



DEFENCE DETERMINATION 1994/19

DETERMINATION UNDER THE DEFENCE ACT 1903

I, MERYL ANNETTE STANTON, First Assistant Secretary, Government Authorities and Defence Division, Department of Industrial Relations, acting under a delegation made by the Minister for Industrial Relations under Defence Force Regulation 72A, make the following Determination under section 58B of the *Defence Act 1903*.

Dated 9 May 1994

M. STANTON
First Assistant Secretary
Government Authorities and Defence Division
Department of Industrial Relations

1. Citation

1.1 This Determination may be cited as Defence Determination 1994/19.

2. Amendment

2.1 Determination 503, Temporary Rental Allowance, as amended¹, is amended as set out in this Determination.

Note

1. Determination 503 was made by Determination 91 of 1984 and has been amended by Determination Nos. 91 and 112 of 1984; Nos. 19, 20, 40, 43, 56 and 78 of 1985; Nos. 10, 23, 61, 70, 89 and 95 of 1986; Nos. 7, 13, 20, 24, 27, 35, 75, 77 and 84 of 1987; Nos. 1, 12, 17, 49, 54 and 60 of 1988; Nos. 13, 29, 54, 59, 63, 72, 76, 82, 84, 113, 115, 173, 179 and 183 of 1989; Nos. 7, 11, 27, 34, 63, 64, 84, 99, 109, 123, 128, 155, 166 and 186 of 1990; Nos. 29, 71, 94, 97, 101 and 106 of 1991; Nos. 4, 7, 13, 16, 20, 21, 26, 29, 38 and 54 of 1992 and Nos. 18 and 31 of 1993.

[ref661]

3. Clause 2 (Definitions)

3.1 Definition of "suitable own home":

Delete the definition.

4. Clause 3A (Rank group)

4.1 Subclause 3A.2:

Delete the subclause, substitute:

"3A.2 A member who -

- (a) applies to be accommodated in a dwelling appropriate to the rank group immediately above or below the member's rank group;
- (b) is approved to occupy such a dwelling; and
- (c) occupies the dwelling,

is taken to be included in the other rank group."

5. Clause 5 (Suitable own home)

5.1 Delete all the words before paragraph 5(a), substitute:

"5. A member's own home at the member's locality of posting is taken to be a suitable own home unless the Chief of the Defence Force considers it unreasonable for the member to reside in it, having regard to -".

5.2 Paragraph 5(a):

Delete the paragraph, substitute:

- "(a) the member's rank and any representational responsibilities of the member;"

6. Clause 9 (Rate of Allowance)

6.1 Definition of "B":

Delete the definition, substitute:

"B is -

- (a) a rental contribution of \$67.90 a week in the case of a member whose salary is less than the salary of a member who holds the rank of Seaman, Private or Aircraftman and who is included in pay level 1 for the purpose of payment of salary; or
- (b) in any other case - the rental contribution applicable to the member as specified in column 3 of Schedule 1 opposite the member's rank group; and"

7. New clause 14A

7.1 After clause 14, insert:

Member not eligible for increased rental ceiling

"14A. A member who is taken to be included in another rank group by virtue of subclause 3A.2 is not eligible to be considered for an increased rental ceiling under clause 12 or 13."

8. Clause 17B (Advance of TRA, bond money and utility connection deposit)

8.1 Paragraph 17B(b), definition of "B":

Delete "applicable to the member, as specified according to the member's rank in column 2 of Schedule 3, in respect of one week", substitute "applicable to the member for one week".

9. Schedule 1 (Rank groups)

9.1 Delete the Schedule, substitute the Schedule set out in the Attachment.

10. Schedule 3 (Rental contributions)

10.1 Delete the Schedule.

ATTACHMENT

SCHEDULE 1

RENTAL CONTRIBUTIONS

Column 1	Column 2	Column 3
Rank group	Rank	Amount of rental contribution \$ a week
1	Colonel or a higher rank	137.45
2	Major, Lieutenant Colonel	115.20
3	Warrant Officer Class 1, Warrant Officer Class 2, Second Lieutenant, Lieutenant, Captain	102.60
4	Sergeant, Staff Sergeant	91.00
5	Private, Lance Corporal, Corporal	76.00

EXPLANATORY MEMORANDUM

DEFENCE DETERMINATION 1994/19

Defence Act 1903

Defence Determination 503, Temporary Rental Allowance (the Principal Determination), provides for the payment of an allowance where members of the Australian Defence Force (ADF) are moved with their families at Commonwealth expense from one locality to another locality within Australia and they are obliged to rent private accommodation at the new locality. The rate of allowance is based on rental costs (up to a specified maximum), less a specified rental contribution by the member.

Clause 3 of this Determination deletes the definition of "suitable own home"; the definition is integrated with a revised interpretation in clause 5 of the Principal Determination by clause 5 of this Determination.

Clause 4 amends subclause 3A.2 of the Principal Determination to provide for ADF members to occupy housing more appropriate to their family or personal needs. Members may elect to occupy housing which is appropriate to the rank group above or below their rank entitlement.

Clause 5 amends clause 5 of the Principal Determination to provide an integrated interpretation of "suitable own home" so that, in determining eligibility for Temporary Rental Allowance, the suitability of a member's own home at the posting locality is linked to the general domestic needs of the member and family. The amendment maintains an existing discretion for the Chief of the Defence Force to waive the usual requirement to live in a home which a member owns at a locality of posting. Criteria are specified for the exercise of the discretion. Subclause 5.2 amends the first criterion to remove factors which are no longer appropriate in the light of ADF accommodation arrangements generally.

Clause 6 amends Schedule references in relation to the definition of rental contributions, taking account of the new Schedule 1. A special rental contribution for certain members is transferred from the former Schedule 3 to the new paragraph (a) of the definition.

Clause 7 inserts a new clause to the effect that members who elect to occupy housing which is one group above or below their rank entitlement are not eligible for increased rental ceilings.

Clause 8 amends a reference to one week's rental contribution in relation to advances paid to members.

Clause 9 replaces Schedule 1 (Rank groups) to the Principal Determination with a revised Schedule 1 which incorporates both the rank groups and rental contributions applicable to each rank group. The amounts of the contributions are unchanged.

Clause 10 deletes Schedule 3 (Rental contributions) to the Principal Determination, as the amount of contributions is now included in the revised Schedule 1.

Authority: Section 58B of the
Defence Act 1903