



Defence Determination 2001/27

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

Dated 19 October 2001

S.J. PARR
Acting Director General
Personnel Policy and Employment Conditions
Defence Personnel Executive

Part 1 Preliminary

1 Citation

This Determination is Defence Determination 2001/27, Housing assistance.

2 Commencement

This Determination commences on 25 October 2001.

Part 2 Amendment of Defence Determination 2000/1

3 Amendment

Defence Determination 2000/1, Conditions of Service, as amended,¹ is amended as set out in this Determination.

4 After clause 7.1.24

insert

7.1.24A Reimbursement of compulsory mess charges

If a member would otherwise be entitled to temporary accommodation allowance but the member occupies suitable living-in accommodation, any compulsory mess charges payable for the living-in accommodation may be reimbursed.

5 Clause 7.1.27 (Interpretation), paragraph (a) of definition of *specified contribution*

omit

member's rank group

insert

member's rank group and accommodation arrangements

6 Subclause 7.1.27 (1) (Interpretation), paragraph (b) of definition of *specified contribution*

substitute

- (b) for a member without dependants who is not sharing the residence — the amount of contribution mentioned in Part 4 of Schedule 9 for the classification and the number of bedrooms of the residence; or
- (c) for a member without dependants who is sharing the residence — the amount of contribution mentioned in Part 5 of Schedule 9 for the member's rank and accommodation arrangements.

7 Paragraph 7.1.28 (1) (b) (Eligibility for service residence)

omit

member without dependants

insert

member, other than a member with dependants

8 Subclause 7.1.30 (1) (Continued eligibility for service residence – purchase of suitable own home)

omit

with dependants

insert

other than a member with dependants (separated),

9 Subclause 7.1.31 (1) (Entitlement to rent allowance)

omit

the member and any dependants are

insert

, the member or dependants (if any) are

10 Subclause 7.1.31 (2) (Entitlement to rent allowance)

omit

the member and any dependants are

insert

the member or dependants (if any) are

11 Subclause 7.1.31 (3) (Entitlement to rent allowance)

omit

when the member and any dependants become

insert

when the member or dependants (if any) become

12 Paragraphs 7.1.31 (3) (a), (b) and (c) (Entitlement to rent allowance)

substitute

- (a) for a member, other than a member with dependants (separated), who is posted to a locality and who has an own home at the locality that would be a suitable own home, but for paragraph 7.1.2 (1) (a) — on the day the member obtains vacant possession of the home; and
- (b) otherwise — 6 weeks after the period begins.

13 Subclause 7.1.31 (5) (Entitlement to rent allowance)

substitute

- (5) In spite of appropriate living-in accommodation being available for the purposes of paragraph (4) (b) or (c), unless the CDF is of the opinion that it is essential for the

member to live in for service reasons, a member who chooses to live out is entitled to rent allowance if:

- (a) the member holds the rank of sergeant or a higher non-commissioned rank, or is an officer with the rank of Major or higher; or
 - (b) the member has an aggregate of 5 or more completed years of continuous full-time service; or
 - (c) only level 1, level 2 or level 3 living-in accommodation is available at the member's locality of posting.
- (6) For subclause (5), the CDF must have regard to:
- (a) the nature of the work performed by the member; and
 - (b) the proximity of rented dwellings at the locality to the member's place of work; and
 - (c) any other factor relevant to the member's service.

14 Clause 7.1.32 (Continued entitlement to rent allowance if suitable accommodation available)

substitute

7.1.32 Continued entitlement to rent allowance

- (1) If a member, other than a member with dependants (separated), purchases a suitable own home at the locality of posting, the member's entitlement to rent allowance ends on the earlier of the periods referred to in subclause 7.1.30 (2), as if that subclause applied to an entitlement to rent allowance.
- (2) If suitable accommodation otherwise becomes available for a member with dependants, the entitlement continues for 1 month or a longer period that the CDF considers reasonable.
- (3) For subclause (2), the CDF must have regard to:
 - (a) the remaining period of the member's posting; and
 - (b) the cost to the Commonwealth of providing the member with a removal to suitable accommodation; and
 - (c) the period required by the member to vacate the rented dwelling; and
 - (d) the minimum period allowed under a lease for the member to vacate the dwelling and any steps taken by the member to ensure the lease allowed the member to vacate within 1 month; and
 - (e) any other factor relevant to the member's accommodation.

