Defence Determination 1998/31

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

Dated 18 August 1998

N.J. FORD
Air Commodore
Director General Financial Conditions
Defence Personnel Executive
PART A – Preliminary

1. Citation
   1.1 This Determination may be cited as Defence Determination 1998/31, Housing Assistance (Repeal and Consequential Amendments).

2. Commencement
   2.1 This Determination commences on 3 September 1998.

PART B – Amendment of Determination 0304

3. Amendment
   3.1 Determination 0304, Airconditioning Allowance, as amended, is amended as set out in this Part.

4. Clause 2 (Definitions)
   4.1 Definition of “married quarter”:
   Omit “Temporary Rental Allowance”, substitute “Rent Allowance”.

PART C – Amendment of Determination 0401

5. Amendment
   5.1 Determination 0401, Travelling Allowance, as amended, is amended as set out in this Part.

6. Clause 2 (Definitions)
   6.1 Definition of “lives in”:
   Omit the definition.

   6.2 Definition of “lives out”:
   Omit the definition.

PART D – Amendment of Determination 0402

7. Amendment
   7.1 Determination 0402, Vehicle Allowance, as amended, is amended as set out in this Part.

8. Clause 2 (Definitions)
   8.1 Definition of “lives in”:
   Omit the definition.
PART E – Repeal of Determination 0503

9. Repeal
9.1 Determination 0503, Temporary Rental Allowance, as amended, is repealed.

PART F – Repeal of Determination 0504

10. Repeal
10.1 Determination 0504, Temporary Accommodation Allowance, as amended, is repealed.

PART G – Amendment of Determination 0506

11. Amendment
11.1 Determination 0506, Meal Allowance, as amended, is amended as set out in this Part.

12. Clause 2 (Definitions)
12.1 Definition of “living in”:
Omit the definition.

12.2 Definition of “living out”:
Omit the definition.

13. Clause 10 (Rates of Meal Allowance)
13.1 Omit “Part 2” (wherever occurring), substitute “Part 1”.

14. Clause 11 (Allowance not payable)
14.1 Paragraph 11(b):
Omit “and”.

14.2 Paragraph 11(c):
Omit “operator.”, substitute “operator; and”.

14.3 Add at the end:
“(d) under paragraph 3(b) or 3(c) or clause 8 or 9 if the member has, under Part 4 of Defence Determination 1998/30, Housing Assistance, elected in writing not to be regularly provided with meals by the Commonwealth.”.

PART H – Repeal of Determination 0507

15. Repeal
15.1 Determination 0507, Living Out Allowance, as amended, is repealed.
PART I – Repeal of Determination 0508

16. Repeal
16.1 Determination 0508, Living Out Away From Home Allowance, as amended, is repealed.

PART J – Amendment of Determination 0509

17. Amendment
17.1 Determination 0509, Dwelling Purchase or Sale Expenses Allowance, as amended, is amended as set out in this Part.

18. Clause 2 (Definitions)
18.1 Definition of “locality”:
Omit the definition, substitute:

“‘locality’, in relation to a member’s posting, means the member’s locality of posting;”.

PART K – Amendment of Determination 0805

19. Amendment
19.1 Determination 0805, Detention Allowance, as amended, is amended as set out in this Part.

20. Clause 7 (Amount of Allowance)
20.1 Paragraph 7(ca):
Reletter as 7(d).

20.2 Paragraph 7(d) (second occurring):
Omit the paragraph.

20.3 Paragraph 7(e):
Omit “Determination 0504, Temporary Accommodation Allowance”, substitute “Defence Determination 1998/30, Housing Assistance;”.

