



## **Defence Determination 2004/19**

I, RAYMOND DAVID BROMWICH, Acting Director General Personnel Policy and Employment Conditions, Defence Personnel Executive, make this Determination under section 58B of the *Defence Act 1903*.

Dated 31 May 2004

R D BROMWICH  
Acting Director General  
Personnel Policy and Employment Conditions  
Defence Personnel Executive

## **1 Name of Determination**

This Determination is Defence Determination 2004/19, Travelling allowance – amendment – Defence travel reforms.

## **2 Commencement**

- (1) Clauses 1 to 27 and clause 44 of this Determination commence on 1 June 2004.
- (2) Clauses 28 to 43 and clause 45 of this Determination commence on 14 June 2004.

## **3 Amendment**

Defence Determination 2003/21, Conditions of Service, as amended,<sup>1</sup> is amended as set out in this Determination.

## **4 Clause 1.2.2 (Dictionary)**

*after the definition of training commitment, insert*

A Defence *travel card* is a charge card that the Department of Defence provides to a member to use to:

- (a) pay accommodation, meals and incidental expenses direct on behalf of the Commonwealth; and
- (b) if the travel card cannot be used to pay for the accommodation — obtain a cash advance to pay for accommodation.
- (c) obtain a cash advance to pay for meals and incidentals.

*Note:* The travel card is a Diner's Club card. When the member pays for their Defence travel with the card, the cost is charged direct to the Commonwealth.

*Example*

If a hotel will not accept the travel card as the method of payment for the member's accommodation, the member could use the card to withdraw cash at an automatic teller machine, pay for the accommodation and obtain a receipt for their stay.

## **5 Paragraphs 3.2.10 (1) (c) and (d) (Entitlement for travel)**

*substitute*

- (c) travelling allowance for the member as if the travel were a relevant journey for Division 1 of Part 5 of this Chapter;
- (d) the amount worked out under Division 1 of Part 5 of this Chapter for accommodation and meal costs of any dependants.

## **6 Clause 3.5.1 (Purpose)**

*substitute*

- (1) The purpose of this Part is to meet the reasonable costs of travel for members, as follows:
  - (a) Division 1 of this Part provides an allowance to meet the reasonable cost of accommodation, meals and incidental expenses for Defence approved travel within Australia, including travel on Defence business for members with the rank of Colonel or below, and travel on posting and on completion of service for all members.
  - (b) Division 2 provides for members with the rank of Brigadier and above, and certain other members, to use an official charge card to meet the reasonable

costs of Defence business travel, based on the principle that members will neither gain nor lose financially when required to travel for duty.

- (2) The following table shows where to find the basic concepts for working out a member's travel costs.

<b>Division 1 topic</b>	<b>Clause reference</b>
Application	3.5.2 – 3.5.3
Definitions	3.5.4 – 3.5.6
Basic entitlement for travel up to 21 days	3.5.8 – 3.5.10
Entitlement while living in for up to 21 days	3.5.11
Additional payment toward travel costs	3.5.12
Entitlements after 21 days	3.5.13
<b>Division 2 topic</b>	
Application	3.5.18 – 3.5.19
Definitions	3.5.20
Basic entitlement	3.5.24
Entitlement while living in	3.5.28
Additional payment toward travel costs	3.5.30
Entitlement after 21 days	3.5.31
Reserves and recall from leave	3.5.34 – 3.5.35

## **7 After clause 3.5.1 (Purpose)**

*insert*

### **Division 1 Travelling allowance**

## **8 Clause 3.5.2 (Member this Division applies to)**

*substitute*

- (1) Subject to clause 3.5.3, this Division applies to any member (including a member rendering Reserve service) who undertakes a relevant journey period (overnight absence).
- (2) This Division also applies to a member with the rank of Colonel or lower (including a member rendering Reserve service) who undertakes a relevant short journey period (part-day absence).

## **9 Paragraph 3.5.3 (1) (c) (Member this Division does not apply to)**

*substitute*

- (c) a Service Chief;
- (d) a member with the rank of Brigadier or higher who is travelling for Defence business;
- (e) a member with the rank of Colonel or lower who is travelling for Defence business and using a travel card under Division 2.

**10 Subclause 3.5.5 (1) (Rank)**

*substitute*

- (1) In this Division, **rank**:
- (a) means the rank substantively held by a member; and
  - (b) excludes temporary rank, acting rank and the rank of a position in which a member is performing higher duties.

**11 After clause 3.5.17 (Recall from recreation or long service leave)**

*insert*

**Division 2 Travel on Defence business using the travel card**

**3.5.18 Member this Division applies to**

- (1) This Division applies to a member with the rank of Brigadier or higher who:
- (a) is required to travel on Defence business (including a member rendering Reserve service); and
  - (b) undertakes a relevant journey period.
- (2) This Division also applies to a member with the rank of Colonel or lower who uses a travel card when they are required to travel on Defence business.
- (3) A member who uses a travel card under this Division has no entitlement under Division 1 for travel on Defence business, except as provided by this Division.

**3.5.19 Member this Division does not apply to**

- (1) This Division does not apply to:
- (a) the CDF;
  - (b) the Vice Chief of the Defence Force;
  - (c) a Service Chief.
- (2) This Division does not apply to travel for which a member is entitled to vehicle allowance or aircraft allowance under Part 6 or 7 of this Chapter, except to the extent allowed for under those Parts.

**3.5.20 Definitions used in this Division**

A **meal period** during the journey is a one-hour meal period that starts:

- (a) during a relevant journey period; and
- (b) at the following times:
  - (i) breakfast — 0700 hours;
  - (ii) lunch — 1300 hours;
  - (iii) dinner — 1900 hours.