15 Subclause 7.1.42 (1) (Specified contribution for member with dependants)

omit

member is eligible for a service residence

insert

member with dependants is eligible for a service residence under paragraph 7.1.28 (1) (a)

16 Subclause 7.1.42 (2) (Specified contribution for member with dependants)

omit

member (first occurring)

insert

member with dependants

17 Subclause 7.1.42 (3) (Specified contribution for member with dependants)

omit

member (first occurring)

insert

member with dependants

18 Subclause 7.1.42 (4) (Specified contribution for member with dependants)

omit

member (first occurring)

insert

member with dependants

19 Subclause 7.1.42 (5) (Specified contribution for member with dependants)

omit

member (first occurring)

insert

member with dependants

20 Subclause 7.1.42 (6) (Specified contribution for member with dependants)

omit

member (first occurring)

insert

member with dependants

21 Subclause 7.1.42 (7) (Specified contribution for member with dependants)

omit

member (first occurring)

insert

member with dependants

22 Subclauses 7.1.42 (8), (9) and (10) (Specified contribution for member with dependants)

omit

23 After clause 7.1.42

insert

7.1.42A Specified contribution for member without dependants

- (1) If a member without dependants is eligible for a service residence under paragraph 7.1.28 (1) (b), and occupies a service residence, the member must pay to the Commonwealth the specified contribution for the residence.
- (2) If a member without dependants is paying the specified contribution for a service residence and the residence is reclassified to a higher classification under clause 7.1.45, for the purposes of any consequential increase in the contribution payable by the member, the classification of the residence is taken to remain at the lower classification for 6 weeks after the residence is reclassified.
- (3) A member without dependants is not required to pay a contribution under this clause if the member is on a deployment.

7.1.42B Specified contribution if member and member's spouse are both members

- (1) If:
 - (a) a member's spouse is also a member; and
 - (b) the member or the member's spouse is a member with dependants; and
 - (c) the member or the member's spouse is a member with dependants (separated) under subclause 14.7 (6),only 1 contribution applies to the members jointly.
- (2) If one of the members under subclause (1) has a higher rank group than the other, the contribution applies to the member with the higher rank.
- (3) However, no contribution is payable by either member under subclause (1) if one of the members occupies a suitable own home.

24 Subparagraph 7.1.47 (a) (i) (Rent contribution)

omit

for the member's rank group

insert

for the member's rank group and accommodation arrangements

25 Paragraphs 7.1.47 (c), (d), (e), (f), and (g) (Rent contribution)

substitute

- (c) for a member without dependants who:
 - (i) is posted to a seagoing submarine; or
 - (ii) has been living under field conditions or on a seagoing ship for 21 days; or
 - (iii) is living under field conditions or on a seagoing ship for 21 days or more and continues living under those same arrangements after a return of up to 7 days to his or her accommodation; or
 - (iv) is on a deployment,
nil; and
- (d) for a member without dependants who is mentioned in paragraph 7.1.31 (5) (c) — the contribution mentioned in Part 6 of Schedule 9 for the member's rank and accommodation arrangements; and
- (e) for any other member without dependants — the contribution mentioned in Part 7 of Schedule 9 for the member's rank and accommodation arrangements.

