



Determination No. 23 of 1986

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 29 April 1986.

JOHN BROWN

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

Temporary Rental Allowance

1. Determination 0503, Temporary Rental Allowance, is amended—

- (a) by omitting from paragraph 6 (c) "26, 54 and 55" and substituting "25A, 26, 54 and 55";
- (b) by omitting from clause 25 "clause 26" and substituting "clauses 25A and 26";
- (c) by omitting from clause 25 "for a period not exceeding 6 months";
- (d) by omitting from clause 25 "clauses 25A and 26" and substituting "clauses 25A, 26 and 39A";
- (e) by inserting after clause 25 the following clause:

"25A. Payment of TRA to a member to whom clause 25 refers, other than a member to whom paragraph 25 (f) refers, is limited to a maximum period of 6 months unless, because of special circumstances, the approving authority approves payment in excess of that period having regard to—

- (a) the member's family circumstances; and
- (b) the special circumstances which prevent the member from removing his or her family to the locality of posting."

- (f) by omitting from clause 38 "A member" and substituting "Subject to clause 39A, a member";
- (g) by inserting in paragraphs 38 (a) and 38 (b) "or her" after "his";
- (h) by omitting from clause 39 "Where" and substituting "Subject to clause 39A, where";
- (i) by inserting after clause 39 the following clause:
 - "39A. Notwithstanding the provisions of clause 10, where—
 - (a) TRA continues to be payable to a member under the provisions of clause 25, 25A or 26;
 - (b) a member is entitled to payment of TRA under the provisions of paragraph 38 (a); or
 - (c) TRA is payable to a member under the provisions of clause 39,the rental ceiling applicable to the member for the purpose of clause 9 is the rental ceiling that would be applicable to the member if he or she were serving on duty in the locality referred to in clause 25 or 39 or paragraph 38 (a), as the case may be."; and
- (j) by inserting in clause 46 "or her" after "his".

Application

2. Paragraphs 1 (a), 1 (b), 1 (c) and 1 (e) of this Determination shall apply on and from 30 November 1984.

NOTE

1. Previous amendments to Determination 0503, Temporary Rental Allowance: Nos. 91 and 112 of 1984; Nos. 19, 20, 40, 43, 56 and 78 of 1985; No. 10 of 1986.

EXPLANATORY STATEMENT

DETERMINATION NO. 23 OF 1986

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, Temporary Rental Allowance, (TRA) provides for payment of an allowance where a member and family are moved at Commonwealth expense from one locality to another locality within Australia and they are obliged to rent private accommodation at the new locality.

In certain circumstances TRA may continue to be payable to a member in respect of a residence at the old posting locality. Previously, payment in respect of the old locality was limited to a period that did not exceed 6 months. TRA is also payable to a member in respect of an elected discharge locality where the family of the member is removed to that locality within 12 months of the anticipated date of his or her discharge.

Paragraphs (b) and (c) of clause 1 of this determination amend clause 25 of, and paragraph (e) inserts a new clause 25A into, Determination 0503 to permit an approving authority to approve payment of the allowance in respect of the old locality for a period that exceeds 6 months. Paragraph 1(a) of this determination makes a consequential amendment to Determination 0503 to specify the approving authorities for this purpose. The date of effect of these amendments is 30 November 1984.

Paragraphs (d), (f), (h) and (i) of clause 1 of this determination amend Determination 0503, with effect from the date of signature of this determination, to make it clearer what rental ceiling is to apply to a member when he or she is entitled to TRA in respect of a residence in the old posting locality or in an elected discharge locality.

The opportunity has also been taken in paragraphs 1(g) and 1(j) of this determination to remove, with effect from the date of signature of this determination, discriminatory language from Determination 0503.