



Defence Act 1903

Defence Determination 1999/61

I, FELIX BLEESER, Acting Director General Personnel Policy and Employment Conditions, Defence Personnel Executive, acting under a delegation made by the Minister for Defence under regulation 72A of the Defence Force Regulations, make the following Determination under section 58B of the *Defence Act 1903*.

Dated 23 December 1999

F. BLEESER
Acting Director General
Personnel Policy and Employment Conditions
Defence Personnel Executive

PART A – Preliminary

1. Citation

1.1 This Determination may be cited as Defence Determination 1999/61, Housing assistance (Defence Determinations 1999/21 and 1999/22 – Amendment).

2. Commencement

2.1 Clauses 4, 5, 6, 7, 8 and 9 commence on 6 January 2000.

[NOTE: The remaining provisions of this Determination commence on the day on which it is made: see *Defence Act 1903*, subsection 58B(4).]

PART B – Amendment of Defence Determination 1999/21

3. Amendment

3.1 Defence Determination 1999/21, Housing Assistance, as amended¹, is amended as set out in this Part.

4. Clause 4 (Interpretation)

4.1 Definition of “suitable accommodation”, paragraph (b):
After “appropriate living-in accommodation”, insert “, the member’s suitable own home”.

5. Clause 5 (Suitable own home)

5.1 Subclause 5.1:
Omit “a member with dependants”, substitute “the member”.

6. Clause 16 (Entitlement to allowance)

6.1 Subparagraph 16.1(b)(ii):
Omit “the member is a member with dependants or a member with dependants (separated) and chooses”, substitute “the member chooses”.

7. Clause 25 (Application)

7.1 After subclause 25.1, insert:

“25.1A A member without dependants is eligible for living-in accommodation if the member does not own a suitable own home at the member’s locality of posting.”.

7.2 Add at the end:

“25.4 If a member without dependants lives in and the member purchases a suitable own home at the locality of posting, the member’s eligibility for living-in accommodation continues until the earlier of:

- (a) 3 months after the date of purchase; and
- (b) 1 week after the date of settlement.”.

8. Clause 29 (Purpose)

8.1 Paragraph 29.1(b):

Omit the paragraph, substitute:

“(b) to assist with the cost of renting a dwelling where a member does not have a suitable own home in the locality of posting and has not been allocated a suitable service residence or appropriate living-in accommodation.”.

9. Clause 34 (Entitlement to rent allowance)

9.1 Paragraph 34.4(b):

Omit “appropriate living-in accommodation”, substitute “appropriate living-in accommodation or the member’s suitable own home”.

10. Clause 45 (Specified contribution)

10.1 After subclause 45.5, insert:

“45.5AA In spite of subclause 45.5, a member must pay the specified contribution for the appropriate classification of service residence for the member, if:

- (a) the service residence that the member occupies has a classification 1 class below the appropriate classification for the member; and
- (b) in the opinion of the CDF, the service residence has at least 1 bedroom more than is necessary for the accommodation of the member and any dependants, having regard to:
 - (i) the number of bedrooms; and
 - (ii) the number, age, sex and circumstances of any dependants.”.

11. Clause 60 (Contribution for water)

11.1 Omit the clause, substitute:

“60.1 A contribution for water of \$3.40 a week is payable for a service residence, regardless of the number of members or former members who occupy the service residence.”.

12. Clause 65 (Contribution for meals where member living-in)

12.1 Subclauses 65.2 and 65.3:

Omit the subclauses, substitute:

“65.2 A member:

- (a) sharing living-in accommodation; or
- (b) with dependants (separated),

who is not required to pay any contribution for living-in accommodation, must pay a contribution for meals at the rate and for the periods that would apply if the member were required to pay a contribution for living-in accommodation.

“65.3 Subclause 65.2 does not apply to a member with dependants (separated) who is, or is expected to be, at the locality for a period that is not long enough for the member to qualify for a removal of dependants to the locality.”.

PART C – Amendment of Defence Determination 1999/22

13. Amendment

13.1 Defence Determination 1999/22, Housing Assistance (Repeal and Consequential Amendments), is amended as set out in this Part.