26 Subclause 7.1.47 (2) (Rent contribution)

omit

27 Clause 7.1.49 (Rent ceiling)

substitute

- (1) A member with dependants may choose to have either the 2 or 3 bedroom rent ceiling apply, as appropriate for the member's rank.
- (2) For a member with dependants, the rent ceiling for a rented dwelling at the member's locality of posting is the amount mentioned in:
 - (a) if the member chooses to have a 3 bedroom rent ceiling apply — clause 1.1 of Part 1 of Schedule 9A; and
 - (b) if the member chooses to have a 2 bedroom rent ceiling apply — clause 1.2 of Part 1 of Schedule 9A; and
 - (c) if the member is entitled to occupy a residence of more than 3 bedrooms — clause 1.3 of Part 1 of Schedule 9A.
- (3) For a member other than a member with dependants, the rent ceiling for a rented dwelling at the member's locality of posting is the amount mentioned in:
 - (a) if the member is the sole occupant of the residence other than a member mentioned in paragraph (b) — Part 2 of Schedule 9A; and
 - (b) if the member is a sole occupant who is mentioned in paragraph 7.1.31 (5) (c) — Part 3 of Schedule 9A; and
 - (c) if the member is sharing with 1 other person — Part 3 of Schedule 9A; and
 - (d) if the member is sharing with 2 other persons — Part 4 of Schedule 9A; and
 - (e) if the member is sharing with 3 other persons — Part 5 of Schedule 9A.

28 Clause 7.1.50 (Rent ceiling for member other than member with dependants)

omit

29 Before subclause 7.1.52 (1) (Discretion to increase rent ceiling)

insert

(1A) This clause applies to a member, other than:

- (a) a member with dependants who chooses under paragraph 7.1.49 (2) (b) to have a 2 bedroom rent ceiling apply to the member's circumstances; or
- (b) a member without dependants or a member with dependants (separated), who is entitled to rent allowance under subclause 7.1.31 (5).

30 Parts 3 to 7 of Schedule 9 (Contributions for accommodation)

substitute

the Parts of the Schedule set out in Attachment A.

31 After Schedule 9

insert

the Schedule set out in Attachment B.

Part 3 Transitional provisions

32 Definitions

In this Part:

commencement day means the day on which this Determination commences.

Principal Determination means Defence Determination 2000/1, Conditions of Service.

33 Saving of former specified contribution

(1) In this clause:

former provisions means paragraph (b) of the definition of *specified contribution* in subclause 7.1.27 (1), and Part 7 of Schedule 9, of the Principal Determination as in force immediately before the commencement day.

new provisions means paragraphs (b) and (c) of the definition of *specified contribution* in subclause 7.1.27 (1), and Parts 4 and 5 of Schedule 9, of the Principal Determination as set out in this Determination and as amended from time to time.

(2) If a member's specified contribution for a service residence under the former provision is less than would be payable under the new provision, the former provision continues to apply to the member while the member occupies the service residence.

34 Saving of former rent ceilings

(1) In this clause:

former provision means clause 7.1.50 of the Principal Determination, as in force immediately before the commencement day.

new provision means clause 7.1.49 of the Principal Determination, as set out in this Determination and as amended from time to time.

- (2) If, before the commencement day, a member chose under the former provision to be on a rent ceiling lower than the rent ceiling applicable to the member's rank group, that lower rent ceiling will continue to apply unless the member chooses the rent ceiling appropriate to the member under the new provision, or until the posting ends (whichever occurs first).

35 Eligibility established under former provisions

- (1) In this clause:

former provisions means Part 1 of Chapter 7 of the Principal Determination, as in force immediately before the commencement day.

new provisions means Part 1 of Chapter 7 of the Principal Determination, as amended by this Determination.

- (2) A member is taken to comply with the eligibility conditions set out in the new provisions in order to qualify for an entitlement or incur a liability in relation to housing assistance, and any related approval, authority, instruction or direction is taken to have been given, issued or granted under and for the purposes of the new provisions, if, before the commencement day, the member complied with eligibility conditions set out in the former provisions (whether the compliance was established as the result of an approval, an authority, an instruction or a direction given, issued or granted under or for the purposes of the former provisions or was otherwise established under the former provisions).
- (3) Subclause (2) is not to apply to a member after:
- (a) the member vacates the residence or other form of accommodation for which the member is entitled to housing assistance on the commencement day; or
 - (b) the member and any dependants depart from the locality of posting at which the member is serving on the commencement day, whichever occurs first.
- (4) Nothing in subclause (2) is taken to preserve or maintain after the commencement day the monetary amount or value of a member's entitlements or liabilities applicable to the member as the result of assessment of the member's eligibility under the former provisions, and with effect from that day the monetary amount or value of any such entitlements or liabilities is to be regulated by the new provisions, to the extent that any of those provisions applies to the member.