20.4 Paragraph 7(f):
Omit the paragraph.

20.5 Paragraph 7(g):
Omit the paragraph.

20.6 Paragraph 7(h):
Reletter as 7(f).
20.7 Paragraph 7(j):
Reletter as 7(g).

21. **Clause 8 (Amount of Allowance)**

21.1 Paragraph 8(c):
Omit “7(ca)”, substitute “7(d)”.

21.2 Paragraph 8(d):
Omit “7(d), 7(e) or 7(h)”, substitute “7(e) or 7(f)”.

21.3 Paragraph 8(e):
Omit the paragraph.

21.4 Paragraph 8(f):
Omit “7(j)”, substitute “7(g)”.

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**PART L – Amendment of Determination 1503**

22. **Amendment**

22.1 Determination 1503, Cancelled Postings Expenses, as amended, is amended as set out in this Part.

23. **Clause 2 (Definitions)**

23.1 Definition of “relevant Determination”: Omit the definition, substitute:

“‘relevant determination’ means:

(a) Determination 0502, Scholarship Allowance;

(b) Determination 2001, Allowance for Loss on Sale of Vehicle;

(c) the provisions of Overseas Defence Determination 1995/26 relating to loss on sale of a motor vehicle and education assistance overseas;

(d) Defence Determination 1996/32;
[NOTE: Defence Determination 1996/32 deals with Disturbance Allowance.]

(e) Defence Determination 1996/37; and
[NOTE: Defence Determination 1996/37 deals with Education Assistance.]

(f) Defence Determination 1998/30, Housing Assistance.”.

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**PART M – Repeal of Determination 2501**
24. Repeal
24.1 Determination 2501, Charge for Rations and Quarters, as amended, is repealed.

PART N – Repeal of Determination 2507

25. Repeal
25.1 Determination 2507, Charge for Excess Water, as amended, is repealed.

PART O – Amendment of Determination 2601

26. Amendment
26.1 Determination 2601, Recreation Leave, as amended, is amended as set out in this Part.

27. Clause 41 (Inclusion of allowance in payment in lieu of recreation leave)
27.1 Subclause 41.2:
Omit the subclause, substitute:

“This clause does not apply to Uniform Maintenance Allowance.”.

PART P – Amendment of Determination 2607

28. Amendment
28.1 Determination 2607, Recreation Leave Bonus, as amended, is amended as set out in this Part.

29. Clause 3 (Rate of salary)
29.1 Subclause 3.3:
Omit the subclause, substitute:

“This clause does not apply to Uniform Maintenance Allowance.”.

PART Q – Amendment of Determination 2701

30. Amendment
30.1 Determination 2701, Long Service Leave, as amended, is amended as set out in this Part.

31. Clause 23 (Inclusion of allowance in payment in lieu of long service leave)
31.1 Paragraph 23.2(e):
Omit the paragraph.

31.2 Paragraph 23.2(f):
Omit the paragraph.
PART R – Amendment of Defence Determination 1991/45

32. Amendment
32.1 Defence Determination 1991/45, as amended\textsuperscript{17}, is amended as set out in this Part.

33. Clause 3 (Meaning of certain words)
33.1 After the definition of “equivalent rank”, insert:

“‘high cost country centre’ means a locality specified in Part 3 of Schedule 1 to Defence Determination 1996/16;”.

33.2 After the definition of “legal officer”, insert:

“‘living in’ means occupying living-in accommodation, and ‘live in’ has a corresponding meaning;

‘living-in accommodation’, means a barracks or similar residential accommodation owned or controlled by the Commonwealth and primarily provided for the use of members without dependants, and includes similar accommodation provided by a foreign government or other organisation;

‘living out’ means not living in, and ‘live out’ has a corresponding meaning;

‘locality of posting’, in relation to a member, means that area surrounding the member’s normal place of duty which is not in excess of:

(a) a distance traversable in 150 minutes travelling time return journey, door to door, from the member’s normal place of residence to the member’s normal place of duty, by the most appropriate and useable means of public transport during the member’s normal hours of duty; or

(b) 30 kilometres distance each way by public road,

whichever is the greater, or:

(c) another area nominated by the member, if the CDF is satisfied that the member’s daily attendance for duty is not adversely affected by the additional travelling time, if any, taken by the member as a consequence of living in that other area; or

