Defence Determination 1998/14

I, NICHOLAS JEFFERSON FORD, Director General Financial Conditions, Defence Personnel Executive, Department of Defence, acting under a delegation made by the Minister for Workplace Relations and Small Business under regulation 72A of the Defence Force Regulations, make the following Determination under section 58B of the Defence Act 1903.

Dated 31 March 1998

N.J. FORD
Air Commodore
Director General Financial Conditions
Defence Personnel Executive
Department of Defence
1. Citation
1.1 This Determination may be cited as Defence Determination 1998/14.

[NOTE: This Determination commences on the day on which it is made: see Defence Act 1903, subsection 58B(4).]

2. Amendment
2.1 Determination 508, Living Out Away From Home Allowance, as amended, is amended as set out in this Determination.

3. Clause 6 (Admissible expenditure)
3.1 Omit “For the purposes of this Determination”, substitute “For the purposes of clause 11”.

4. New clause 7
4.1 After clause 6, insert:

Admissible expenditure - retention of accommodation

“7. For the purposes of clause 15, ‘admissible expenditure’, in relation to a member, means:

(a) if the member resides in boarding accommodation - the costs which the member incurs for the reservation of the member’s boarding accommodation or the reasonable cost of boarding accommodation appropriate to the member, whichever is the lesser;

(b) if the member resides in rented accommodation - the rent, including, if applicable, the utilities costs and rates, which the member incurs for that accommodation or the established rental level appropriate to the member, whichever is the lesser; or

(c) if the member resides in a residence which the member owns or which the member is in the process of purchasing - the utilities costs which the member incurs, including, if applicable, that portion of rates attributable to a levy for utilities in a general municipal rate, or the reasonable cost of utilities appropriate to the member, whichever is the lesser.”.

5. Clause 15 (Retention of accommodation)
5.1 Omit “at the weekly rate appropriate to the member under clause 16”, substitute “at a weekly rate equal to the amount of admissible expenditure specified in clause 7 in relation to the member for that week”.

6. Clause 16 (Retention of accommodation)
6.1 Omit the clause.
NOTE

EXPLANATORY STATEMENT

Defence Determination 1998/14

Defence Act 1903

This Determination amends Determination 508, Living Out Away From Home Allowance (LOAFHA), which provides for the payment of an allowance to members of the Australian Defence Force who are separated from their dependants for service reasons and who cannot be provided with either service accommodation or rations.

The purpose of the amendments is to align the rate of LOAFHA payable under certain circumstances to members who temporarily vacate their accommodation and are required to pay for the retention of the accommodation during their absence, with the same rate payable under similar circumstances to single members under Determination 507, Living Out Allowance (LOA). Unlike Determination 507, which provides for a retention rate of LOA covering the appropriate accommodation and utilities costs incurred by the member, Determination 508 formerly limited the retention rate of LOAFHA to two-thirds of the full rate of the allowance.

Clause 3 amends an interpretation provision dealing with admissible expenditure that formerly applied to the entire Determination, by specifying that the provision applies only for the purposes of entitlement to the full rate of LOAFHA (including food, laundry and utilities).

Clause 4 inserts a new clause 7 giving a revised interpretation of admissible expenditure for use only in conjunction with a provision dealing with the payment of LOAFHA to members who temporarily vacate their accommodation and are required to pay only for the retention of the accommodation (and utilities in some cases) during their absence. The new clause is in similar terms to the equivalent provision in Determination 507.

Clause 5 amends a provision that deals with the payment of LOAFHA where members temporarily vacate their accommodation and are required to pay for the retention of the accommodation during their absence, by substituting a reference to the amount of admissible expenditure set out in the new clause 7 for a reference to the amount of allowance previously set out in clause 16.

Clause 6 omits the redundant clause 16.

This Determination commences on the day on which it is made, as provided by subsection 58B(4) of the Defence Act 1903.

Authority: Section 58B of the Defence Act 1903