### 3.5.21 Relevant journey period on business travel

- (1) In this Division, a *relevant journey period*, for a member on business travel, is the period:
  - (a) starting when the member leaves their normal place of duty or residence, as the case may be; and
  - (b) ending when the member returns to their normal place of duty or residence; and
  - (c) for which the member is directed to travel to visit a locality in Australia (other than the member's normal place of duty) at Commonwealth expense, to perform duty; and
  - (d) requiring the member's absence overnight from their usual residence.
- (2) However, if the member breaks a relevant journey period unnecessarily, or for private reasons, the relevant journey period is taken to be the period required for the journey if the member did not break the journey.
- (3) Also, if in a period mentioned in paragraph (1):
  - (a) it is possible for the member to travel by the normal means of travel; and
  - (b) the member, for reasons other than Service reasons, travels other than by the normal means of travel; and
  - (c) the period is longer than the period required for the travel if the normal means of travel were used,

the relevant journey period is taken to be the period required for the journey if the member were to use the normal means of travel.

- (4) In this Division, *normal place of duty*, for a member rendering Reserve service, means the posting locality of the unit to which the member is posted, unless the locality is more than 30 kilometres from the member's locality of residence.

### 3.5.22 Rank

In this Division, *rank*:

- (a) means the rank substantively held by a member; and
- (b) excludes temporary rank, acting rank and the rank of a position in which a member is performing higher duties.

### 3.5.23 Reference to metropolitan localities to include suburbs

A reference in Annex 3.5.A to a metropolitan locality is taken to include its suburbs.

### 3.5.24 Paying for accommodation, meals and incidentals while living out on a journey

Subject to this Division, if a member lives out for up to 21 days during a relevant journey period, then they can use the travel card to pay for accommodation, meals and incidentals in that period, worked out using the table.

A member with the rank of...	is entitled to use the travel card to pay for...	up to a maximum amount of...
a. Brigadier or higher	i. accommodation on each night in the relevant journey period	the rate in column 2 of Division 1 of Part 2 in Annex 3.5.A for the locality.
	ii. meals for each meal period	the sum of relevant rates from columns 3, 4 and 5 of Division 1 of Part 2 in Annex 3.5.A for the locality and meals.
	iii. incidentals for each day of the journey	the rate in column 6 of Division 1 of Part 2 in Annex 3.5.A.
b. Colonel or lower	i. accommodation on each night in the relevant journey period	the rate in column 2 of Division 2 of Part 2 in Annex 3.5.A for the locality.
	ii. meals for each meal period	the sum of relevant rates from columns 3, 4 and 5 of Division 2 of Part 2 in Annex 3.5.A for the locality and meals.
	iii. incidentals for each day of the journey	the rate in column 6 of Division 2 of Part 2 in Annex 3.5.A.

#### *Example – meals*

If the member cannot use the card to pay for their meal directly, they are able to use the travel card to withdraw cash that does not exceed their maximum entitlement, from an automatic teller machine to pay for the meal.

The member is entitled to use the travel card to withdraw an amount for more than one meal at once. This means they could withdraw money in the morning and then spend less on lunch than the amount listed as a maximum because they are staying near a cheap cafe. They might spend more on dinner because at that time they are working near a more expensive restaurant.

#### *Example – incidentals*

The member may combine the daily maximum entitlement for incidentals for a week-long trip to purchase the bulk of their incidental requirements on one shopping trip.

### 3.5.25 Limits on payment for accommodation and meals

- (1) A member has no entitlement under clause 3.5.24 for accommodation or meals:
  - (a) provided at the expense of the Commonwealth or the carrier; or
  - (b) included in the fare payable for the journey; or
  - (c) when the member's journey continues overnight without a break for accommodation.
- (2) An in-flight meal provided by a commercial carrier is not considered to be a meal for the purposes of subclause (1).
- (3) A member who uses the travel card and does not spend the maximum amount for accommodation available for their use under this Division is not entitled to any balance of that amount.
- (4) If a member has not used their maximum entitlement for meals and incidental under this Division at the time they confirm their expenses on return from the journey, then the member is not entitled to the unused travel costs for that journey.
- (5) A member has no entitlement under item a. i or b. i. of the table in clause 3.5.24 for accommodation that is provided on a non-commercial basis.

#### *Example*

A member who stayed privately with a friend or relative while on a relevant journey period would not be entitled to use cash withdrawn from the travel card to pay their friend or relative for the accommodation.

- (6) For working out an amount under subclause 3.5.24, the locality in relation to a meal is:
  - (a) for a meal on the last day of the journey — the locality where the member is at the beginning of the day; and
  - (b) otherwise — the locality where the member is at the end of the day.

### 3.5.26 Payment of incidentals for member on course

- (1) A member who is accommodated at a relevant institution while attending a course there, is entitled for incidentals, regardless of their rank, under item a.iii. of the table in clause 3.5.24.
- (2) For subclause (1), a ***relevant institution*** is:
  - (a) the Monash Mount Eliza Business School in Victoria; or
  - (b) the Australian Graduate School of Management at the University of New South Wales; or
  - (c) the Melbourne Graduate School of Management at the University of Melbourne; or
  - (d) Macquarie University.

### 3.5.27 Member not entitled to incidentals

A member has no entitlement under item a. iii or b. iii. of the table in clause 3.5.24 for any part of a relevant journey period when the member:

- (a) is in hospital in a locality other than the locality where the member has been performing duty; or

- (b) is serving in a seagoing ship on temporary duty performing duty necessary to the proper functioning of the ship; or
- (c) is serving in the field as a member of a force on exercises (other than if the member is accommodated at a Service establishment that is not a camp set up for the purpose of the exercises); or
- (d) is serving in the field as a member of a survey party and uses camping accommodation, but is not entitled to field allowance; or
- (e) is undergoing a period of recruit training in the Reserve Forces, if the member is not entitled to field allowance; or
- (f) is on a journey related to discharge or dismissal for:
  - (i) misconduct; or
  - (ii) disciplinary reasons; or
  - (iii) medical unfitness caused by the member.

