



Determination No. 19 of 1985

**Determination under Section 58B of the
Defence Act 1903¹ (Amendment)**

I, JOHN JOSEPH BROWN, the Minister of State for Sport, Recreation and Tourism acting for and on behalf of the Minister of State for Defence, hereby make the following Determination under section 58B of the *Defence Act 1903*.

Dated 1 April 1985.

JOHN BROWN

Minister of State for Sport, Recreation and Tourism
for and on behalf of the
Minister of State for Defence

Defence Force Rental Expense Assistance Allowance

1. Schedule 2 to Determination 0503, Defence Force Rental Expense Assistance Allowance, is amended—

(a) by omitting the entry relating to Campbelltown and substituting—

"Campbelltown	110	105	100	95	23 September 1982
	115	110	105	100	2 December 1982
	120	113	107	100	23 February 1984
	140	133	127	120	1 November 1984";

(b) by omitting the entry relating to Penrith and substituting—

"Penrith	110	105	100	95	23 September 1982
	100	95	90	85	16 December 1982
	105	98	92	85	23 February 1984
	140	133	127	120	1 November 1984";

(c) by omitting the entry relating to Perth and substituting—

"Perth	90	85	80	75	23 September 1982
	95	90	85	80	3 February 1983
	100	95	90	85	2 May 1983
	105	100	95	90	22 September 1983
	110	103	97	90	23 February 1984
	115	108	102	95	1 November 1984";

(d) by omitting the entry relating to Richmond and substituting—

"Richmond	90	85	80	75	23 September 1982
	105	100	95	90	2 December 1982
	110	103	97	90	23 February 1984
	140	133	127	120	1 November 1984"; and

(e) by inserting the following entry after the entry relating to Richmond:

"Rockingham	100	93	87	80	1 November 1984".
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2. Determination 0503, Defence Force Rental Expense Assistance Allowance, is amended—

- (a) by omitting "Defence Force Rental Expense Assistance Allowance" (wherever occurring) and substituting "Temporary Rental Allowance";
- (b) by omitting "DFREAA" (wherever occurring) and substituting "TRA";
- (c) by inserting after "whichever is the greater," in the definition of "locality of posting" in clause 2 "or another area, provided that the member's commanding officer is satisfied that the member's daily attendance for duty is not adversely affected by the additional travelling time, if any, taken by the member as a consequence of residing in that other area,";
- (d) by omitting paragraph 7 (a) and substituting the following paragraph:
 - "(a) in the case of the Chief of Naval Staff—
 - (i) an officer who holds a rank in the Navy not below the rank of Lieutenant; or
 - (ii) a person holding or performing the duties of an office in the Australian Public Service which is under the functional control of the Chief of Naval Staff and for which the minimum salary is not less than the minimum rate of salary for an office of Clerical Administrative, Class 9 in that Service;"
- (e) by omitting from clause 9 "17" and substituting "17A"; and
- (f) by inserting after clause 17 the following clause:

"17A. For the purpose of calculating the rate per week of TRA applicable to a member—

- (a) whose place of residence is in an area not encompassed by the greater of the distances referred to in paragraphs (a) and (b) of the definition of "locality of posting" in clause 2; and
- (b) to whom clause 8 applies,
the rental ceiling referred to in the formula in clause 9 in respect of the member's rank group shall be—
 - (c) the rental ceiling specified for the area in which the member resides; or
 - (d) the rental ceiling specified for the area in which the member would reside if he or she were a member to whom paragraph (a) does not apply or, where there are two or more such areas appropriate to the member, the maximum rental ceiling applicable,
whichever is the lesser."

Temporary Accommodation Allowance

3. Determination 0504, Temporary Accommodation Allowance, is amended—

- (a) by omitting from the definition of "suitable married quarter" in clause 2 "Defence Force Rental Expense Assistance Allowance" and substituting "Temporary Rental Allowance";
- (b) by omitting from the definition of "suitable own home" in clause 2 "Defence Force Rental Expense Assistance Allowance" and substituting "Temporary Rental Allowance";
- (c) by omitting from paragraph (b) of the definition of "suitable premises" in clause 2 "Defence Force Rental Expense Assistance Allowance" and substituting "Temporary Rental Allowance"; and
- (d) by omitting from sub-paragraph 7 (e) (ii) "Defence Force Rental Expense Assistance Allowance" and substituting "Temporary Rental Allowance".

Application

4. Determination 0503, Temporary Rental Allowance, as amended by paragraphs 2 (c), 2 (e) and 2 (f) of this Determination, shall apply in relation to service by a member from and including 30 November 1984.

Transitional

5. Where a member would have been entitled to an amount of Temporary Rental Allowance (however described) under Determination 0503 (however cited), made under section 58B of the *Defence Act 1903*, in respect of the member's occupation of a rented dwelling on a day during the period from and including 1 November 1984 to and including 29 November 1984 had that Determination been in force on that day, that member shall be entitled to an amount of Temporary Rental Allowance in respect of that day calculated in accordance with the formula—

$$A - B$$

where—

- A is the rate per day calculated in accordance with clause 9 of that Determination using the rental ceiling appropriate to the member specified in Schedule 2 to that Determination, as amended by clause 1 of this Determination; and
- B is the amount of Temporary Rental Allowance—
 - (a) in the case of a member of the Navy—paid in respect of that day;
 - (b) in the case of a member of the Army—payable in respect of that day under regulation 127 or 128 of the Military Financial Regulations; or
 - (c) in the case of a member of the Air Force—payable in respect of that day under regulation 608 of the Air Force Regulations.

NOTE

1. For previous Determinations made in respect of a Determination specified in column 1 of the following table, *see* Determination Nos. specified in column 2 opposite to that Determination:

Column 1 Determination	Column 2 Previous Determinations
Determination 0503, Defence Force Rental Expense Assistance Allowance	Nos. 91 and 112 of 1984
Determination 0504, Temporary Accommodation Allowance	Nos. 92 and 112 of 1984

EXPLANATORY STATEMENT

DETERMINATION NO. 19 OF 1985

ISSUED BY THE AUTHORITY OF THE MINISTER FOR DEFENCE

UNDER SECTION 58B OF THE DEFENCE ACT 1903

Section 58B of the Defence Act 1903 allows the Minister to make determinations on conditions of service for members of the Defence Force.

Determination 0503 provides for the payment of Defence Force Rental Expense Assistance Allowance where a member and family are moved at Commonwealth expense from one locality to another locality in Australia and they are obliged to rent private accommodation at the new locality.

This determination amends Determination 0503 to:

- a. increase rental ceilings in the Perth, Campbelltown, Penrith and Richmond localities with effect from 1 November 1984;
- b. introduce rental ceilings for the Rockingham locality with effect from 1 November 1984;
- c. enable the Chief of Naval Staff to appoint an officer of the Australian Public Service as an approving authority for certain elements of the allowance;
- d. change the title of the allowance to "Temporary Rental Allowance"; and
- e. re-define "locality of posting" to expand the area in which a member may reside (in certain circumstances) and remain eligible for the allowance and provide a rate of the allowance for such a member.

This determination also amends Determination 0504, Temporary Accommodation Allowance, as a consequence of the change in the title of Determination 0503.