14. Clause 31 (Definitions):

14.1 Definition of “former determination”, paragraph (a):

Omit “Defence Determination 1999/30”, substitute “Defence Determination 1998/30”.

NOTE

1. Defence Determination 1999/21, as amended by Defence Determination 1999/25.

EXPLANATORY STATEMENT

Defence Determination 1999/61

Defence Act 1903

This Determination makes various amendments to Defence Determination 1999/21, Housing Assistance (the Principal Determination), which sets out the entitlement of members of the Australian Defence Force to housing assistance. It also makes a minor drafting correction to Defence Determination 1999/22 which made consequential amendments to Defence Determinations affected by the commencement of Defence Determination 1999/21.

The first amendments to the Principal Determination are contained in clauses 4, 5, 6, 7, 8 and 9 of this Determination. These clauses align the treatment of members without dependants with that of members with dependants in situations where the member has an own home in the posting locality. The effect of this is that members without dependants (in line with the situation of members with dependants) will no longer receive housing assistance if they have a suitable own home at their posting locality. These amendments will commence on 6 January 2000, as initially announced to members in April 1998 and again in November 1999.

The second of the amendments to the Principal Determination is to clause 45. That clause provides that a member occupying a service residence with a classification lower than the appropriate classification for the member is only required to pay the lower specified contribution for that level of residence. (The level of accommodation appropriate to a member is tied to the member's rank.) The amendment to clause 45 provides that a member occupying a service residence no more than one class below the classification appropriate to the member must pay the higher specified contribution for a residence appropriate to the member where the Chief of the Defence Force (CDF) is of the opinion that the residence has at least one bedroom more than is necessary for the accommodation of the member and the member's dependants. This recognises the utility to the member and member's dependants that results from having additional accommodation space. Criteria are provided for the exercise of the CDF's discretion under this provision, and adverse decisions are subject to a redress of grievance process and review by the Defence Force Ombudsman.

The third of the amendments to the Principal Determination is to clause 60, which provides for members and former members who occupy a service residence to pay a water contribution of \$3.40 a week. The amendment to clause 60 ensures that only one weekly contribution for water is payable for a service residence, regardless of the number of members or former members who occupy the service residence.

The final amendment to the Principal Determination is to clause 65. Subclause 65.1 provides that a member who lives in is not required to pay a contribution for meals for any period where a contribution for living-in accommodation is not payable or where the member is absent on leave for more than 72 hours. This, however, was qualified by subclause 65.2 which provided that a trainee or member with dependants (separated), who was not required to pay any contribution for living-in accommodation, must nevertheless pay a contribution for meals. Subclause 65.3 then excluded a member with dependants (separated) who was a trainee from this contribution, if the member was expected to be at the locality for a period that was not long enough for the member to qualify for a removal of dependants to the locality. The amendment to subclause 65.2 provides that any member sharing living-in accommodation (which would include trainees) or members with dependants (separated), who are not required

to pay a contribution for living-in accommodation, must nevertheless pay a contribution for meals at the rate and for the periods that would apply if the members were required to pay a contribution for living-in accommodation. (Members, including trainees, are not required to pay any contribution for living-in accommodation where they are sharing with three or more persons.) The amendment to subclause 65.3 ensures that its exemption from the contribution not only applies to a member with dependants (separated) who is a trainee but that it also extends to any member with dependants (separated) who is expected to be at the locality for a period that is not long enough for the member to qualify for a removal of dependants to the locality. These members are in a comparable situation to members who are required to live in temporarily for Service reasons away from their normal place of duty, and they are therefore exempted from the requirement to contribute for meals.

The amendments aligning the treatment of members without dependants with that of members with dependants in situations where the member has an own home in the posting locality commence on 6 January 2000. The remaining provisions commence on the day on which the Determination is made, as provided by subsection 58B(4) of the *Defence Act 1903*.

Authority: Section 58B of the
Defence Act 1903

THIS PAGE HAS BEEN CREATED TO ENSURE CORRECT PAGE NUMBERING AND FOOTERS FOR SECOND AND SUBSEQUENT PAGES OF THE EXPLANATORY STATEMENT.

DELETE IF NOT NECESSARY