*Example*

For paragraph (d), members who are not entitled to field allowance may have an entitlement for incidentals in the following situations:

- a. the member is part of a survey party but is not on exercise; or
- b. the member is part of a survey party and is not camping out, but is accommodated at a Service establishment.

*Non-examples*

A member would not be entitled for incidentals, if the member:

- a. travels on a journey which has not been approved as being at Commonwealth expense (such as a voluntary exchange of postings with another member); or
- b. breaks the journey for personal reasons; or
- c. is on recreation leave travel under Part 4 of this Chapter; or
- d. is posted to the locality where the member is serving on temporary duty, from the date the posting takes effect.

### 3.5.28 Payment of travel costs for member living in

If a member lives in during a relevant journey period, at a locality other than the member's normal place of duty, then they can use the travel card to pay for accommodation, meals and incidentals in that period, worked out using the table.

A member with the rank of...	is entitled to use the travel card to pay for...	up to a maximum amount of...
a. Brigadier or higher	i. compulsory mess charges	the amount of the charges.
	ii. living-in accommodation	
	iii. meals provided in the living-in accommodation	
	iv. incidentals for each day of the journey	the rate in column 6 of Division 1 of Part 2 in Annex 3.5.A.
	v. incidentals for each day of the journey over 21 days	\$48.50 a week.
b. Colonel or lower	i. compulsory mess charges	the amount of the charges.
	ii. living-in accommodation	
	iii. meals provided in the living-in accommodation	
	iv. incidentals for each day of the journey	the rate in column 6 of Division 2 of Part 2 in Annex 3.5.A.
	v. incidentals for each day of the journey over 21 days	\$48.50 a week.

### 3.5.29 Amount for member who keeps accommodation while living in

A member without dependants who:

- (a) lives out at the member's normal place of duty; and
- (b) for Service reasons is to live in during the relevant journey period at a locality other than the member's normal place of duty for a continuous period of more than 21 days,

is entitled to an amount equal to the reasonable cost of keeping the member's accommodation at the member's normal place of duty for the balance of the period under clause 3.5.11.

### 3.5.30 Additional payment toward travel costs

- (1) If a member's maximum entitlement under this Division is less than the actual expenses for:
  - (a) accommodation; or
  - (b) meals; or
  - (c) incidentals,
 on their journey, the CDF may approve the member's use of an additional amount on the travel card.
- (2) When deciding whether to approve an extra amount under subclause (1), the CDF must consider:
  - (a) the places through or to which the journey is made; and
  - (b) the availability of suitable meals and accommodation; and
  - (c) whether the extra expense is reasonable.

### 3.5.31 Payment of travel costs for living out on a journey longer than 21 days

- (1) If a member lives out in a locality continuously for more than 21 days during a relevant journey period (whether living in or living out), clause 3.5.24 does not apply to the member for any period after midnight on the twenty-first day.
- (2) After the member has been on a relevant journey period for 21 days, the member's entitlement is worked out under the following table.

A member with the rank of...	is entitled to use the travel card to pay for...	up to a maximum amount of...
any rank	a. accommodation on each night in the relevant journey period	the relevant weekly rates referred to in Part 5 of Annex 3.5.A.
	b. meals for each meal period	\$280.30 each week.
		If boarding without cooking facilities — \$500.50 each week.
c. incidentals for each day while required to live in during a course of training	\$48.50 each week.	

- (3) For subclause (1), a day on which the member is entitled to field allowance does not count towards the period of 21 days.

*Example*

A member who has rendered five days' service under field conditions will continue to be entitled to Commonwealth assistance at the daily rate until the 26th day.

- (4) A member's entitlement under this Division ends:
  - (a) if the member leaves the locality mentioned in subclause (1) to return to the member's normal place of duty on the same day — at midnight on that day; and
  - (b) otherwise — at midday on the day the member leaves the locality.

### **3.5.32 Limits on travel costs for journeys longer than 21 days**

- (1) A member's entitlement under clause 3.5.31 ends if the member:
  - (a) leaves the locality to perform duty elsewhere; or
  - (b) is on recreation leave; or
  - (c) is undertaking reunion travel.
- (2) A member whose entitlement ends under subclause (1) has the following entitlement on their return to the locality:
  - (a) if the member leaves the locality to perform duty elsewhere and returns to the locality after more than seven days — the entitlement applicable to the member under clause 3.5.24 or 3.5.28; and
  - (b) otherwise — the entitlement applicable to the member under clause 3.5.31, starting at midnight on the day the member recommences duty at the locality.
- (3) A member to whom subclause (1) applies is entitled to use the travel card to pay for the cost of keeping accommodation at the locality during an absence of one week or a longer period that the CDF decides is reasonable.
- (4) When deciding on a longer period under paragraph (3), the CDF must have regard to:
  - (a) the reason for and the duration of the absence; and
  - (b) the expected period the member will remain at the locality after their return; and
  - (c) the cost of keeping the accommodation during the absence; and
  - (d) whether there is alternative accommodation at the locality; and
  - (e) any other factor relevant to the absence.

### **3.5.33 Accommodation and meal costs for dependants**

- (1) The member's entitlement for accommodation, for a dependant that the member is directed to take with them on a journey for representational purposes, is the cost up to a maximum of:
  - (a) for a dependant who is the sole or first occupant of a room — the member's maximum entitlement under clause 3.5.24; and
  - (b) otherwise — 20 per cent of the member's maximum entitlement under clause 3.5.24.
- (2) The member's entitlement for meals, for a dependant that the member is directed to take with them on a journey for representational purposes, is the cost up to a maximum of the member's maximum entitlement under clause 3.5.24 for the meals.

