



## **Defence Determination 2009/8**

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

Dated 3 February 2009

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

**1 Citation**

This Determination is Defence Determination 2009/8, Choice accommodation – amendment.

**2 Commencement**

This Determination commences on the day it is signed.

**3 Amendment**

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

**4 Clause 7.1.11 (Members without dependants), table item 10**

*substitute*

<b>Choice accommodation – Darwin</b>		
10.	Part 5A Choice accommodation – Darwin <b>See:</b> <a href="#">Part 5A</a>	Members without dependants may be eligible to apply for choice accommodation provided by the Defence Housing Australia.

**5 Clause 7.1.13 (Member with dependants (unaccompanied)), table item 7**

*insert after the item*

<b>Choice accommodation – Darwin</b>		
8.	Part 5A Choice accommodation – Darwin <b>See:</b> <a href="#">Part 5A</a>	Members with dependants (unaccompanied) may be eligible to apply for choice accommodation provided by the Defence Housing Australia.

**6 Chapter 7 Part 5A (Member without dependants' choice accommodation (MCA) – Darwin trial)**

*substitute*

## Part 5A: Choice accommodation – Darwin

### 7.5A.1 Overview

1. This Part provides living-out accommodation in Darwin for members without dependants and members with dependants (unaccompanied) who are eligible for rent allowance.
2. The accommodation provided by Defence Housing Australia is classified according to the rent range for the home.

### 7.5A.2 Contents

This Part includes the following Divisions:

- |                            |  |
|----------------------------|--|
| <a href="#">Division 1</a> | Entitlement to Choice Accommodation – Darwin |
| <a href="#">Division 2</a> | Contributions                                |

## Division 1: Entitlement to Choice Accommodation – Darwin

### 7.5A.3 Definitions

This table defines terms used in this Part.

Term	Definition in this Part
Rent band	For choice accommodation, the classification that applies to the accommodation under clause 7.5A.7.
Rent range	In this Part, the rent range is the scale of rents that Defence Housing Australia uses to assign a classification group to a Choice Accommodation property.
Rank group	A group of ranks that includes a member's rank.

### 7.5A.4 Choice Accommodation

1. Choice Accommodation is off-base accommodation made available by Defence Housing Australia.
2. A Choice Accommodation home is classified into a rent band on the basis of the rent range that applies to it.

**See:**

Clause 7.5A.3, Definition of rent range  
Clause 7.5A.7, Choice Accommodation rent band for a member's rank

### 7.5A.5 Member who is eligible

1. A member may apply to the Defence Housing Australia for a Choice Accommodation home if they meet all these conditions.
  - a. They are a member without dependants or a member with dependants (unaccompanied).
  - b. They are eligible for rent allowance under Chapter 7 Part 6 [Division 1](#).  
**Note:** This includes a member eligible for either full or partial rent allowance.
2. A member must be eligible for rent allowance, but does not receive it while they occupy a Choice Accommodation home.

### 7.5A.6 Member not eligible

1. A member is not eligible if they share the Choice Accommodation home with any of these people.
  - a. A person who is not a member of the ADF.
  - b. A member who is not entitled to rent allowance.
  - c. More than one other person.
2. A member is not eligible for a Choice Accommodation home in either of the following situations.

- a. They become a member with dependants.

**Exception:** A member with dependants (unaccompanied).

- b. They cease to be entitled to rent allowance under Chapter 7 Part 6 [Division 5](#).

### 7.5A.7 Choice Accommodation rent band for a member's rank

The CDF may offer a member an available Choice Accommodation home that corresponds to their rank group and rent band in the table.

Item	Choice accommodation in this rent range (per week)...	is classified as being in this rent band...	and is the standard entitlement for a member in this rank group...
1.	\$0.00 – \$442.00	1	Corporal or lower Staff Sergeant Sergeant Second Lieutenant Lieutenant
2.	\$442.01 – \$518.00	2	Warrant Officer Class 2 Warrant Officer Class 1 Captain
3.	\$518.01 – \$592.00	3	Major Lieutenant Colonel
4.	\$592.01 – \$677.00	4	Colonel Brigadier

### 7.5A.8 Member living in Choice Accommodation above their rank group

1. The CDF may offer a member Choice Accommodation that is above their rank group specified for the member in the table in clause 7.5A.7.
2. If the member accepts the offer of a home under this clause, they must pay the contribution that corresponds to the rent band of the choice accommodation instead of the contribution that corresponds to their rank group.