(d) in the case of married quarters which were acquired for the use of members
serving at that place of duty – the greater area within which the married quarters are situated;

‘long-term posting’, in relation to the performance by a member of duties overseas, has the same meaning as in Public Service Determination 1994/162;

‘losing locality’, in relation to a member, means:

(a) in the case of a member with dependants who is granted the first removal after joining or rejoining the Permanent Forces – the locality in Australia of the member’s dependants’ current or last permanent residence at the time of the member joining or rejoining;

(b) in the case of any other member with dependants or a member with dependants (separated) – the locality in Australia to which the member was last granted a removal for the member’s dependants; and

(c) in the case of a member without dependants – the locality in Australia to which the member was last granted a removal;”.

33.3 Definition of “married quarters”:
Omit the definition, substitute:

“‘married quarters’ means residential accommodation provided by the Commonwealth for members with dependants;”.

33.4 After the definition of “married quarters”, insert:

“‘own home’, in relation to a member, means a dwelling (including a dwelling which is the subject of a mortgage or other encumbrance) in which an equal or controlling interest is owned or is being purchased by one, or a combination, of the following:

(a) the member;

(b) a dependant of the member; or

(c) a private company, trust or similar organisation in which an equal or controlling interest is held alone or in combination by the member or a dependant of the member;

‘paid leave’, in relation to a member, means any period of leave during which the member is entitled to salary;”.

33.5 After the definition of “public holiday”, insert:
“public transport’ means transport available to the public by way of regular services over fixed routes and includes transport provided by the Commonwealth to convey a member between the member’s home and normal place of duty;”.

33.6 Definition of “spouse”:
Omit “and”.

33.7 After the definition of “spouse”, insert:

“‘the CDF’ means the Chief of the Defence Force;
‘tier 2 country centre’ means a locality specified in Part 4 of Schedule 1 to Defence Determination 1996/16;”.

34. Clause 3B (Dual entitlement)
34.1 Paragraph 3B.3(k):
Omit “Temporary Rental Allowance”, substitute “Rent Allowance”.

34.2 Subclause 3B.4:
Omit “Temporary Rental Allowance”, substitute “Rent Allowance”.

35. New clause 10
35.1 Add at the end:

Period of posting
“10.1 In a determination, a reference to the period of posting, in relation to a member, is a reference to the period beginning on the day on which the member begins duty at a locality of posting and ending on the day on which the member ceases duty at the locality.

“10.2 A member’s period of posting is taken to begin on the day on which the member or dependants arrive at the locality of posting (whichever is the earlier), if the member or dependants arrive at the locality:

(a) on the Saturday, Sunday or public holiday immediately before the day on which the member begins duty;

(b) on a day during a period of paid leave immediately before the day on which the member begins duty;

(c) on or after the day on which the member is granted a removal to the locality; or

(d) on any other day that the CDF considers reasonable, having regard to:

(i) the circumstances of the member’s removal to the locality;
(ii) the number, age, gender and circumstances of the member’s dependants;

(iii) the availability of rented dwellings at the locality; and

(iv) any other factor relevant to the member’s posting to the locality.

“10.3 A member’s period of posting is taken to end on the day on which the member or dependants depart from the locality of posting (whichever is the later), if the member or dependants depart from the locality:

(a) on the Saturday, Sunday or public holiday immediately after the day on which the member ceases duty;

(b) on a day during a period of paid leave immediately after the day on which the member ceases duty;

(c) on or before the day on which the member is granted a removal from the locality (other than a removal for dependants that results from cessation of the requirement for a member to occupy a dwelling with the dependants); or

(d) on any other day that the CDF considers reasonable, having regard to:

(i) the circumstances of the member’s removal from the locality;

(ii) the number, age, gender and circumstances of the member’s dependants; and

(iii) any other factor relevant to the member’s posting from the locality.”.

