

## AUSTRALIA

### Defence Determination 1997/4

I, SHERIDAN ELIZABETH EVANS, Acting Assistant Secretary, Government Authorities Branch, Australian Government Employment Group, 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 February 1997

SHERIDAN EVANS  
Acting Assistant Secretary  
Government Authorities Branch  
Australian Government Employment Group  
Department of Industrial Relations

#### PART A - Preliminary

##### 1. Citation

1.1 This Determination may be cited as Defence Determination 1997/4.

##### 2. Commencement

2.1 Part B, Part C and Part D (with the exception of clauses 9, 10 and 11) commence on 20 February 1997.

[NOTE: Part A, clauses 9, 10 and 11 and Part E commence on the day on which the Determination is made: see Defence Act 1903, subsection 58B(4).]

#### PART B - Amendment of Determination 215

##### 3. Amendment

3.1 Determination 215, Defence Force Academy Textbook Allowance, as amended', is amended as set out in this Part.

#### **4. Clause 3 (Textbook Allowance)**

- 4.1 Delete '\$240', substitute '\$247'.

### **PART C - Amendment of Determination 402**

#### **5. Amendment**

- 5.1 Determination 402, Vehicle Allowance, as amended, is amended as set out in this Part.

#### **6. Clause 2 (Definitions)**

- 6.1 Definitions of "relevant Public Service determination" and "the Agreement": Delete the definitions.

#### **7. Clause 21 (Rates of Allowance)**

- 7.1 Delete "column 4 of Part A of Schedule 11 to the relevant Public Service determination (as amended under the Agreement), opposite the type of privately owned vehicle authorised for the member's use and specified in column 2 or column 3 of Part A of that Schedule", substitute "column 3 of Schedule 12 to Defence Determination 1996/16 opposite the engine capacity for the type of privately owned vehicle authorised for the member's use and specified in column 1 or 2".

#### **8. Clause 24 (Additional rate payable in respect of passengers, equipment or appendages)**

- 8.1 Delete "Part B of Schedule 11 to the relevant Public Service determination (as amended under the Agreement)", substitute "subclause 21.2 of Defence Determination 1996/16".

### **PART D - Amendment of Defence Determination 1996/16**

#### **9. Amendment**

- 9.1 Defence Determination 1996/16, as amended, is amended as set out in this Part.

#### **10. Clause 18 (Education assistance - cost limits and member contributions)**

- 10.1 Subclause 18.2:  
Delete '\$402', substitute '\$405'.

#### **11. Schedule 11 (Education Assistance)**

- 11.1 Delete the Schedule, substitute the Schedule set out in Attachment A to this Determination.

#### **12. New clause 21**

- 12.1 Add at the end:

## **Vehicle Allowance**

“21.1 For the purpose of clause 21 of Determination 402, Vehicle Allowance, the rates of Vehicle Allowance are set out in Schedule 12.

“21.1 For the purposes of clause 24 of the Determination, the additional rate of Vehicle Allowance is 0.63 of one cent for each kilometre travelled.”.

### **13. New Schedule 12 (Rates of Vehicle Allowance**

13.1 After Schedule 11, add the Schedule set out in Attachment B to this Determination.

## **PART E – Transitional**

### **14. Transitional**

14.1 A member is entitled to receive additional assistance with education expenses incurred by the member equal to the amount by which the assistance to which the member was entitled for the relevant period is exceeded by the assistance to which the member would have been entitled for the relevant period if this Determination had commenced on 1 January 1997.

14.2 In subclause 14.1, “relevant period” means the period beginning on 1 January 1997 and ending on the day immediately before the day on which this Determination commences.

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## **NOTES**

1. Determination 215 was made by Determination 16 of 1988 and has been amended by Determination Nos. 8, 139 and 184 of 1989; No.21 of 1992; No.36 of 1995 and No. 9 of 1996.
2. 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; 124 of 1987; 7, 17, 24, 77 and 80 of 1988; 184 of 1989; 70 of 1990; 21 of 1992; 48 of 1994; 35 of 1995 and No. 39 of 1996.
3. Determination 1996/16, as amended to date. For previous amendments see Determination No.1 of 1997.