NOTE

1. Defence Determination 2000/1 as amended to date. For previous amendments see Note to Defence Determination 2001/1 and see also Determinations 2001/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26. The Determination has also been amended by Determination No. 3 of 2001 made under section 58H.

ATTACHMENT A

Part 3 Specified contribution for a service residence and contribution for rent allowance – member with dependants

Column 1	Column 2	Column 3	Column 4	Column 5
Rank group	Rank	Classification of residence	Contribution for a residence with 2 bedrooms (\$ a week)	Contribution for a residence with 3 or more bedrooms (\$ a week)
1	Major General or higher	Class E	224.90	249.90
2	Colonel, Brigadier	Class D	172.80	192.00
3	Major, Lieutenant Colonel	Class C	141.10	156.80
4	Warrant Officer Class 1, Warrant Officer Class 2, Second Lieutenant, Lieutenant, Captain	Class B2	127.40	141.50
5	Sergeant, Staff Sergeant	Class B1	112.20	124.70
6	Corporal or lower, trainee	Class A	93.70	104.10
	Major or lower	Class 1A*	83.70	93.00
	Major or lower	Class 1AA*	73.20	81.30

*Note: the last 2 items in the above table apply to members with the specified rank who occupy service residences classified as class 1A or 1AA.

Part 4 Specified contribution for a service residence – member without dependants not sharing

Column 1	Column 2	
	Residence with 2 bedrooms	Residence with 3 or more bedrooms
Classification of residence	\$ a week	\$ a week
E	224.90	249.90
D	172.80	192.00
C	141.10	156.80
B2	127.40	141.50
B1	112.20	124.70
A	93.70	104.10
1A	83.70	93.00
1AA	73.20	81.30

Part 5 Specified contribution for a service residence – member without dependants sharing

Column 1 Description of member	Column 2	
	Member sharing with 1 other person	Member sharing with 2 or more persons
	\$ a week	\$ a week
Colonel or higher	86.40	64.00
Major, Lieutenant Colonel	70.60	52.30
Warrant Officer, Captain or lower officer rank (other than trainee)	63.70	47.20
Non-commissioned officer, other than Warrant Officer	56.10	41.60
Corporal or lower, trainee	46.80	34.70

Part 6 Contribution for rent allowance – member without dependants mentioned in paragraph 7.1.31 (5) (c)

Column 1 Description of member	Column 2	
	Member not sharing, or sharing with 1 other person	Member sharing with 2 or more persons
	\$ a week	\$ a week
Colonel or higher	86.40	64.00
Major, Lieutenant Colonel	70.60	52.30
Warrant Officer, Captain or lower officer rank (other than trainee)	63.70	47.20
Non-commissioned officer, other than Warrant Officer	56.10	41.60
Corporal or lower, trainee	46.80	34.70

Part 7 Contribution for rent allowance – member without dependants, other than a member without dependants to whom Part 6 applies

Column 1 Description of member	Column 2		
	Member not sharing	Member sharing with 1 other person	Member sharing with 2 or more persons
	\$ a week	\$ a week	\$ a week
Colonel or higher	124.80	86.40	64.00
Major, Lieutenant Colonel	101.90	70.60	52.30
Warrant Officer, Captain or lower officer rank (other than trainee)	92.00	63.70	47.20
Non-commissioned officer, other than Warrant Officer	81.10	56.10	41.60
Corporal or lower, trainee	67.70	46.80	34.70

