



Defence Determination 2017/42, Living-in accommodation – amendment

I, PHILLIP JOHN HOGLIN, Acting Assistant Secretary, People Policy and Employment Conditions, make the following Determination under section 58B of the *Defence Act 1903*.

Dated 14 December 2017

Acting Assistant Secretary
People Policy and Employment Conditions
Defence People Group

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Defence Determination 2016/19, Conditions of service

1 Name

This instrument is the *Defence Determination 2017/42, Living-in accommodation – amendment*.

2 Commencement

This instrument commences 25 January 2018.

3 Authority

This instrument is made under section 58B of the *Defence Act 1903*

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Living-in accommodation – amendment
Defence Determination 2016/19, Conditions of service

- 1 Subsection 7.4.29.2 (Higher contribution for single bedroom apartments – Homebush and North Strathfield)**
Omit "\$265.70", substitute "\$267.03".

- 2 Annex 7.4.B (Rates of contribution for living-in accommodation)**
Omit the Annex, substitute:

Annex 7.4.B: Rates of contribution for living-in accommodation

Item	If the member's rank is...	and the number of beds in the room is...	then their contribution to living-in accommodation each fortnight is (\$)...				
			Level 1	Level 2	Level 3	Level 4	Level 5
1.	Major or higher	-	118.36	132.90	185.20	203.86	267.03
2.	Captain or lower officer rank (other than member described by item 5)	one	118.36	132.90	185.20	203.86	222.53
		two	59.17	66.45	92.61	101.93	111.26
		three	39.45	44.30	61.74	67.95	74.17
		four or more	nil				
3.	Sergeant or higher non-commissioned rank, Warrant Officer	one	105.31	118.92	167.47	195.00	222.53
		two	52.66	59.46	83.74	97.50	111.26
		three	35.10	39.64	55.83	64.99	74.17
		four or more	nil				
4.	Corporal or lower	one	93.06	99.75	151.85	181.96	212.09
		two	46.52	49.87	75.92	91.58	106.04
		three	31.02	33.26	50.61	60.66	70.69
		four or more	nil				
5.	A member paid salary under Schedule B.13 of DFRT Determination No. 2 of 2017, <i>Salaries</i> . Exception: Normal entry recruit during basic recruit training	one	93.06				
		two	46.52				
		three	31.02				
		four or more	nil				
6.	Normal entry recruit during basic recruit training	one or more	nil				

3 Subsection 7.9.6.3 (Fortnightly meal charges)

Omit "\$180.00", substitute "\$195.00".

4 Paragraph 7.9.8.b (Casual meal charges)

Omit "\$7.00", substitute "\$7.50".

5 Paragraph 7.9.8.c (Casual meal charges)

Omit "\$6.00", substitute "\$7.00".

6 Subsection 7.10.9.1 (Contribution for utilities – member living in)

Omit "\$44.18", substitute "\$48.11".

EXPLANATORY STATEMENT

Defence Determination 2017/42

This Determination amends Defence Determination 2016/19, Conditions of service (the Principal Determination), made under section 58B of the *Defence Act 1903* (the Defence Act) and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (AIA Act). Determinations made under section 58B of the Defence Act are disallowable legislative instruments subject to the *Legislation Act 2003*. These instruments are also subject to the interpretation principles in the AIA Act, as modified by section 58B of the Defence Act.

Chapter 7 of the Principal Determination sets out provisions dealing with housing and meals for members of the Australian Defence Force (ADF).

The purpose of this Determination is to set out revised rates of contribution that members must make for their living-in accommodation. Living-in accommodation is a type of military accommodation that is provided for some single members, or members who do not have their families with them.

Section 1 of this Determination sets out the name of this Determination.

Section 2 provides that this instrument commences on 25 January 2018.

Section 3 provides that this instrument has authority under section 58B of the *Defence Act 1903*.

Section 4 provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1 amends the Defence Determination 2016/19, Conditions of service

Section 1 amends subsection 7.4.29.2 of the Principal Determination, which provides the rental contribution a member must make towards single bedroom apartment accommodation in Homebush or North Strathfield. The fortnightly contribution is increased from \$265.70 to \$267.03. The adjustment reflects a 0.5% increase in the 'rents' sub-component of the Consumer Price Index over the 12 month period September 2016 to September 2017.

Section 2 omits and substitutes Annex.7.4.B of the Principal Determination, which sets out a schedule of living-in accommodation contribution rates for members. Rates have been increased by 0.5% in line with the 'rents' sub-component of the Consumer Price Index over the 12 month period September 2016 to September 2017.

Section 3 amends subsection 7.9.6.3 of the Principal Determination, which provides the fortnightly meal contribution for a member who regularly dines in the mess. The rate is increased from \$180.00 to \$195.00. The member contribution amount is set at half the average cost to Defence during Financial Year 2016-17. The fortnightly contribution rate is the total casual meal charge for a day (three meals), provided under section 7.9.8 of the Principal Determination multiplied by 10.

Sections 4 and 5 amend paragraphs 7.9.8.b and 7.9.8.c of the Principal Determination respectively. The section provides the amount a member must contribute for breakfast, lunch and dinner in a mess on a casual basis. The breakfast rate remains unchanged, the lunch rate is increased from \$7.00 to \$7.50 and the dinner rate is increased from \$6.00 to \$7.00. The member contribution amounts are set at half the average cost to Defence during Financial Year 2016-17.

Section 6 amends subsection 7.10.9.1 of the Principal Determination, which provides the fortnightly contribution a member who lives in must pay towards the cost of utilities. The fortnightly contribution is increased from \$44.18 to \$48.11. This adjustment reflects an 8.9% increase in the 'utilities' sub-component of the Consumer Price Index over the 12 month period September 2016 to September 2017.

Consultation

Consultation is not considered necessary in the annual review of Living-in accommodation contribution rates, meal contributions or the utilities paid by members who live in as this process falls within the bounds of the routine annual review process. The data used is provided by recognised data providers and the adjustments are made according to established policy.

Authority: Section 58B of the
Defence Act 1903

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Defence Determination 2017/42, Living-in accommodation – amendment

This Determination is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Determination

The purpose of this Determination is to set out revised rates of contribution that members must make for their living-in accommodation. Living-in accommodation is a type of military accommodation that is provided for some single members, or members who do not have their families with them.

Human rights implications

Right to an adequate standard of living.

The person's right to an adequate standard of living engages article 11 of the International Covenant on Economic, Social and Cultural Rights. Article 11 ensures the realisation of this right, recognising to this effect the essential importance of an adequate standard of living. This includes housing.

Legitimate objective: ADF members may be required to live in on a military base to satisfy an operational, training or duty of care requirement. This could limit the standard of accommodation available to members. It could also cause a member to be separated from their family.

Reasonable, necessary and proportionate: Living-in accommodation is provided to meet the operational, training and duty of care responsibilities of Defence. Members are required to make contributions towards their living-in accommodation. The subsidy the Commonwealth provides is 60% for Level 1 and Level 2 accommodation and 50% for Level 3, Level 4 and Level 5 accommodation. These subsidy levels differ to recognise the difference in age and quality of the accommodation. The rates in this Determination have been adjusted to reflect changes in the Consumer Price Index. This also helps maintain the value of the Commonwealth subsidy as a proportion of the costs. The changes in this Determination assist members in maintaining their right to an adequate standard of living by providing them with financial assistance towards the cost of accommodation, utilities and meals.

Conclusion

This Determination is compatible with human rights because to the extent that it may limit human rights, those limitations are reasonable, necessary and proportionate.

Phillip John Hoglin, Acting Assistant Secretary People Policy and Employment Conditions