PART S – Amendment of Overseas Defence Determination 1995/26

36. Amendment
36.1 Overseas Defence Determination 1995/26, as amended18, is amended as set out in this Part.

37. Clause 3 (Definitions)
37.1 Paragraph 3(a):
Omit “‘long-term posting’, “.

38. Clause 16 (Member living in overseas)
38.1 Paragraph 16(b):
Omit the paragraph, substitute:

“(b) must pay to the Commonwealth a contribution for accommodation and meals equal to the sum of:

(i) the contribution for living-in accommodation payable under Part 3 of Defence
Determination 1998/30, Housing Assistance, by a member without dependants occupying level 3 living-in accommodation; and

(ii) the contribution or charge for meals that would be payable by the member under Part 4 of Defence Determination 1998/30, Housing Assistance, if the member were occupying living-in accommodation on the same basis in Australia.”.

PART T – Amendment of Defence Determination 1996/16

39. Amendment
39.1 Defence Determination 1996/16, as amended, is amended as set out in this Part.

40. Clause 3 (Allowances and contributions for meals)
40.1 Omit the clause, substitute:

“For the purpose of Determination 0506, Meal Allowance, the amounts of Meal Allowance are as set out in Part 1 of Schedule 2.

For the purposes of the following provisions relating to meals in Parts 2 and 4 of Defence Determination 1998/30, Housing Assistance, the amounts are as set out in:

(a) for the purpose of the definition of ‘meal cost’ in clause 2.5 – Part 2 of Schedule 2;
(b) for the purpose of the hotel contribution under clause 2.7 – Part 3 of the Schedule;
(c) for the purpose of the contribution for meals under clause 4.2 – Part 4 of the Schedule;
(d) for the purpose of the casual meals charges under clause 4.5 – Part 5 of the Schedule; and
(e) for the purpose of the contribution for meals by a member on leave without pay under clause 4.6 – Part 6 of the Schedule.”.

41. Clause 8 (Temporary Rental Allowance)
41.1 Omit the clause, substitute:

Housing Assistance – member contributions

For the purposes of the following provisions relating to contributions payable by members to the Commonwealth under Parts 2, 3, 5 and 6 of Defence Determination 1998/30, Housing Assistance, the amounts are:

(a) for the purpose of the contribution for utilities under subparagraph 2.7.1(a)(iii) – $17.28 a week;
(b) for the purpose of contributions for living-in accommodation under clause 3.2 – as set out in Part 1 or 2 of Schedule 4 (as the case requires);

(c) for the purpose of the rent contribution applicable to a member with dependants under subclause 5.3.2 and paragraph B.1.1(a) of Annex B – as set out in Part 3 of the Schedule;

(d) for the purpose of the contribution for water under clause 6.2 – $3.15 a week;

(e) for the purpose of reimbursement for utilities under paragraph 6.3.1(b) – up to $12.00 a week; and

(f) for the purpose of reimbursement for laundry under paragraph 6.3.1(c) – up to $7.00 a week.”.

42. Clause 9 (Charge for Excess Water)
42.1 Omit the clause.

43. Clause 13 (Contribution for fuel and power)
43.1 Omit the clause.

44. Clause 15 (Charge for Rations and Quarters)
44.1 Omit the clause.

45. Schedule 2 (Allowances and contributions for meals)
45.1 Omit the Schedule, substitute the Schedule set out in Attachment A to this Determination.

46. Schedule 4 (Contributions for accommodation)
46.1 Omit the Schedule, substitute the Schedule set out in Attachment B to this Determination.