ATTACHMENT B

Schedule 9A Rent ceilings

Part 1 Member with dependants

1.1 Rate where member chooses to have a 3 bedroom rent ceiling apply

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Locality	Corporal or lower, trainee	Sergeant, Staff Sergeant	Warrant Officer Class 1 and 2, Officers below Major	Major, Lieutenant Colonel	Colonel, Brigadier
	\$ a week				
ACT-Queanbeyan	245	265	280	295	400
Adelaide	190	205	220	230	315
Albury/Wodonga	200	215	230	240	325
Alice Springs	305	330	350	375	505
Brisbane	205	225	235	255	340
Cairns	270	290	305	330	440
Darwin	280	305	320	340	460
Frankston	210	225	240	255	345
Glenbrook/Richmond	245	265	285	300	405
Gold Coast	200	215	230	240	325
Holsworthy	320	345	365	390	525
Ipswich	180	195	210	220	300
Katherine	335	360	380	405	550
Melbourne	245	265	280	295	400
Mornington	190	210	220	235	315
Newcastle/Raymond Terrace	200	215	230	245	330
Nowra	190	205	215	230	310
Perth	250	270	285	305	415
Queenscliff	210	230	240	260	345
Rockhampton	205	225	240	265	360
Rockingham	150	165	175	185	250
Sale	220	240	250	270	360
Seymour	165	180	190	205	285
Singleton	210	225	240	255	345
Sydney	400	435	460	490	660
Tamworth	225	240	255	270	365
Tasmania	160	175	185	195	265
Toowoomba/Oakey	190	205	220	230	315
Townsville	240	260	275	295	400
Wagga Wagga	200	215	225	240	325
Wollongong	285	310	325	350	470

1.2 Rate where member chooses to have a 2 bedroom rent ceiling apply

If a member chooses to have a 2 bedroom rent ceiling apply, the rent ceiling that applies (in the above table) is reduced by 10 per cent.

Note: The effect of this is to apply the rates set out in Part 2 to the member.

1.3 Rate where residence has more than 3 bedrooms

For a residence with 4 or more bedrooms, the rent ceiling (in the above table) is increased by 10 per cent for each additional bedroom.

Part 2 Member other than a member with dependants who is a sole occupant and to whom Part 3 does not apply

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Locality	Corporal or lower, trainee	Sergeant, Staff Sergeant	Warrant Officer Class 1 and 2, Officers below Major	Major, Lieutenant Colonel	Colonel, Brigadier
\$ a week					
ACT-Queanbeyan	221	239	252	266	360
Adelaide	171	185	198	207	284
Albury/Wodonga	180	194	207	216	293
Alice Springs	275	297	315	338	455
Brisbane	185	203	212	230	306
Cairns	243	261	275	297	396
Darwin	252	275	288	306	414
Frankston	189	203	216	230	311
Glenbrook/Richmond	221	239	257	270	365
Gold Coast	180	194	207	216	293
Holsworthy	288	311	329	351	473
Ipswich	162	176	189	198	270
Katherine	302	324	342	365	495
Melbourne	221	239	252	266	360
Mornington	171	189	198	212	284
Newcastle/Raymond Terrace	180	194	207	221	297
Nowra	171	185	194	207	279
Perth	225	243	257	275	374
Queenscliff	189	207	216	234	311
Rockhampton	185	203	216	239	324
Rockingham	135	149	158	167	225
Sale	198	216	225	243	324
Seymour	149	162	171	185	257
Singleton	189	203	216	230	311
Sydney	360	392	414	441	594
Tamworth	203	216	230	243	329
Tasmania	144	158	167	176	239
Toowoomba/Oakey	171	185	198	207	284
Townsville	216	234	248	266	360
Wagga Wagga	180	194	203	216	293
Wollongong	257	279	293	315	423

Part 3 Member other than member with dependants who is sharing with 1 other person or who is a sole occupant who has chosen to live out under paragraph 7.1.31 (5) (c)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Locality	Corporal or lower, trainee	Sergeant, Staff Sergeant	Warrant Officer Class 1 and 2, Officers below Major	Major, Lieutenant Colonel	Colonel, Brigadier
	\$ a week				
ACT-Queanbeyan	110	119	126	133	180
Adelaide	86	92	99	104	142
Albury/Wodonga	90	97	104	108	146
Alice Springs	137	149	158	169	227
Brisbane	92	101	106	115	153
Cairns	122	131	137	149	198
Darwin	126	137	144	153	207
Frankston	95	101	108	115	155
Glenbrook/Richmond	110	119	128	135	182
Gold Coast	90	97	104	108	146
Holsworthy	144	155	164	176	236
Ipswich	81	88	95	99	135
Katherine	151	162	171	182	248
Melbourne	110	119	126	133	180
Mornington	86	95	99	106	142
Newcastle/Raymond Terrace	90	97	104	110	149
Nowra	86	92	97	104	140
Perth	113	122	128	137	187
Queenscliff	95	104	108	117	155
Rockhampton	92	101	108	119	162
Rockingham	68	74	79	83	113
Sale	99	108	113	122	162
Seymour	74	81	86	92	128
Singleton	95	101	108	115	155
Sydney	180	196	207	221	297
Tamworth	101	108	115	122	164
Tasmania	72	79	83	88	119
Toowoomba/Oakey	86	92	99	104	142
Townsville	108	117	124	133	180
Wagga Wagga	90	97	101	108	146
Wollongong	128	140	146	158	212