### **3.5.34 Entitlement during overnight stay following period of Reserve service**

- (1) This clause applies to a member rendering Reserve service.
- (2) If the member lives more than 30 kilometres from their place of duty, and the CDF considers that it is necessary for the member to remain overnight at that place rather than return home immediately after a period of Reserve service because of occupational health and safety considerations relating to the travel, the member is entitled to use the travel card under clause 3.5.24 or 3.5.28, for the overnight stay.
- (3) For subclause (2), the CDF must be satisfied that either:
  - (a) the member holds a qualification or skill that the unit is unable to obtain from a member who lives closer to the place of duty; or

- (b) the member requires training that cannot be obtained at a place of duty closer to home.

### **3.5.35 Entitlement to incidentals at annual Reserve camp**

During the period of a bivouac or camp of continuous training with their unit or sub-unit, or a comparable Reserve Forces activity, a member rendering Reserve service has the entitlement under item a. iii. or b. iii. of the table in clause 3.5.24, for incidentals.

### **3.5.36 Recall from recreation leave or long service leave**

- (1) If a member on recreation leave or long service leave is recalled to duty, the member is considered to be on duty from the time that they commence travel to return to duty.
- (2) If the member travels by private motor vehicle or private aircraft, the member's entitlement under clause 3.5.24 will be limited to the amount that would be available if the member returned to duty by the most efficient and economical means.

*Note:* See clause 3.6.6 for the rules about payment of vehicle allowance in these circumstances.

## **12 Annex 3.5.A (Rates of travelling allowance), heading only**

*substitute the heading*

### **Annex 3.5.A Maximum travel card and travelling allowance rates**

## **13 Part 5 of Annex 3.5.A (Allowance after 21 days), heading only**

*substitute the heading*

### **Part 5 Maximum travel card and travelling allowance rates after 21 days**

## **14 Paragraph 3.6.4 (4) (a) (Interpretation)**

*substitute*

- (a) the cost to the Commonwealth of the use of the vehicle is taken to be the sum of:
  - (i) allowance payable to a member under this Part; and
  - (ii) the member's maximum entitlement for accommodation or meal costs for the travel, worked out under Part 5 of this Chapter; and
  - (iii) salary for the member's normal working hours in the period of travel; and

## **15 Paragraph 3.6.4 (4) (b) (Interpretation)**

*substitute*

- (b) the cost to the Commonwealth of the use of the normal means of travel is taken to be the sum of:

- (i) fares of the member and any passenger who would otherwise travel at Commonwealth expense; and
- (ii) the member's maximum entitlement for accommodation or meal costs for the travel, worked out under Part 5 of this Chapter; and
- (iii) salary for the member's normal working hours in the period of travel.

**16 Paragraph 3.6.15 (a) (Limit to entitlement)**

*substitute*

- (a) fares and the member's maximum entitlement for accommodation or meal costs for the travel worked out under Part 5 of this Chapter, as if the member, and any passenger who would otherwise travel at Commonwealth expense, were travelling by the normal means of travel; and

**17 Note to clause 3.6.15 (Limit to entitlement)**

*substitute paragraph (a) (ii)*

- (ii) the amount of travelling costs provided by the Commonwealth under Part 5 of Chapter 3 for the actual period of the journey or for the allowable travelling time, whichever is the lesser; or

**18 Note to clause 3.6.15 (Limit to entitlement)**

*substitute paragraph (b) (ii)*

- (ii) the amount of travelling costs provided by the Commonwealth under Part 5 of Chapter 3 for the journey; and

**19 Paragraph 3.7.6 (2) (b) (Entitlement to allowance)**

*substitute*

- (b) the amount of travelling costs provided by the Commonwealth under Part 5 of Chapter 3 for the journey, to which the member would otherwise be entitled; and

**20 Paragraph 3.7.8 (a) (Limit to entitlement)**

- (a) fares and the member's maximum entitlement for accommodation or meal costs for the travel under Part 5 of this Chapter, worked out as if the member, and any passenger whom the member is authorised to carry and who would otherwise travel at Commonwealth expense, were travelling by the normal means of travel; and

**21 Subparagraph 4.2.2 (1) (c) (i) (Member this Part applies to)**

*substitute*

- (i) travelling allowance or use of a travel card (unless the member is accommodated on board a seagoing ship during a visit by the ship to an overseas port); or

**22 Subclause 4.2.2 (2) (Member this Part applies to)**

*substitute*

- (2) The reference in paragraph (c) (i) to travelling allowance or use of a travel card includes overseas travelling allowance or use of the travel card on short-term duty overseas under Part 3 of Chapter 14.

**23 Subclause 4.2.5 (3) (Qualifying period)**

*omit*

cessation of travelling allowance

*insert*

the end of the member's entitlement to travelling allowance or use of the travel card

**24 Subclause 7.1.13 (1) (interpretation)**

*omit*

travelling allowance

*insert*

travelling allowance or use of the travel card

**25 Paragraph 7.2.3 (1) (c)**

*substitute*

- (c) the member is entitled to travelling allowance or use of the travel card, other than travelling allowance for a relevant short journey period; or

**26 Paragraph 7.3.2 (1) (a) (Member this Part does not apply to)**

*substitute*

- (a) the member is entitled to travelling allowance or use of the travel card; or

**27 Note to clause 10.1.6 (Travel beyond 120 kilometres)**

*substitute*

*Note:* Part 5 of Chapter 3 authorises travelling allowance or use of the travel card if the commanding officer, acting on behalf of the CDF, considers that it is necessary for the member to remain overnight at the place of duty rather than return home immediately after a period of Reserve service.

**28 Clause 13.2.2 (Dictionary)**

*after the definition of short-term duty, insert*

A Defence **travel card** is a charge card that the Department of Defence provides to a member to use to:

- (a) pay accommodation, meals and incidental expenses direct on behalf of the Commonwealth; and
- (b) if the travel card cannot be used to pay for the accommodation — obtain a cash advance to pay for accommodation.
- (c) obtain a cash advance to pay for meals and incidentals.