### 7.5A.9 Member living in Choice Accommodation below their rank group

1. The CDF may offer a member Choice Accommodation that is below the rank group specified for the member in the table in clause 7.5A.7.
2. If the member accepts the offer of a home under this clause, they must pay the contribution that corresponds to the rent band of the Choice Accommodation, instead of their rank group.

### 7.5A.9A Change in classification of Choice Accommodation

1. The rent range for Choice Accommodation is reviewed annually. The rent is also subject to change.
2. If the rent or rent range for Choice Accommodation is adjusted as a result of a review, this may change the rent band of the property.

3. If the CDF reclassifies a Choice Accommodation property due to a rent range review or rent change, then that changed classification takes effect on the relevant date specified in the table.

<b>Item</b>	<b>If a rent range review or rent change results in...</b>	<b>the reclassification of the property will take effect...</b>
1.	an increase to the rent band	when the next tenancy agreement starts. The rent band will not change during the period of a member's tenancy agreement.
2.	a decrease to the rent band	on the date it is changed.

#### **7.5A.10 Storage of furniture and effects**

A member who is eligible for Choice Accommodation is eligible for the storage entitlements as if item 1 of the table in [clause 6.6.46](#) applied to them, for furniture and effects that cannot be housed in their Choice Accommodation property.

#### **7.5A.11 Advances of rent or bond**

The benefits provided under Chapter 7 Part 6 [Division 6](#) are not available to a member who applies for Choice Accommodation under this Part.

## Division 2: Contributions

### 7.5A.12 Contribution for Choice Accommodation – Member without dependants'

1. A member who is the sole occupant of Choice Accommodation must pay the weekly contribution listed in column 2 of Annex 7.A3 Part 3, for the member's rank group.
2. A member who shares Choice Accommodation with one other person must pay the weekly contribution listed in column 3 of Annex 7.A3 Part 3, for the member's rank group.
3. A member who accepts Choice Accommodation in a rent band that is above the standard entitlement for their rank group must pay the contribution listed in Annex 7.A3 Part 3 that corresponds to the rank group for the rent band of the home under clause 7.5A.7.
4. A member who accepts Choice Accommodation in a classification group that is below the standard entitlement for their rank group must pay the contribution listed in Annex 7.A3 Part 3 that corresponds to the rent band of Choice Accommodation under clause 7.5A.7, instead of their rank.

**See:**

[Division 1](#) clause 7.5A.7, Choice Accommodation rent band for a member's rank  
[Annex 7.A3](#) Part 3, Contribution for rent allowance – member without dependants who Part 2 does not apply to

### 7.5A.13 Contribution for member on part-time leave without pay

1. This clause applies to a member who meets both these conditions.
  - a. They are on part-time leave without pay.
  - b. They are entitled to rent allowance.
2. This table sets out the rates of contribution that the member must pay toward the cost of Choice Accommodation during their part-time leave without pay.

Item	If the member's part-time leave without pay each fortnight is...	they must pay...
1.	more than nine days	150% of the contribution they would otherwise pay for the member's rank and rent band listed in Annex 7.A3 Part 3.
2.	nine days or less	the rate of contribution for the member's rank and rent band listed in Annex 7.A3 Part 3.

**Note:** Leave for a fortnightly pay period includes the four weekend days in the pay period. This makes a total of nine days of leave and five days at work for the fortnight.

3. The CDF may decide that the member was granted the part-time leave without pay for exceptional reasons. In this case, the member may contribute at the rate for the member's rank and rent band listed in Annex 7.A3 Part 3.

