



Determination No. 61 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 23 September 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

Determination 0503, Temporary Rental Allowance, is amended—

- (a) by inserting in clause 6 “17B, 17H,” after “clauses 4, 5,”;
- (b) by inserting in clause 7 “17B, 17H,” after “clauses 4, 5, 13, 14,”;
and
- (c) by inserting after clause 17A the following clauses:

Advance of TRA and Bond Money

“17B. Where a member will be entitled under a provision of this Determination, other than clause 27 or 54, to be paid TRA in respect of a rented dwelling, the member, before entering into a lease for that dwelling, may, where the approving authority so approves, be advanced—

- (a) in respect of a bond which the member will be required to lodge when entering into that lease—an amount equal to four times the rental ceiling applicable to the member or, where the member nominates a lesser amount, that lesser amount;
and

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- (b) in respect of the rental in advance which the member will be required to pay when entering into that lease—an amount against his or her entitlement, in accordance with this Determination, to TRA being an amount equal to the amount calculated in accordance with the formula—

$$(A - B) C$$

where—

A is an amount equal to the rental ceiling applicable to the member in respect of one week;

B is an amount equal to the rental contribution applicable to the member, as specified according to the member's rank in column 2 of Schedule 3, in respect of one week; and

C is 4, or where the member nominates a lesser number, that lesser number.

“17C. In making an approval under clause 17B the approving authority shall have regard to the normal private rental market requirements for the lodgement of bond money and payment of rental in advance in the locality in which the member is serving on duty.

“17D. Where a member has been advanced an amount under paragraph 17B (a) the member shall, within the prescribed period—

- (a) furnish, to the Defence Central Finance Office or the Defence Regional Office, as the case may be, responsible for accounting for TRA in the locality of the rented dwelling, proof of payment of the amount of bond which he or she was required to lodge when entering into the lease; and
- (b) repay to the Commonwealth so much of the advance as is not used for the purposes of lodging a bond on the rented dwelling.

“17E. Where a member has been advanced an amount under paragraph 17B (b) the member shall, within the prescribed period—

- (a) furnish, to the Defence Central Finance Office or the Defence Regional Office, as the case may be, responsible for accounting for TRA in the locality of the rented dwelling, proof of payment of the amount which he or she was required to pay for rental in advance when entering into the lease; and
- (b) repay to the Commonwealth so much of the advance as is not used for the purpose of payment of rental in advance when entering into the lease.

“17F. For the purposes of clauses 17D and 17E ‘prescribed period’ means the period of 14 days immediately following the day on which the member enters into the lease for the rented dwelling.

"17G. Where a member to whom an amount has been advanced under clause 17B does not, within a reasonable period of time—

- (a) enter into a lease for a rented dwelling; or
- (b) furnish to the responsible Defence Central Finance Office or the Defence Regional Office proof of payment of the amount of bond or rental in advance which he or she was required to pay when entering into a lease,

the member shall repay to the Commonwealth forthwith—

- (c) in the case of a member who does not enter into a lease—the whole of the amount advanced to the member under clause 17B;
- (d) in the case of a member who does not furnish proof of lodgement of an amount for bond—the whole of the amount advanced to the member under paragraph 17B (a); or
- (e) in the case of a member who does not furnish proof of payment of an amount for rental in advance—the whole of the amount advanced to the member under paragraph 17B (b),

but, where the member does not repay that amount to the Commonwealth, the amount repayable by the member may, without prejudice to the right of the Commonwealth to recover by other means, be deducted from the salary and allowances that are, or will be, payable to the member.

"17H. For the purposes of clause 17G a 'reasonable period', in relation to a member, means a period that is considered reasonable by the approving authority having regard to—

- (a) the locality to which the member is posted;
- (b) the time of year in which the member is posted to that locality and the seasonal demands for rental dwellings in that locality;
- (c) considerations affecting the private rental market in that locality;
- (d) the member's rank and status;
- (e) the member's family circumstances; and
- (f) the opportunity the member has to search for a suitable rental dwelling in that locality.

"17I. Where a member—

- (a) has been advanced an amount under paragraph 17B (a); and
 - (b) has entered into a lease for a rented dwelling,
- the member shall—
- (c) within the period of 12 months immediately following the day on which the member enters into that lease; or

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- (d) within the period commencing on the day on which the member enters into that lease and ending on the day on which the member and the member's family vacate that rented dwelling,

whichever is the lesser period, repay to the Commonwealth so much of that amount that has not been repaid to the Commonwealth under clause 17D.

"17J. Where a member is to repay to the Commonwealth an amount under clause 17I, that amount may, without prejudice to the rights of the Commonwealth to recover by other means, be deducted from the salary and allowances that are, or will be, payable to the member."

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; Nos. 10 and 23 of 1986.

EXPLANATORY STATEMENT

DETERMINATION NO. 61 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, provides for the payment of an allowance to a member of the Defence Force who, upon being posted from one locality to another, needs to rent accommodation for his or her family because a married quarter is not available in the new locality. Assistance towards accommodation costs is provided by reimbursing the difference between the weekly rental paid by the member (up to a specified rental ceiling) and a contribution by the member according to his or her rank group.

Paragraph (c) of the attached determination amends Determination 0503 by inserting:

- a. new clauses 17B and 17C to permit an approving authority to approve an advance of the Temporary Rental Allowance that will be payable to a member and an advance of bond money to assist the member with the financial outlay he or she will be required to make when entering into a lease for rented accommodation;
- b. new clauses 17D, 17E and 17F to compel the member to furnish proof of payment, in the case of clause 17D, of the amount of bond money lodged by the member, and in the case of clause 17E, of the amount of rental in advance which the member was required to pay when

entering into a lease and to repay any balance to the Commonwealth within a period of 14 days of entering into that lease;

- c. new clauses 17G and 17H to compel the member to repay to the Commonwealth the amounts advanced where the member does not, within a reasonable period, enter into a lease or does not furnish proof of payment to the Commonwealth and, where the member defaults, permits the Commonwealth to deduct any amount repayable by the member from the salary and allowances due to the member; and
- d. new clauses 17I and 17J to compel the member to repay to the Commonwealth, within a period of 12 months, or the period that the member and family remain in the rented accommodation if that is less than 12 months, the amount which the member was advanced for bond money.

Paragraphs (a) and (b) of this determination make consequential amendments to Determination 0503.

The date of effect is the date of signature of this determination.