



Defence Determination 2001/28

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 26 October 2001

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

1 Citation

This Determination is Defence Determination 2001/28, Housing assistance.

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

2 Amendment

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

3 Subclause 4.7.7 (1) (Reimbursement for sale of home or subsequent purchase)

omit

for the sale of a home

insert

for the sale of a home in which the member or dependants (if any) live at the time of posting

4 Part 6 (Air-conditioning allowance)

add at the end

6.6.7 Entitlement to be discounted for non-dependant occupants

- (1) An entitlement under this Part is to be discounted if the service residence is shared with an adult who is not a dependant of the member.
- (2) The amount of allowance to which the member would, but for this clause, be entitled is to be reduced by dividing that amount by the number of adults (other than dependants) who occupy the service residence during the relevant period.

Example

A member initially entitled to \$100 air-conditioning allowance per month over the relevant period, who shares a house with one other person over that period, would divide the \$100 per month initial entitlement by the 2 people in the household to calculate the discounted entitlement amount. The member would thus be entitled to \$50 per month air-conditioning allowance.

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

substitute

- (1) This clause applies to a member if the member or dependants (if any) are unable to obtain suitable accommodation that is available:
 - (a) at the member's locality of posting; and
 - (b) during the relevant period; andwhere the inability to obtain suitable accommodation is not the member's own fault.
- (1A) This clause also applies to a member if, in addition to subclause (1):
 - (a) the member or dependants (if any) reject an offer of suitable accommodation; and
 - (b) the accommodation can be reallocated within 1 month of the date of the offer.

6 Clause 7.1.41A (Food allowance for a member with dependants (separated))

substitute

A member with dependants (separated) is entitled to an allowance at the rate of \$64.10 a week for food, except when:

- (a) the member is entitled, for more than 1 day, to an amount or allowance for meals (however described) from the Commonwealth, or meals at Commonwealth expense; or
- (b) the member has been on leave for a period longer than 1 week; or
- (c) the member is eligible for temporary accommodation allowance but has not yet occupied a serviced apartment for 1 week.

Note: For members without dependants (separated) who occupy a serviced apartment, paragraph 7.1.41A (c) defers the entitlement to this allowance for 1 week. This is because a lump sum food allowance is payable for the first week spent in a serviced apartment under subclause 7.1.15 (5).

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, 26 and 27. The Determination has also been amended by Determination No. 3 of 2001 made under section 58H.

EXPLANATORY STATEMENT

Defence Determination 2001/28

This Determination amends Defence Determination 2000/1, Conditions of Service (the Principal Determination), made under section 58B of the *Defence Act 1903*.

The main purpose of this Determination is to provide a number of minor amendments for the streamlined and accountable payment of housing assistance allowances.

Clause 3 amends Part 7 of Chapter 4 of the Principal Determination, which deals with reimbursement of sale or purchase costs incurred due to a member's posting to a new locality. The amendment is a minor change to make it clearer that the relevant sale costs would be those incurred for the home in which the member or dependant is living.

Clause 4 amends Part 6 of Chapter 6 of the Principal Determination, which authorises air-conditioning allowance. The amendment inserts a new provision to allow the allowance to be discounted where a member resides in shared accommodation. The discount is an amount proportional to the number of other adult, non-dependant persons in the residence, who are able to contribute to such household costs.

Clause 5 amends Part 1 of Chapter 7 of the Principal Determination, which sets out provisions dealing with housing assistance for members of the Australian Defence Force. The amendment is intended to make the application of the clause relating to rent allowance clearer. It is a technical amendment only, aimed at simplifying the provision.

Clause 6 also amends Part 1 of Chapter 7 of the Principal Determination. The amendment broadens the entitlement to food allowance beyond certain members who are entitled to rent allowance. Members with dependants who are required to live separately for duty purposes now have access to a wider range of housing assistance circumstances. The entitlement to food allowance for such members is restricted in a range of clearly described circumstances.

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

Authority: Section 58B of the
Defence Act 1903