*Note:* The travel card is a Diner's club card. When the member pays for their Defence travel with the card, the cost is charged direct to the Commonwealth.

**29 Paragraph 13.3.7 (b) (Accommodation and allowances during a rest period)**

*substitute*

- (b) the member is entitled to travelling allowance or, if is made available, use of the travel card under Part 3 of Chapter 14.

## **Part 3 Travel costs for short-term duty overseas**

### **14.3.1 Purpose**

The purpose of this Part is:

- (a) to meet the reasonable costs of travel for members on short-term duty overseas; and
- (b) based on the principle that members will neither gain nor lose financially when required to travel for Defence business, to provide members with a travel card to meet the costs of Defence business travel.

### **14.3.2 Member entitled to use the travel card**

Subject to this Part, a member is entitled to use the travel card to pay the cost of meals, accommodation and incidentals while on short-term duty overseas.

### **14.3.3 Member not entitled to use the travel card**

A member who is on short-term duty overseas is not entitled to use the travel card while on recreation leave or long service leave.

### **14.3.4 Member entitled to allowance instead of travel card**

- (1) A member who is:
  - (a) on short-term duty overseas; and
  - (b) not provided with a travel card to pay travel costs,

is entitled to an allowance to pay their travel costs, up to the maximum amount that the member would otherwise be entitled to use the travel card to pay for under this Part.

#### *Example*

A member on long-term posting in an overseas locality may not have access to a travel card when required to go on short-term duty to another locality. The member would instead be entitled to an allowance to pay for accommodation, meals and incidentals, up to the same amount they would normally use if the travel card was available. The member would keep receipts to show the cost of their accommodation and other expenses.

### 14.3.5 Paying for accommodation, meals and incidentals while living out on a journey

- (1) If a member lives out during short-term duty overseas, then they can use the travel card to pay for accommodation, meals and incidentals in that period, worked out using the table.

<b>A member with the rank of...</b>	<b>is entitled to use the travel card to pay for...</b>	<b>up to a maximum amount of...</b>
a. Brigadier or higher	i. accommodation on each night in the relevant journey period	the cost of accommodation of a reasonable standard for the member's classification and the nature of the duties performed.
	ii. meals for each day of the journey	the sum of relevant meal rates in Part 1 of Annex 14.3.A for the locality and meals.
	iii. incidentals for each day of the journey	the sum of relevant incidental rates in Part 1 of Annex 14.3.A for the locality.
<b>A member with the rank of...</b>	<b>Is entitled to use the travel card to pay for...</b>	<b>up to a maximum amount of...</b>
b. Colonel or below	i. accommodation on each night in the relevant journey period	the cost of accommodation of a reasonable standard for the member's classification and the nature of the duties performed.
	ii. meals for each day of the journey	the sum of relevant meal rates in Part 2 of Annex 14.3.A for the locality and meals.
	iii. incidentals for each day of the journey	the sum of relevant incidental rates in Part 2 of Annex 14.3.A for the locality.

*Note:* See clause 14.3.8 for maximum costs that apply for incomplete days at the start and end of the journey.

- (2) A member who is attending the Royal College of Defence Studies in the United Kingdom is taken to hold the rank of Brigadier.

### 14.3.6 Paying for accommodation, meals and incidentals while living in

If a member lives in during short-term duty overseas, then they can use the travel card to pay for accommodation, meals and incidentals in that period, worked out using the table.

A member with the rank of...	ils entitled to use the travel card to pay for...	up to a maximum amount of...
a. any rank	i. accommodation on each night in the relevant journey period when living in	the cost of the accommodation at the mess.
		the cost of compulsory mess charges.
	ii. meals for each day of the journey	the cost of the meals provided at the mess.
	iii. incidentals for each day of the journey	the sum of relevant incidental rates in Part 1 of Annex 14.3.A for the locality.

*Note:* The member may apply for approval of an additional amount under clause 14.3.10 if they find the meals provided at the mess are not sufficient for their needs.

### 14.3.7 Limits on member's entitlement

- (1) A member has no entitlement under clause 14.3.5 for accommodation or meals:
  - (a) provided at the expense of the Commonwealth, the carrier or otherwise at no cost to the member; or
  - (b) included in the fare payable for the journey; or
  - (c) when the member's journey continues overnight without a break for accommodation.

*Example*

A member would not be entitled for breakfast if it was provided as part of the accommodation tariff. In the case of business class overseas flights, an in-flight meal is considered to be a meal provided in the fare payable for the journey.

- (2) A member has no entitlement under item a. i. or b. i. of the table in clause 14.3.5 for accommodation that is provided on a non-commercial basis.

*Example*

A member who stayed privately with a friend or relative while on short-term duty overseas would not be entitled to use cash withdrawn with the travel card to pay their friend or relative for the accommodation.

- (3) If a member is accommodated on board a seagoing ship during a visit by the ship to an overseas port, the member's entitlement under clause 14.3.5 is taken to be limited to half of the incidental costs to which the member would otherwise be entitled.
- (4) A member who travels on short-term duty overseas is not entitled to use the travel card to pay domestic travel costs at the rates applicable to the member under this Part.

*Example*

The member would be able to use the entitlements that apply to them under Chapter 3 Part 5 to pay for domestic travel costs for a flight from Perth to Sydney. They would then use this Part for the overseas part of their journey from Sydney to New York. The member's entitlement to business class travel is not affected by this Part.

### 14.3.8 Reduced assistance for meals on day of arrival or departure

For the day on which the member arrives at or departs from a locality, member's maximum entitlement for meals in the table in clause 14.3.5 is taken to be the maximum amount that the member would be entitled for meals over a whole day multiplied by the percentage rate below:

- (a) if the member arrives at the locality during a period of the day shown in column 1 of the following table — in column 2 of the table; and
- (b) if the member departs from the locality during a period of the day shown in column 1 of the table — in column 3 of the table.