Part 4 Member other than member with dependants who is sharing with 2 other persons

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Locality	Corporal or lower, trainee	Sergeant, Staff Sergeant	Warrant Officer Class 1 and 2, Officers below Major	Major, Lieutenant Colonel	Colonel, Brigadier
\$ a week					
ACT-Queanbeyan	82	88	93	98	133
Adelaide	63	68	73	77	105
Albury/Wodonga	67	72	77	80	108
Alice Springs	102	110	117	125	168
Brisbane	68	75	78	85	113
Cairns	90	97	102	110	147
Darwin	93	102	107	113	153
Frankston	70	75	80	85	115
Glenbrook/Richmond	82	88	95	100	135
Gold Coast	67	72	77	80	108
Holsworthy	107	115	122	130	175
Ipswich	60	65	70	73	100
Katherine	112	120	127	135	183
Melbourne	82	88	93	98	133
Mornington	63	70	73	78	105
Newcastle/Raymond Terrace	67	72	77	82	110
Nowra	63	68	72	77	103
Perth	83	90	95	102	138
Queenscliff	70	77	80	87	115
Rockhampton	68	75	80	88	120
Rockingham	50	55	58	62	83
Sale	73	80	83	90	120
Seymour	55	60	63	68	95
Singleton	70	75	80	85	115
Sydney	133	145	153	163	220
Tamworth	75	80	85	90	122
Tasmania	53	58	62	65	88
Toowoomba/Oakey	63	68	73	77	105
Townsville	80	87	92	98	133
Wagga Wagga	67	72	75	80	108
Wollongong	95	103	108	117	157

Part 5 Member other than a member with dependants who is sharing with 3 other persons

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Locality	Corporal or lower, trainee	Sergeant, Staff Sergeant	Warrant Officer Class 1 and 2, Officers below Major	Major, Lieutenant Colonel	Colonel, Brigadier
	\$ a week				
ACT-Queanbeyan	68	74	78	82	112
Adelaide	53	57	61	64	88
Albury/Wodonga	56	60	64	67	91
Alice Springs	85	92	98	105	141
Brisbane	57	63	66	71	95
Cairns	75	81	85	92	123
Darwin	78	85	89	95	128
Frankston	59	63	67	71	96
Glenbrook/Richmond	68	74	80	84	113
Gold Coast	56	60	64	67	91
Holsworthy	89	96	102	109	146
Ipswich	50	54	59	61	84
Katherine	93	100	106	113	153
Melbourne	68	74	78	82	112
Mornington	53	59	61	66	88
Newcastle/Raymond Terrace	56	60	64	68	92
Nowra	53	57	60	64	86
Perth	70	75	80	85	116
Queenscliff	59	64	67	73	96
Rockhampton	57	63	67	74	100
Rockingham	42	46	49	52	70
Sale	61	67	70	75	100
Seymour	46	50	53	57	80
Singleton	59	63	67	71	96
Sydney	112	121	128	137	184
Tamworth	63	67	71	75	102
Tasmania	45	49	52	54	74
Toowoomba/Oakey	53	57	61	64	88
Townsville	67	73	77	82	112
Wagga Wagga	56	60	63	67	91
Wollongong	80	86	91	98	131

Note: The above amounts are the ceilings applicable to an individual member, where there are 4 persons sharing a house, and are calculated by adding 10% to the 3 bedroom ceilings set out in Part 1, and dividing by 4 (see clause 1.3 of Part 1 of Schedule 9A). Where there are more than 4 occupants in a house, the appropriate ceiling for each member is calculated by adding 10% for each bedroom to the relevant 3 bedroom ceiling, and dividing by the number of occupants. For example, where 5 occupants share a house, the ceiling would be the 3 bedroom ceiling plus 20%, divided by 5.