47. Schedule 5 (Temporary Accommodation Allowance – contributions for food)
47.1 Omit the Schedule.

48. Schedule 9 (Charge for rations and quarters)
48.1 Omit the Schedule.

PART U – Transitional

49. Definitions
49.1 In this Part:

“commencement day” means the day on which the Principal Determination commences;
“established rental level”, in relation to a member, means the established rental level appropriate to the member in relation to the cost of accommodation only (excluding any identifiable costs for utilities and rates) under:

(a) subsubparagraph 7(b)(i)A of Determination 0507, Living Out Allowance; or

(b) subsubparagraph 8(a)(ii)A of Determination 0508, Living Out Away from Home Allowance,

as the case requires;
“former determination” means the following Determinations as in force immediately before the commencement day:

(a) Determination 0503, Temporary Rental Allowance;
(b) Determination 0504, Temporary Accommodation Allowance;
(c) Determination 0507, Living Out Allowance;
(d) Determination 0508, Living Out Away From Home Allowance; and
(e) Determination 2501, Charge for Rations and Quarters;

“rent ceiling” means the rent ceiling applicable to the member under the Principal Determination;

“the Principal Determination” means Defence Determination 1998/30, Housing Assistance;

“utilities” has the same meaning as in Part 1 of the Principal Determination.

50. Transitional – eligibility established under former determination

50.1 A member is taken to comply with the eligibility conditions set out in the Principal Determination as in force on or after the commencement day in order to qualify for an entitlement or incur a liability in relation to housing assistance, and any related approval, authority, instruction or direction is taken to have been given, issued or granted under and for the purposes of that Determination, if, before the commencement day, the member complied with eligibility conditions set out in a former determination (whether the compliance was established as the result of an approval, an authority, an instruction or a direction given, issued or granted under or for the purposes of the former determination or was otherwise established under the former determination).

50.2 Subclause 50.1 is not to apply to a member after:

(a) the member vacates the dwelling or other form of accommodation for which the member is entitled to housing assistance on the commencement day; or
(b) the member and any dependants depart from the locality of posting at which member is serving on the commencement day,

whichever occurs first.

50.3 Except as provided by clauses 53 and 54, nothing in subclause 50.1 is taken to preserve or maintain after the commencement day the monetary amount or value of a member’s entitlements or liabilities applicable to the member as the result of assessment of the member’s eligibility under a former determination before the commencement day, including any entitlements or liabilities:

(a) in the case of a member to whom Determination 0503, Temporary Rental Allowance,
applied – in relation to payment of Temporary Rental Allowance or rent to, or payment of related contributions by, the member or dependants;

(b) in the case of a member to whom Determination 0504, Temporary Accommodation Allowance, applied – in relation to the payment of Temporary Accommodation Allowance to, or related contributions payable by, the member, including any amounts for accommodation, meals, food, laundry or utilities;

(c) in the case of a member to whom Determination 0507, Living Out Allowance, applied – in relation to payment of Living Out Allowance to, or payment of related contributions by, the member, including any amounts for accommodation, rent, rates, meals, food, laundry or utilities;

(d) in the case of a member to whom Determination 0508, Living Out Away From Home Allowance, applied – in relation to the payment of Living Out Away From Home Allowance to the member, including any amounts for accommodation, rent, rates, meals, food, laundry or utilities; and

(e) in the case of a member to whom Determination 2501, Charge for Rations and Quarters, applied – in relation to the deduction from the member’s salary of a charge for rations and quarters,

and with effect from that day the monetary amount or value of any such entitlements or liabilities is to be regulated by the Principal Determination and any other determination as in force on or after that day, to the extent that any of those determinations apply to the member.

51. Transitional – eligibility established under Defence Determination 1991/45

51.1 A member or another person is taken to comply with the eligibility conditions set out in Defence Determination 1991/45 as in force on or after the commencement day in order to qualify for a status provided for in that Determination, and any related approval, authority, instruction or direction is taken to have been given, issued or granted under and for the purposes of that Determination as amended, if, before the commencement day, the member or other person complied with eligibility conditions set out in that Determination (whether the compliance was established as the result of an approval, an authority, an instruction or a direction given, issued or granted under or for the purposes of the Determination or was otherwise established under the Determination).

51.2 Subclause 51.1 is not to apply to a member after the member and any dependants depart from the locality of posting at which member is serving on the commencement day.