Column 1	Column 2	Column 3
Time of arrival or departure	Rate for day of arrival (%)	Rate for day of departure (%)
Before 0700 hours	100	Nil
0700 – 1300 hours	75	25
1301 – 1900 hours	50	50
After 1900 hours	Nil	100

### 14.3.9 Reduced assistance for incidentals

- (1) If a member:
  - (a) arrives at the locality after 1200 hours; or
  - (b) leaves the locality before 1200 hours on the day of departure,then the member's maximum entitlement for incidentals under the table in clause 14.3.5 is taken to be half the amount specified.
- (2) If member has been on short-term duty at the one locality for a continuous period of 28 days, then for the rest of the short-term duty at the locality, the member's maximum entitlement for incidentals under the table in clause 14.3.5 is taken to be half the amount specified.
- (3) A member's maximum entitlement for incidentals under the table in clause 14.3.5 is taken to be half the amount specified, if the member:
  - (a) is on a long-term posting overseas and is on short-term duty within the country of posting; or
  - (b) is in an overseas country and is recalled to duty by the CDF to undertake short-term duty in the country.
- (4) An absence from the original short-term duty locality for less than seven days does not break the continuity of the period, if the member was advised that the period of absence was to be for less than seven days.

#### **14.3.10 Additional payment toward travel costs**

- (1) If a member's maximum entitlement under this Part is less than the actual expenses for:
  - (a) accommodation; or
  - (b) meals; or
  - (c) incidentals,on their short-term duty, the CDF may approve the member's use of an additional amount on the travel card.
- (2) For subclause (1), the CDF must have regard to:
  - (a) the period of the member's short-term duty; and
  - (b) the nature of the duties undertaken by the member; and
  - (c) the nature and cost of meals, accommodation and relevant services at the locality of the short-term duty; and
  - (d) whether the member's costs are reasonable; and
  - (e) any other factor relevant to the costs incurred by the member.

##### *Example*

A member who is required to accompany the Minister, Secretary, CDF, VCDF or a Service Chief might be permitted to use the travel card to purchase accommodation at the same hotel as the person they are required to assist.

A member who is required to lead a delegation overseas might be permitted to use the travel card to pay for a hotel suite, for extra office space.

#### **14.3.11 Member's entitlement if travel costs paid by another organisation**

- (1) A member has no entitlement under this Part for accommodation, meals or incidentals if they are entitled to an allowance for those items from an organisation other than the Commonwealth for the same period and locality.
- (2) If the non-Commonwealth organisation pays the member an amount that is less than the entitlement the member would otherwise get under this Part, the member may seek approval for the payment of additional travel costs under clause 14.3.10.

#### **14.3.12 Payment of travel costs when in hospital**

- (1) A member who is in hospital for a period during short-term duty is entitled to use the travel card to pay for incidentals up to the maximum rate for a member with the rank of a Colonel in the table in clause 14.3.5.
- (2) A member who is in hospital for a period during short-term duty:
  - (a) is entitled to use the travel card to pay for continuing accommodation and related costs necessarily incurred, up to the maximum that would otherwise apply to them under this Part; or
  - (b) to be reimbursed for any continuing accommodation and related costs necessarily incurred, up to the maximum that they would be able to use the travel card to pay for under this Part.

### **14.3.13 Member must confirm actual travel costs**

- (1) The member must confirm their expenditure on the travel card using the Department of Defence's card management system within 28 days after they cease short term duty overseas.

*Example*

The member might present receipts for the expenses and confirm the trip and entitlement details.

- (2) If the amount spent on the travel card is greater than the member's entitlement under this Part (including any extra amount approved by CDF), then the member must repay the difference between those amounts to the Commonwealth.

*Note:* The procedure for confirming the amount spent on the travel card and making any necessary repayments is outlined in the Australian Defence Organisation Travel Manual, sponsored by Corporate Services and Infrastructure Group.

- (3) If a member has not used their maximum entitlement for meals and incidentals under this Part at the time they confirm their expenses on return from the journey, then the member is not entitled to the unused travel costs for that journey.

### **31 Annex 14.3.A (Travelling allowance), heading only**

*substitute the heading*

## **Annex 3.5.A Maximum travel card and travelling allowance rates**

### **32 Clause 14.4.3 (Equipment allowance)**

*substitute*

#### **14.4.3 Equipment costs**

- (1) The purpose of the basic payment of equipment costs is to assist with the costs for travel equipment and other necessary items, and recompense for the extra wear and tear on a member's possessions, incurred as a consequence of travelling from Australia to an overseas locality on short-term duty.
- (2) A member who travels on short-term duty is entitled to use the travel card to purchase equipment up to a maximum of:
  - (a) for travel to New Zealand — AUD 115; and
  - (b) for any other travel — AUD 225.
- (3) A member is entitled to use the travel card to purchase equipment under this clause once in any three-year period.
- (4) A member is not entitled to use the travel card to purchase equipment for a long term posting.
- (5) If a member uses the travel card to purchase equipment and subsequently does not travel overseas on the overseas visit, the total amount is to be repaid to the Commonwealth, unless the CDF is satisfied that the member is unable to recover the cost of any items purchased for the travel.

