

Australia

Defence Determination 1997/39

1. BRUCE VINCENT FENN CLARK, Assistant Secretary, Workplace Relations Branch, Australian Government Employment Group, Department of Workplace Relations and Small Business, acting under a delegation made by the Minister for Workplace Relations and Small Business under section 58E of the Defence Act 1903, make the following Determination under section 58B of the Defence Act 1903.

Dated 12 November 1997

B.V. CLARK
Assistant Secretary
Workplace Relations Branch
Australian Government Employment Group
Department of Workplace Relations and Small Business

Citation

- 1.1 This Determination may be cited as Defence Determination 1997/39.

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

2. Amendment

- 2.1 Determination 401, Travelling Allowance, as amended', is amended as set out in this Determination.

3. Clause 2 (Definitions)

- 3.1 Definitions of "Chief or Staff", "member" and "Reserve Forces":
Delete the definitions.

4. Clauses 4 and 5 (Approving authority)

- 4.1 Delete the clauses, substitute:

Application

"4. This Determination does not apply to a member who is:

- (a) the Chief of the Defence Force;
- (b) the Vice Chief of the Defence Force; or
- (c) a Service Chief."

5. Clause 7A (Travelling Allowance)

5.1 Delete "rank", substitute rank."

6. Clause 21 (Travelling Allowance payable after 21 days)

6.1 Delete "the approving authority approves under clause 22", substitute the Chief of the Defence Force considers reasonable in the circumstances, having regard to the factors set out in clause 22".

7. Clause 22 (Criteria for approval of Travelling Allowance after 21 days) 7.1

Delete all the words before paragraph 22(a), substitute "The factors for the purpose of clause 21 are:".

8. Clause 31 (Amount for incidental expenses not payable)

8.1 Paragraph 3 1 (e):

Delete "cadet corps", substitute "cadet force".

9. Clause 32 (Eligibility when living-in accommodation available)

9.1 Delete "Where a member of the rank of Lieutenant Commander, Major, Squadron Leader or any lower rank", substitute "if a member with the rank of Major or a lower rank".

9.2 Delete "the approving authority", substitute "the Chief of the Defence Force".

9.3 Delete "lie or she", substitute "the Chief of Defence Force".

10. Clause 33 (Additional Travelling Allowance)

10.1 Delete "the approving authority", substitute "the Chief of the Defence Force".

NOTE

1. Determination 401 was made by Determination No. 56 of 1984 and has been amended by Determination Nos. 63 of 1984; 6, 9, 17, 43, 61 and 71 of 1985; 38 and 39 of 1986; 20, 77 and 80 of 1987; 17, 36, 47 and 65 of 1988; 96, 184, 187 and 204 of 1989; 71 and 123 of 1990; 103 of 1991; 21 of 1992; 31 of 1995; 10 and 17 of 1996.

EXPLANATORY STATEMENT

Defence Determination 1997/39

Defence Act 1903

This Determination amends Determination 401, Travelling Allowance, which provides for payment of Travelling Allowance (TA) to members who undertake authorised travel on duty.

The main purposes of this Determination is to delete redundant provisions relating to approving authorities and to substitute the Chief of the Defence Force (CDF) as the approving authority. It also takes the opportunity to delete redundant definitions and to simplify certain provisions of the Determination.

Clauses 1 and 2 of this Determination deal with preliminary matters.

Clause 3 deletes redundant definitions.

Clause 4 deletes redundant provisions dealing with the appointment of approving authorities and Substitutes a provision excluding from coverage certain senior members occupying statutory offices, whose rates of TA are set by the Remuneration Tribunal. This provision maintains the effect of the definition of "member" deleted by clause 3.

Clause 5 makes a minor typographical amendment.

Clauses 6 and 7 amend provisions setting out the basis for payment of TA after 21 days stay at a locality, by substituting the CDF for the approving authority and making minor changes to the structure of the provisions.

Clause 8 updates terminology to reflect the proper title for the cadet force.

Clause 9 amends a provision dealing with eligibility for TA when living-in accommodation is available, by substituting the CDF for the approving authority and taking the opportunity to delete redundant wording and gender specific terminology.

Clause 10 amends a provision authorising payment of additional TA in certain cases, by Substituting the CDF for the approving authority.

The criteria for the exercise of the relevant discretions are unchanged. Adverse decisions are subject to a grievance process including review of the merits by the Defence Force Ombudsman.

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