



Defence Determination 2008/29

I, BRIAN GARY PAULE, Director General Personnel Policy and Employment Conditions, make this Determination under section 58B of the *Defence Act 1903*.

Dated 7 July 2008

B G PAULE
Director General
Personnel Policy and Employment Conditions
People Strategies and Policy Group

1 Citation

This Determination is Defence Determination 2008/29, Service residences – amendment.

2 Commencement

1. Clause 5 of this Determination commences on 1 August 2008.
2. The remainder commences on the date of signature.

3 Amendment

Defence Determination 2005/15, Conditions of Service, as amended,¹ is amended as set out in this Determination.

4 Clause 7.5.62 (Rejecting a Service residence – effect on temporary accommodation allowance)

insert at the end

7.5.63 Special conditions on separation – statutory appointees

1. This clause applies to a member who meets all of the following conditions.
 - a. They hold one of the following appointments.
 - i. Chief of the Defence Force.
 - ii. Vice Chief of the Defence Force.
 - iii. Chief of Navy.
 - iv. Chief of Army.
 - v. Chief of Air Force.
 - b. The member occupies a tied residence.
See: Clause 7.5.39, Tied residences
 - c. The member's statutory appointment ends on their ceasing to be a member of the Permanent Force.

2. The member may continue to live in the Service residence and pay the rate of contribution that applied before the end of their appointment. They may do so until the latest of these dates.
 - a. Seven days after the appointment ends.
 - b. A day up to 28 days after the end of their appointment that the CDF determines is reasonable. The CDF must consider the following criteria.
 - i. The former member's personal circumstances.
 - ii. The period between the announcement of statutory appointments and the member's day of separation.
 - iii. Any effect on the new statutory appointee.
 - iv. Any other factor relevant to the members' continued stay in the home.
3. For the purposes of subclause 2, decisions about the CDF may be made by the Minister.

5 Paragraph 7.5.63.2.b (Special conditions on separation – statutory appointees)

omit

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insert

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NOTE

1. Defence Determination 2005/15 commenced on 31 May 2005. For previous amendments see Note to Defence Determination 2008/1 and see also Defence Determinations 2008/2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28.

EXPLANATORY STATEMENT

Defence Determination 2008/29

This Determination amends Defence Determination 2005/15, Conditions of Service (the Principal Determination), made under section 58B of the *Defence Act 1903* (the Act). Chapter 7 of the Principal Determination sets out provisions dealing with housing and meals for members of the Australian Defence Force (ADF).

The purpose of this Determination is to provide some statutory appointments with continued access to subsidised accommodation for a limited period after their separation from the ADF. The period between announcement of a statutory appointee's separation and the date of the end of their appointment is invariably short. The period does not always allow sufficient time to settle current activities necessary to arrange and conduct a handover of the duties of an appointment while organising and completing a final removal from a tied Service residence. This policy change will allow the member, for a limited period, to continue to live in their Service residence and pay the same rate of contribution that applied before their separation.

Clause 1 of this Determination sets out the manner in which this Determination may be cited.

Clause 2 of this Determination provides that clause 6 of the Determination commences on 1 August 2008. The remaining clauses commence on the day the Determination is made, as provided by subsection 58B(4) of the Act.

Clause 3 specifies that the amendment is made to the Principal Determination, as amended.

Clause 4 inserts a new clause 7.5.63 into the Principal Determination. The new clause provides that an eligible member will receive seven days of subsidised housing assistance after their separation day. The clause also provides that the CDF or the Minister (when CDF is the applicant) may extend the period to 28 days.

Clause 5 of this Determination amends clause 7.5.63 of the Principal Determination. The 28 day period of subsidised housing assistance meets commitments given to current statutory appointees. Once these statutory appointees have separated from the ADF, the entitlement is to be reduced to 21 days, which will be sufficient to allow for removals once the administrative arrangements are made for the new policy.

Criteria are provided for the exercise of discretions under the Principal Determination, as amended by this Determination. Adverse decisions are subject to merits review under the ADF redress of grievance system, including an appeal to the Defence Force Ombudsman.

Authority: Section 58B of the
Defence Act 1903