**ATTACHMENT A**

**SCHEDULE 11**  
**EDUCATION ASSISTANCE**

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| Column 1 | Column 2        | Column 3   | Column 4            |
|----------|-----------------|------------|---------------------|
| Item     | Cost reimbursed | Cost limit | Member Contribution |

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**PART A – Education Assistance at new locality of posting**

**\$ an hour**

|    |   |    |   |
|----|---|----|---|
| 1. | Hourly cost of tuition or therapy service | 35 | - |
|----|---|----|---|

**PART B – Education assistance at locality other than locality of posting**

**\$ a year**

**\$ a year**

**Cost of tuition**

|    |                         |       |     |
|----|-------------------------|-------|-----|
| 2. | Compulsory tuition fees | 8,741 | 160 |
|----|-------------------------|-------|-----|

**Cost of board**

|    |   |       |       |
|----|---|-------|-------|
| 3. | Child who boards at a boarding school or commercially | 8,746 | 1,840 |
|----|---|-------|-------|

|    |                            |       |       |
|----|----------------------------|-------|-------|
| 4. | Child who boards privately | 5,800 | 1,840 |
|----|----------------------------|-------|-------|

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**ATTACHMENT B**

## SCHEDULE 12

### RATES OF VEHICLE ALLOWANCE

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| <b>Column 1</b>                                    | <b>Column 2</b>                            | <b>Column 3</b>                   |
|--|--|-----------------------------------|
| <b>Engine capacity<br/>(non-rotary<br/>engine)</b> | <b>Engine capacity<br/>(rotary engine)</b> | <b>Rate<br/>Cents a kilometre</b> |
| More than 2,600cc                                  | more than 1,300cc                          | 53.5                              |
| 1,601cc to 2,600cc                                 | 801cc to 1,300cc                           | 51.6                              |
| 1,600cc or less                                    | 800cc or less                              | 45.4                              |

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## EXPLANATORY STATEMENT

### Defence Determination 1997/4

#### Defence Act 1903

This Determination amends the following Determinations made under section 58B of the Defence Act 1903:

|   |         |   |  |
|---|---------|---|--|
| . | 215     | - | Defence Force Academy Textbook Allowance'      |
| . | 402     | - | Vehicle Allowance; and                         |
| . | 1996/16 | - | Rates of various allowances and contributions. |

Part A deals with preliminary matters and specifies the dates of effect of the various amendments.

Determination 215 provides for the payment of an allowance to officer cadets enrolled at the Australian Defence Force Academy to recompense them for costs incurred in purchasing approved textbooks for use during the academic year. Part B of this Determination authorises a revised rate of Defence force Academy Textbook Allowance by increasing the upper limit of the allowance by the same amount as for a similar allowance in the Australian Public Service (APS). The increase of 2.8% is effective on 20 February 1997 and takes account of movement in the relevant component of the Consumer Price Index (CPI) for the year ended December 1996.

Part C amends Determination 402 by authorising revised rates of Vehicle Allowance and making the necessary consequential amendments to refer to the relevant rates in Defence Determination 1996/16. The rates are adjusted annually, and on this occasion represent an increase of 0.9% for vehicles with the largest engine capacity specified, and reductions of 2.8% and 3.4% respectively for vehicles in the middle and smallest engine capacity categories. The amounts result from a Department of Industrial Relations (DIR) survey of relevant motor vehicle standing charges and running costs for 1996. The adjustments take effect on 20 February 1997.

Part D makes the necessary amendments to Defence Determination 1996/16 to authorise revised rates of education assistance, by increasing the upper limit of reimbursement in line with the equivalent APS allowance. The adjustment increases the two boarding components of the assistance by approximately 4.8% and 7.5%, and the tuition component by 7.9%, with effect from the day on which this determination commences. The adjustments result from an annual DIR survey of boarding and tuition fees set by schools for the 1997 school year. Officer contributions rates increased for the boarding (1.5%) and tuition (3.2%) components of the Allowance, reflecting movement in the relevant component of the CPI for the year ending December 1996, and results from the DIR survey, respectively. This part also inserts a new clause 21 and Schedule 12 into the Determination, which deal with rates of Vehicle Allowance.

Part E sets out a transitional provision which authorises reimbursement to an eligible member of additional education assistance equal to the amount (if any) by which the education assistance received during the period specified in this Part falls short of the education assistance to which the member would have been entitled if this Determination had applied during the period. The transitional period begins on 1 January 1997 and ends immediately before this Determination is made.

Authority: Section 58B of the  
Defence Act 1903