination simplifies the provision without substantive modification, on the basis that:

- (a) where a member is required to drive a vehicle, the member is paid Vehicle Allowance and incidental expenses; and
- (b) where a member elects to drive and the Commonwealth would otherwise have paid for the transport of the vehicle, any amount payable for the journey under (a) is not to exceed fares (including incidental expenses) and transport costs.

Clauses 3 and 5 make consequential amendments to related provisions.

Clause 6 repeals a redundant clause which dealt with the aspect now provided for in the new paragraph 7.1(b).

Authority: Section 58B of the
Defence Act 1903