



Determination No. 12 of 1990

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

I, PATRICK DENNIS GOURLEY, Acting First Assistant Secretary, Australian Government Employment Remuneration and Conditions Division, Department of Industrial Relations, pursuant to a delegation made by the Minister of State for Industrial Relations under Defence Force Regulation 72A, hereby make the following Determination under section 58B of the *Defence Act 1903*.

Dated 12 January 1990.

P. D. GOURLEY

Acting First Assistant Secretary
Australian Government Employment Remuneration
and Conditions Division
Department of Industrial Relations

Dwelling Purchase or Sale Expenses Allowance

Determination 0509, Dwelling Purchase or Sale Expenses Allowance, is amended -

- (a) by omitting clauses 8 and 9 and substituting the following clauses:

Allowance payable on Purchase of Dwelling

"8. An allowance in respect of the purchase of a dwelling is payable in accordance with the provisions of this Determination to a member without a family who, as a consequence of a posting for long term duty in Australia -

- (a) incurs costs in respect of the purchase of a dwelling in the locality of that posting; and

*Determination under Section 58B of the
Defence Act 1903 1990 No. 12*

(b) normally resides in that dwelling.

"9. An allowance in respect of the purchase of a dwelling is payable in accordance with the provisions of this Determination to a member with a family where, as a consequence of a posting for long term duty in Australia -

- (a) the member is granted a removal;
 - (b) an eligible person, in relation to the member, incurs costs in respect of the purchase of a dwelling in the locality of that posting; and
 - (c) the member normally resides in that dwelling with one or more members of his or her family.;"
- (b) by omitting from paragraph 10(a) "is posted for long term duty and" and substituting "as a consequence of a posting for long term duty.,";
 - (c) by omitting from paragraph 11(a) "the member is posted for long term duty and" and substituting "as a consequence of the member being posted for long term duty.,";
 - (d) by inserting in paragraph 25(a) "and as a consequence of a posting for long term duty in Australia" after "dwelling" (first occurring);
 - (e) by omitting from sub-paragraph 25(a)(i) "purchased a" and substituting "entered into a written agreement to purchase a dwelling and purchased the";
 - (f) by inserting in sub-paragraph 25(b)(i) "entered into a written agreement to sell the dwelling and" after "member," (second occurring);
 - (g) by inserting in sub-paragraph 25(b)(ii) "as a consequence of a posting for long term duty in Australia," after "case -"; and
 - (h) by inserting in sub-paragraph 25(b)(ii) "entered into a written agreement to sell the dwelling and" after "member,,".
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NOTE

1. Previous amendments to Determination 0509, Dwelling Purchase or Sale Expenses Allowance See Note 1 to No. 173 of 1989 and see also No. 173 of 1989

EXPLANATORY STATEMENT

DETERMINATION NO. 12 OF 1990

ISSUED BY THE AUTHORITY OF THE MINISTER FOR INDUSTRIAL RELATIONS

UNDER SECTION 58B OF THE DEFENCE ACT 1903

Sections 58B and 58E of the Defence Act 1903 allow the Minister or his delegate to make determinations on conditions of service for members of the Defence Force.

Determination 0509, Dwelling Purchase or Sale Expenses Allowance, provides assistance to a member of the Defence Force who purchases or sells a dwelling when posted from one locality in Australia to another locality in Australia. Assistance is in the form of reimbursement of some or all of the unavoidable legal and real estate costs associated with the purchase or sale.

This determination amends Determination 0509 to clarify the policy intent that to be eligible for the allowance the purchase or sale of a dwelling must result from a Service requirement to relocate to a new locality.

The date of effect is the date on which the determination is signed.