**See:** [Annex 7.A3](#) Part 3, Contribution for rent allowance – member without dependants who Part 2 does not apply to

#### 7.5A.14 How visiting members affect contributions

A member who is a visitor to the household may be required to contribute to the cost of Choice Accommodation. If the visit is for less than four weeks, contributions will not be affected. If the visit is for four weeks or more, this table shows the effect on the member's contribution.

Item	If the visitor has...	then they are...
1.	a permanent home at another location	<b>not</b> taken to be a resident.  The visit will not affect the resident member's contribution.
2.	no permanent home	taken to be a resident member.  Required to pay a contribution under the rate for shared accommodation in <a href="#">Annex 7.A3</a> Part 3 that applies for their rank group and accommodation.

#### 7.5A.15 Contribution when one member leaves a shared home

1. A member who shares Choice Accommodation may continue to contribute at the relevant rate in column 3 or column 4 of Annex 7.A3 Part 3 for up to four weeks after their housemate is required to leave the home for Service reasons.
2. If the housemate is not replaced within the four week period, then at the end of that period the member must take either of the following actions.
  - a. Contribute at the relevant rate in column 2 of Annex 7.A3 Part 3, for a member who lives alone.
  - b. Vacate the choice accommodation at their own expense.

**See:** [Annex 7.A3](#) Part 3, Contribution for rent allowance – member without dependants who Part 2 does not apply to

#### 7.5A.16 When contribution ceases for a member without dependants

The contribution for a member without dependants in Choice Accommodation ceases for any period in which they satisfy the conditions of clause 7.6.18.

**See:** [Clause 7.6.18](#) When rent contribution ceases for a member without dependants

---

#### NOTE

1. Defence Determination 2005/15 commenced on 31 May 2005. For previous amendments see Note to Defence Determination 2009/1 and see also Defence Determinations 2009/2, 3, 4, 5, 6 and 7.

# EXPLANATORY STATEMENT

## Defence Determination 2009/8

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 sets out provisions for ADF housing and meals for members of the Australian Defence Force (ADF).

The purpose of this Determination is to remove references to a trial from the Member without dependants Choice Accommodation – Darwin trial. On 7 November 2005 a new trial policy was implemented to allow members without dependants and members with dependants (unaccompanied) to have access to off-base properties supplied by Defence Housing Australia (DHA) in Darwin. This trial ceased on 9 August 2008. Due to the success of the trial, this policy has been extended on a permanent basis to members without dependants and members with dependants (unaccompanied) posted to Darwin.

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

Clause 2 of this Determination provides that the Determination commences on the date of signature, as provided under subsection 58B(4) of the Act.

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

Clause 4 amends in clause 7.1.11 of the Principal Determination. This change removes references to a trial from item 10 of the table in clause 7.1.11.

Clause 5 amends clause 7.1.13 of the Principal Determination. This change inserts a new item 8 into the table in clause 7.1.13, this table is a fast find index for housing conditions available for members with dependants (unaccompanied). The new item includes the provision that this category of members may be entitled to Choice Accommodation in Darwin.

Clause 6 substitutes Part 5A of the Principal Determination. Part 5A provides choice accommodation to members without dependants and members with dependants (separated) who are posted to Darwin, and consists of two Divisions.

Division 1 sets out the criteria for eligibility for choice accommodation and also sets out the limits on participation. Important features include:

- A list of the groups into which the new choice accommodation may be classified.
- A corresponding list of the rank group that a member must be in to be eligible for choice accommodation in a classification group.
- Flexibility that allows a member to be offered choice accommodation outside their rank group if it is available.

Division 2 sets out the contribution that must be made by a member who lives alone and a member who shares with another member without dependants. Clause 7.5A.15 deals with the situation where a member moves out of shared choice accommodation.

In clause 7.5A.14, there is also an explanation of the conditions under which a visitor may be required to contribute toward the cost of the accommodation. This is similar to the rule about visitors that applies for other rented homes under clause 7.6.20 of the Principal Determination.

In Division 1 and Division 2 references to the term 'classification group' have been amended to the term 'rent band'. These changes reflect the changes made to Service residence classification in Defence Determination 2007/25, New housing classification policy for Service residences.

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*