Defence Determination 1998/19

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 1 May 1998

N.J. FORD
Air Commodore
Director General Financial Conditions
Defence Personnel Executive
Department of Defence

[ref139]
PART A - Preliminary

1. Citation
1.1 This Determination may be cited as Defence Determination 1998/19.

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

PART B - Amendment of Determination 503

2. Amendment
2.1 Determination 503, Temporary Rental Allowance, as amended, is amended as set out in this Part.

3. Clause 2 (Definitions)
3.1 After the definition of “effective date of posting”, insert:

“‘enlistment locality’, in relation to a member, means the locality in Australia at which the member lived immediately before joining the Defence Force;”.

3.2 After the definition of “rank”, insert:

“‘rank group’, in relation to a member, means the rank group in which the member is classified for the purposes of assessing the member’s housing entitlements and rental obligations under the group rent scheme and under this Determination;”.

4. Clause 3A (Rank group)
4.1 Subclause 3A.2:
Omit the subclause.

5. Clause 8 (Temporary Rental Allowance)
5.1 Paragraph 8(c):
Omit “and is granted a removal to a rented dwelling in the same locality;”, substitute “and rents another dwelling in the same locality;”.

5.2 Subparagraph 8 (e)(ii):
Omit at the end “or”.

5.3 Paragraph 8(f):
Omit “forces.”. substitute “forces; or”.
5.4 Add at the end:

“(g) is a member with a family and who continues to rent a dwelling at the member’s enlistment locality during a period of initial entry training.”.

6. Clause 9 (Rate of Allowance)
6.1 Definition of “B”:
Omit the definition, substitute:

“B is the rental contribution applicable to the member as specified in column 3 of Schedule 4 to Defence Determination 1996/16 opposite the member’s rank group; and”.

7. Clause 10 (Rental ceiling)
7.1 Before “the member’s locality of posting”, insert “a dwelling at”.

7.2 Paragraph 10.1(a):
Omit “and”.

7.3 Paragraph 10.1(b):
Omit “scheme,”, substitute “scheme; and”.

7.4 After paragraph 10.1(b), insert:

“(c) the bedroom scaling factor set out in column 2 of the Schedule opposite the number of bedrooms in the dwelling,”.

8. Clause 14A (Discretion not available for member taken to be included in another rank group)
8.1 Omit the clause.

9. Clause 15 (Rank group - former member of Fleet Air Arm)
9.1 Omit the clause.

10. Clause 16 (TRA on promotion or reduction in rank)
10.1 Omit the clause, substitute:

“16.1 Promotion has no effect on the TRA to which a member is entitled for the dwelling occupied by the member on the day on which the promotion takes effect, unless the member elects for the TRA to be reassessed on the basis of the higher rank with effect from that day.

“16.2 Reduction in rank has no effect on the rental ceiling applicable to a member for the dwelling occupied by the member on the day on which the reduction takes effect, but if a lower rank group applies to the member as a result of the reduction in rank, the member’s rental contribution is to be correspondingly reduced with effect from that day.”.
11. **Clause 20 (Conditions of payment)**

11.1 Add at the end:

“20.2 Paragraph 20.1(b) does not apply to a member in relation to the member’s first posting on completion of initial entry training, if that posting is to the member’s enlistment locality.”.

**PART C - Amendment of Defence Determination 1996/16**

12. **Amendment**

12.1 Defence Determination 1996/16, as amended\(^2\), is amended as set out in this Part.

13. **Schedule 4 (Rental contributions)**

13.1 Omit the Schedule, substitute the Schedule set out in the Attachment to this Determination.

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**NOTES**

1. Determination 503, as amended to date. For previous amendments see Note to Defence Determination No. 15 of 1997 and see also Nos 15, 21, 23 and 30 of 1997.

2. Defence Determination 1996/16, as amended to date. For previous amendments see Note to Defence Determination No. 1 of 1998 and see also Nos 1, 13 and 17 of 1998.
ATTACHMENT
## SCHEDULE 4

### RENTAL CONTRIBUTIONS

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rank group</td>
<td>Rank</td>
<td>Amount of rental contribution $ a week</td>
</tr>
<tr>
<td>1</td>
<td>Colonel or a higher rank</td>
<td>161.85</td>
</tr>
<tr>
<td>2</td>
<td>Major, Lieutenant Colonel</td>
<td>132.15</td>
</tr>
<tr>
<td>3</td>
<td>Warrant Officer Class 1, Warrant Officer Class 2, Second Lieutenant, Lieutenant, Captain</td>
<td>119.25</td>
</tr>
<tr>
<td>4</td>
<td>Sergeant, Staff Sergeant</td>
<td>105.15</td>
</tr>
<tr>
<td>5</td>
<td>Private, Lance Corporal, Corporal</td>
<td>87.75</td>
</tr>
</tbody>
</table>
EXPLANATORY STATEMENT

Defence Determination 1998/19

Defence Act 1903

This Determination amends the following Principal Determinations made under section 58B of the Defence Act 1903:

• Determination 503, Temporary Rental Allowance (TRA); and

• Defence Determination 1996/16, which sets out the rates of various allowances and contributions authorised by other determinations.

TRA is provided to Australian Defence Force (ADF) members who rent family housing on the private market in circumstances that qualify for ADF housing assistance. The main purpose of this Determination is to align certain aspects of TRA with the conditions under which members pay rent for married quarters owned by the Commonwealth, and to make certain other minor adjustments to TRA entitlements.

Part A of this Determination sets out preliminary matters.

Part B amends Determination 503.

Clause 3 inserts definitions of terms required for the interpretation of new provisions.

Clauses 4 and 8 omit redundant provisions under which a member could opt to rent a dwelling classified as suitable for the rank group immediately above or below the member’s own rank group, as members who are entitled to TRA are generally able to select from an adequate range of dwellings suitable for their rank group.

Clause 5 amends a provision identifying members who are entitled to TRA, by:

• omitting reference to a removal at Commonwealth expense as a pre-condition for continued entitlement to TRA by a member who vacates a married quarter or eligible dwelling and moves to another dwelling in the same locality; and

• extending eligibility for TRA to an ADF recruit with a family, in relation to rental of a dwelling at the enlistment locality during initial entry training.
Clause 6 amends a provision specifying rental contributions, by omitting a special rate of TRA rental contribution payable by a member with a salary below the minimum salary of a Private or equivalent, as such a rate is not provided in relation to married quarters.

Clause 7 amends a provision establishing a rental ceiling for a member’s rented dwelling at a locality, by including a factor to adapt the specified rental ceiling for three-bedroom dwellings to those with more than three bedrooms, in proportion to the number of bedrooms in the dwelling.

Clause 9 omits a redundant provision relating to members with the rank of Flight Sergeant who held the rank of Chief Petty Officer in the former Fleet Air Arm.

Clause 10 aligns a provision dealing with the effect on TRA of promotion or reduction in rank with the entitlements in the same situation in relation to married quarters.

Clause 11 inserts a provision to the effect that a removal at Commonwealth expense is not a pre-condition for entitlement to TRA in the case of a recruit whose first posting on completion of initial entry training is back to the locality at which the member lived immediately before joining the Defence Force.

Part C omits the Schedule of TRA rental contributions in Defence Determination 1996/16 and substitutes a new Schedule which omits the Part formerly setting out the special contribution payable by a member with a salary below the minimum salary of a Private or equivalent. The other contribution rates in the Schedule are unchanged.

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