### 33 **Clause 14.4.4 (Additional equipment allowance)**

*substitute*

#### **14.4.4 Additional equipment costs**

- (1) The purpose of payment for additional equipment costs is to assist with purchasing special clothing requirements if climatic conditions at the locality to be visited are shown to be different to those prevailing at the member's headquarters.
- (2) If the CDF is satisfied that the member's maximum entitlement to equipment allowance under clause 14.4.3 is insufficient to meet the reasonable needs of the member for clothing to undertake the travel, the member is entitled to use the travel card to pay for additional equipment up to the relevant maximum set out in this clause.
- (3) For subclause (2), the CDF must have regard to:
  - (a) the climatic conditions at the destination in comparison with the member's headquarters; and
  - (b) the duration of the proposed travel, the means of travel and the climatic conditions likely to be encountered at the localities that the member is to visit; and
  - (c) the duties that the member will be required to perform during the travel; and
  - (d) the extent to which the member is supplied by the Commonwealth with clothing to use during the travel; and
  - (e) the degree to which the wear and tear on the member's clothing as a result of the travel is likely to exceed ordinary wear and tear; and
  - (f) any amount that the member was entitled to be paid by the Commonwealth for the purchase of clothing for previous travel on duty within Australia or overseas.
- (4) If additional equipment costs are approved under subclause (2), the member may use the travel card to pay for a maximum of AUD 205 of additional equipment in any three-year period, to use in each of:
  - (a) a tropical region;
  - (b) a cold region;
  - (c) another climatic region,as specified in the CDF approval.
- (5) If the CDF is satisfied that a member:
  - (a) is to travel on short-term duty to a locality; and
  - (b) is likely to be exposed to an extremely cold winter climate at that locality; and
  - (c) the additional equipment that the member is entitled to buy under clause 14.4.3 and subclause (2) will not meet the clothing needs of the member for travel to the locality,then the member is entitled use the travel card to pay a maximum of AUD 205 for additional equipment in any three-year period.
- (6) In this clause, the CDF may consider the following climatic regions suitable for the purposes of additional equipment allowance:
  - (a) tropical region — if the locality to be visited is tropical in comparison to the climatic conditions prevailing at a member's headquarters.

*Example*

Duty in Singapore from Melbourne may qualify for this element. However, duty in Papua New Guinea from Cairns would not qualify as both localities have tropical climates;

- (b) cold region — if the locality to be visited is cold in comparison with the member's headquarters.

*Example*

Duty in the United Kingdom from Melbourne in January may qualify for this element as these localities have different climates at this time of the year;

- (c) extreme cold region — if the locality to be visited has extreme winter climatic conditions and it is considered that the element for a cold region is insufficient to meet the essential clothing needs for duty in that locality.

*Example*

Duty in Moscow or certain localities in Canada during winter from Sydney.

- (d) another climatic region — if a member travels to an overseas locality which has significantly different climatic conditions to the member's headquarters, but the conditions are not considered tropical or cold as covered under paragraph (a), (b) or (c).
- (7) Unlike the basic element of equipment costs, a member on long-term posting overseas who is required to undertake short-term duty to another overseas locality may be entitled to additional equipment costs.

### **34 Clause 14.4.5 (Equipment allowance not payable)**

*substitute*

#### **14.4.5 Conditions on payment of equipment costs**

- (1) A member is not entitled to equipment costs under this Part for:
  - (a) participating in an approved Defence Force activity such as overseas adventurous training, sporting events, work experience or other similar activities; or
  - (b) serving in a seagoing ship or submarine and required to live ashore while the ship or boat is in the overseas port; or
  - (c) travelling on short-term duty to Australia from an overseas locality where the member is on a long-term posting;
  - (d) equipment for use at a long-term posting.
- (2) A member who is:
  - (a) on short-term duty overseas; and
  - (b) not provided with a travel card to pay equipment costs,

is entitled to an allowance to pay their equipment costs, up to the maximum amount that the member would otherwise be entitled to use the travel card to pay for under this Part.

*Example*

A member who has not been given a travel card may need to get equipment under this Part.

### **35 Clause 14.6.6 (Travelling costs not payable)**

*substitute*

The member is not entitled to travelling allowance or to use of the travel card to pay for travel costs.

**36 Paragraph 14.6.7 (3) (a) (Assistance with travel costs)**

*substitute*

- (a) the total amount of travelling allowance or use of the travel card, to which the member would have been entitled if the travel associated with participation in an official activity had been travel on duty; and

**37 Clause 15.2.12 (Travelling allowance at the beginning and end of posting)**

*substitute*

**15.2.12 Travel costs at the beginning and end of posting**

- (1) For determining the member's entitlement to travelling allowance or to use the travel card for the journey, the member is taken to be travelling on short-term duty during travel to and from the member's posting locality.
- (2) For subclause (1), a dependant of a member who travels to and from the posting locality at the beginning and end of the posting must be treated in the same manner as the member.
- (3) However, for a dependant who is less than 12 years of age, the member is only entitled to two-thirds of the member's entitlement for the journey under subclause (1).

**38 Subclause 15.2.15 (1) (Travel by private motor vehicle)**

*substitute*

- (1) A member who is authorised to travel by private motor vehicle owned or hired by the member is entitled to vehicle allowance and travelling allowance or use of the travel card (if one is made available to the member), worked out as if subclause 14.3.9 (2) applied to the member, for the travel.

**39 Subclause 15.4.7 (2) (Meals supplement not payable in certain circumstances)**

*omit*

travelling allowance

*insert*

travelling allowance or use of the travel card

**40 Paragraph 15.6.16 (4) (a) (Overseas living allowance during absence from post)**

*substitute*

- (a) travelling allowance or use of the travel card up to the maximum entitlement applicable to the member for the locality under Part 3 of Chapter 14; and

**41 Paragraphs 15.10.5 (1) (b) and (d) (Amount payable to be reduced in certain circumstances)**

*omit*

travelling allowance

*insert*

travelling allowance or use of the travel card

**42 Paragraph 17.4.10 (2) (b) (Overseas allowances not payable)**

*omit*

travelling allowance

*insert*

travelling allowance or use of the travel card, if available,

**43 Paragraph 17.4.24 (2) (b) (Overseas allowances not payable)**

*omit*

travelling allowance

*insert*

travelling allowance or use of the travel card, if available,

**44 Saving for domestic travel booked before 1 June 2004**

- (1) This savings provision applies to preserve the entitlement of a member who:
  - (a) had travel booked for a journey before 1 June 2004; and
  - (b) travels on the relevant journey period on or after 1 June 2004.
- (2) During the relevant journey period in paragraph (1) (b), the member:
  - (a) is not subject to this Determination; and
  - (b) is subject to Defence Determination 2003/21, Conditions of Service, as it was in force on 31 May 2004.