EXPLANATORY STATEMENT

Defence Determination 2001/27

This Determination amends Defence Determination 2000/1, Conditions of Service (the Principal Determination), made under section 58B of the *Defence Act 1903*. Part 1 of Chapter 7 of the Principal Determination sets out provisions dealing with housing assistance for members of the Australian Defence Force (ADF).

The main purpose of this Determination is to modify the ADF housing assistance scheme by:

- providing a wider choice of housing assistance to members without dependants and members with dependants (separated);
- setting out the revised member contributions which apply to the new housing assistance choices;
- setting out the rent ceilings (ie maximum allowable rents) that apply to rent allowance as monetary amounts in a new schedule to the Principal Determination, rather than as amounts calculated under a complex formula set out in the Principal Determination; and
- making other miscellaneous drafting improvements.

As a result of these changes, members with dependants can now also choose to have either a 2 bedroom or 3 bedroom rent ceiling and pay the appropriate contribution.

Prior to this Determination, the housing assistance available to members without dependants (ie single members) and members with dependants (separated) (ie members with dependants who are unaccompanied on their current posting) was limited to living-in accommodation (ie barrack-type accommodation), unless there was no appropriate living-in accommodation available for the member — in which case the member was entitled to rent allowance.

Additionally, in spite of living-in accommodation being available, members were entitled to optional rent allowance if they chose to live out where, for members with a rank below Major, only basic (level 1 or 2) living-in accommodation was available — or, for members with a rank of Major or above, only level 1, 2 or 3 living-in accommodation was available. (These levels refer to the 5-level grading scheme for such accommodation.)

This Determination makes the appropriate changes to enable these members to have access to a wider range of housing assistance by providing that, where there is no requirement to live in:

- members with the equivalent rank of Sergeant to Warrant Officer, or Major and above, and members with an aggregate of 5 or more completed years of continuous full-time service, are eligible for full rent allowance or can elect to occupy a service residence if one is available, irrespective of the level of living-in accommodation available; and

- members with the equivalent rank of Private to Corporal, or Second Lieutenant to Captain (in the Army), are eligible for partial rent allowance or can elect to occupy a service residence if one is available, if only the more basic (level 1, 2 or 3) living-in accommodation is available.

Part 1 of this Determination sets out preliminary matters.

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

Clause 2 provides for this Determination to commence on 25 October 2001, the first day of the next pay period following its signature.

Part 2 of this Determination includes all the amendments to the Principal Determination.

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

Clause 4 inserts a provision authorising reimbursement of compulsory mess charges for members who occupy living-in accommodation in circumstances where they would otherwise be entitled to temporary accommodation allowance.

Clauses 5 and 6 amend the definition of *specified contribution* to authorise the contribution that will apply where a member without dependants occupies a service residence, either alone or with other members.

Clause 7 makes a minor amendment to a provision dealing with eligibility for service residences, the effect of which is to include members with dependants (separated) in this aspect of the scheme.

Clause 8 amends a provision dealing with time limits on continued eligibility for a service residence where a member purchases a suitable own home. The effect of the amendment is to apply the same time limits to all members, other than members with dependants (separated).

Clauses 9, 10 and 11 make a similar minor drafting amendment to different areas of a provision dealing with entitlement to rent allowance.

Clause 12 amends a provision defining the beginning and end of an initial qualifying period for rent allowance. The main effect of the amendment is to make it irrelevant whether a member with dependants (separated) owns a suitable own home in his or her posting locality, in assessing the member's eligibility for rent allowance. The amendment also omits a provision about purchase of a suitable own home at the locality of posting, which affects members' continued entitlement to rent allowance rather than their initial entitlement; this provision is reinserted at a more appropriate place under the amendment made by clause 14.

Clause 13 replaces a subclause dealing with rent allowance entitlement for members who choose to live out. The two new subclauses set out the circumstances in which members may choose to live out and receive rent allowance, and provide a discretion which identifies those cases in which a member must live in for service reasons, and therefore cannot choose to live out.

Clause 14 substitutes a modified provision dealing with continued entitlement in certain circumstances for members in receipt of rent allowance. The modifications:

- include the relocated provision about the effect of purchasing a suitable own home at the locality of posting (see clause 12 above);
- make it irrelevant whether a member with dependants (separated) purchases a suitable own home in his or her locality of posting, in determining the member's continued eligibility for rent allowance; and
- omit a redundant provision outlining certain circumstances in which the entitlement ceases for members without dependants and members with dependants (separated), as those circumstances will no longer apply.

Clauses 15 to 21 inclusive amend a provision which requires members to pay a weekly contribution for a service residence. The amendments restrict the application of the provision to members with dependants. A separate provision for members without dependants is inserted by clause 23 (see below).

Clause 22 omits three subclauses about weekly contributions for members with dependants, where the member's spouse is also a member. (Clause 23 reinserts the omitted subclauses without change, as a stand-alone provision.)

Clause 23 inserts two provisions which:

- specify the weekly contribution a member without dependants must pay for the service residence occupied, and the effect on the contribution of any reclassification of the residence, or the member's being on a deployment; and
- include the relocated provisions omitted by clause 22.

Clause 24 makes a minor drafting amendment to a schedule reference in a provision authorising rent contributions for members with dependants. The amendment recognises that the relevant part of the schedule (substituted by clause 30) now includes criteria relating to members' accommodation arrangements.

Clause 25 makes consequential changes to the rent contribution provision, by removing aspects made redundant by the new housing arrangements and by specifying the appropriate contribution for members relevant to their rank and accommodation arrangements.

Clause 26 omits a redundant subclause of the provision dealing with rent contributions. The effect of this subclause (which dealt with the effect of rent received from other persons who share the dwelling) was subsumed into subclause (1) of the provision by Defence Determination 2001/18 of 28 June 2001.

Clause 27 simplifies a provision authorising rent ceilings, by omitting a complex formula and substituting references to the new schedule of rent ceilings inserted by clause 31. This creates certainty about these ceilings on the face of the instrument.

Clause 28 omits a redundant provision formerly setting out rent ceilings for members other than members with dependants. These rent ceilings are now also included in the simplified provision and the new schedule.

Clause 29 amends a provision which authorises the Chief of the Defence Force to increase rent ceilings in certain circumstances. The amendment inserts an application subclause which excludes certain members from the scope of the provision. The members in question are those who have exercised a choice for certain forms of housing assistance.

Clause 30 substitutes the revised contributions for accommodation set out in certain Parts of Schedule 9 to the Principal Determination.

Clause 31 inserts a new Schedule 9A, which sets out the monetary amounts of the rent ceilings applicable to members and their accommodation arrangements, as appropriate (see clause 27 above).

Criteria are provided for the exercise of discretions under the Principal Determination, as amended by Part 2 of this Determination. Adverse decisions are subject to merits review under the ADF redress of grievance system, culminating in an appeal to the Defence Force Ombudsman.

Part 3 of this Determination sets out transitional provisions.

Clause 32 defines certain terms used in the Part.

Clause 33 ensures that a member's weekly contributions for service residences are not subject to the new provisions of the Principal Determination unless they would be reduced. If they would be increased, the contributions remain subject to the former provisions while the member occupies the service residence.

Clause 34 relates to the rent ceilings applicable to members (other than members with dependants) who choose under the former provision of the Principal Determination to be on a rent ceiling lower than the rent ceiling applicable to their rank group. It ensures that the lower rent ceiling continues to apply unless such members opt for the higher rent ceiling available under the new provision, or leave their current posting.

Clause 35 maintains the compliance of a member with the eligibility conditions for a housing-related entitlement or liability under the former provisions of the Principal Determination, while not maintaining the monetary amount or value of the member's former entitlement or liability. This provision operates for a finite period, until the member vacates the current dwelling for which housing assistance is received, or leaves the current locality of posting.

Authority: Section 58B of the
Defence Act 1903