**45 Saving for overseas travel booked before 14 June 2004**

- (1) This savings provision applies to preserve the entitlement of a member who:
  - (a) had travel booked for short-term duty overseas before 14 June 2004; and
  - (b) travels on short-term duty overseas on or after 14 June 2004.
- (2) During the period in paragraph (1) (b), the member:
  - (a) is not subject to this Determination; and
  - (b) is subject to Defence Determination 2003/21, Conditions of Service, as it was in force on 13 June 2004.

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**NOTE**

1. Defence Determination 2003/21 as amended to date. For previous amendments see Note to Defence Determination 2004/1 and see also Defence Determinations 2004/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18.

# EXPLANATORY STATEMENT

## Defence Determination 2004/19

This Determination amends Defence Determination 2003/21, Conditions of Service (the Principal Determination), made under section 58B of the *Defence Act 1903* (the Act). Chapter 3 of the Principal Determination sets out provisions dealing with travelling allowance for members of the Australian Defence Force (ADF) on duty within Australia. Chapter 14 of the Principal Determination deals with overseas travelling allowance and equipment allowance.

Clause 1 of this Determination sets out the manner in which this Determination may be cited.

Subclause 2 (1) provides that clauses 1 to 27 and clause 44 of this Determination, which relate to domestic travel, commence on 1 June 2004. Subclause 2 (2) provides that the remaining clauses, which relate to overseas travel and purchase of equipment, commence on 14 June 2004.

Clause 3 specifies that the amendments are made to the Principal Determination, as amended.

The changes in this Determination reflect the implementation of Department of Defence reforms to official travel. The reforms are based on the principle that staff should not gain or lose when required to travel for official business.

Use of the travel card will provide the Department with a system for administering travel which is accountable, more efficient and transparent for members to use to confirm their travel entitlements and expenditure. The use of a travel card to purchase travel services directly for the Department will generate savings for the Department of Defence in goods and service tax credits. It will also ensure prompt payment of suppliers.

Productivity savings arising out of the simpler administrative process will contribute to pay rises under the *Defence Employees Certified Agreement 2004-2006* and the *Australian Defence Force Workplace Remuneration Arrangement 2004-2006* and *Star Ranks' Remuneration Arrangement 2004-2006*.

Changes in this Determination reflect the implementation of the changes for members travelling within Australia on duty travel, at the level of Brigadier and above. The changes will also apply to members travelling overseas on short-term duty, regardless of their rank, in countries where the travel card is used.

Clause 4 inserts the definition of a travel card for the purpose of the reforms into the dictionary in clause 1.2.2 of the Principal Determination. This broadly explains the fact that the card is a charge card made available due to contractual arrangements entered into by the Department.

Clause 6 of this Determination substitutes a new purpose clause into Part 5 of Chapter 3 of the Principal Determination. The new clause describes the purpose of the reforms and provides a

forward organiser to help members and administrators to use the restructured travel entitlements.

Clauses 7-9 amend the application clauses and definitions currently in Part 5 of Chapter 3 of the Principal Determination to fit its new two-Division structure.

This new structure is created by clause 11, which inserts a new Division 2 into Part 5 of Chapter 3 of the Principal Determination. The new Division creates a parallel entitlement to travelling allowance. The new entitlement allows a member to use the travel card, to pay for accommodation, meals and incidentals. The maxima applied to the new entitlement are the same as those currently applying to members entitled to travel allowance. However, a member who uses the Defence issued travel card to pay the actual cost of accommodation, would not be entitled to keep money remaining after that payment had been made. This represents a better value for money use of Commonwealth funds to pay for accommodation for members on duty travel.

Clause 28 inserts the definition of a travel card for the purpose of the reforms into the dictionary in clause 13.2.2 of the Principal Determination. This duplicates the earlier definition inserted into Chapter 1 of the Principal Determination, for ease of reference by administrators using paper copies of the Australian Defence Force Pay and Conditions Manual, as the paper definitions are located in a different volume to the overseas travel rules.

Clause 30 substitutes a new Part 3 into Chapter 14 of the Principal Determination. This new Part provides an entitlement for members to use the travel card to pay for their expenses while on short-term duty overseas. Similar to the domestic travel arrangements, the amounts that previously represented allowance rates may also now be used as maxima for a member's expenditure on the card.

The new travel card scheme creates entitlements that are generally identical to the existing travelling allowances. However, the opportunity to simplify the Principal Determination has also been taken. Several previous rules about additional expenditure and limits on payments are now rolled into principles with general application, including clear criteria for decision-makers to apply where necessary.

Clause 32-34 insert new arrangements for what was previously called equipment allowance into the Principal Determination at Part 4 of Chapter 14. Again, the basic entitlement is unchanged except that the travel card is able to be used by members to purchase their equipment needs for short-term duty overseas.

Clauses 5, 12-27, 29, 31 and 35-43 are consequential amendments that reflect the change in the entitlement from an allowance only to alternative entitlements of an allowance or use of a Commonwealth provided charge card.

Clause 44 and 45 are savings provisions which will preserve entitlements that relate to travel arrangements that have already been approved. This protects members who have relied on the rules as in place at the date of the savings provisions and avoids any need for costly recalculation of entitlements that may have already been paid to the member in advance of their travel.

Criteria are provided for the exercise of discretions under the Principal Determination, as amended by this Determination. Adverse decisions are subject to merits review under the ADF redress of grievance system, including an appeal to the Defence Force Ombudsman.

Authority: Section 58B of the  
*Defence Act 1903*