52. Transitional – person authorised to exercise power under former determination

52.1 If, in a provision of:

(a) a former determination; or

(b) Defence Determination 1991/45 as in force immediately before the commencement day, the CDF was authorised to exercise a power or a function and another person was authorised by the
CDF to exercise the power or function, a reference to the CDF in Defence Determination 1991/45 or the Principal Determination as in force on or after the commencement day, in relation to a similar power or function, is taken to include a reference to the person authorised by the CDF to exercise the power or function.

53. Transitional – rent ceiling of member formerly entitled to Living Out Allowance or Living Out Away from Home Allowance

53.1 If the established rental level appropriate to a member for a dwelling immediately before the commencement day differs from the rent ceiling applicable to the member under Annex A to Defence Determination 1998/30, that established rental level is to continue to apply to the member instead of the rent ceiling during the period beginning on the commencement day and ending:

(a) in the case of an established rental level that is greater than the rent ceiling – on the day on which the member vacates the dwelling; and

(b) in the case of an established rental level that is less than the rent ceiling – on whichever is the earlier of:

(i) the day on which the member vacates the dwelling; and

(ii) the day on which approval is given to the member’s application for the rent ceiling to apply to the member.

54. Transitional – food and meal costs for member posted to seagoing submarine

54.1 A member who lives out while posted to a seagoing submarine is entitled to an allowance for meals and food equal to the amount to which the member would have been entitled for meals and food under Determination 0507, Living Out Allowance, or Determination 0508, Living Out Away From Home Allowance (as the case requires), as in force immediately before the commencement day, if those Determinations had continued to apply to the member after that day.

54.2 For the purpose of subclause 54.1, the amount to which a member would have been entitled for meals and food is:

(a) for a member who is provided with lunch at Commonwealth expense - $60 a week; and

(b) for any other member - $82 a week.

NOTES

1. Determination 0304, as amended to date. For previous amendments see Note to Determination No. 10 of 1998 and see also Determination Nos. 10 of 1998.

2. Determination 0401, as amended to date. For previous amendments see Note to Determination No. 25 of 1998 and see also Determination No. 25 of 1998.
3. Determination 0402, as amended to date. For previous amendments see Note to Determination No. 25 of 1998 and see also Determination No. 25 of 1998.

4. Determination 0503, as amended to date. For previous amendments see Note to Determination No. 19 of 1998 and see also Determination Nos. 19 and 23 of 1998.

5. Determination 0504, as amended to date. For previous amendments see Note to Determination No. 17 of 1998 and see also Determination No. 17 of 1998.

6. Determination 0506, as amended to date. For previous amendments see Note to Determination No. 17 of 1998 and see also Determination No. 17 of 1998.

7. Determination 0507, as amended to date. For previous amendments see Note to Determination No. 23 of 1998 and see also Determination No. 23 of 1998.

8. Determination 0508, as amended to date. For previous amendments see Note to Determination 14 of 1998 and see also Determination No. 14 of 1998.


10. Determination 0805 was made by Determination No. 48 of 1985 and has been amended by Determination No. 87 of 1986; Nos. 17 and 77 of 1987; No 204 of 1989; No 2 of 1994; No. 27 of 1995 and 8 and 21 of 1997.

11. Determination 1503, as amended to date. For previous amendments see Note to Determination No. 25 of 1998 and see also Determination No. 25 of 1998.

12. Determination 2501, as amended to date. For previous amendments see Note to Determination No. 23 of 1998 and see also Determination Nos. 23 and 25 of 1998.


14. Determination 2601, as amended to date. For previous amendments see Note to Determination No. 6 of 1998 and see also Determination Nos. 6, 10, 16, 25 and 27 of 1998.

15. Determination 2607, as amended to date. For previous amendments see Note to Determination No. 25 of 1998 and see also Determination No. 25 of 1998.

16. Determination 2701, as amended to date. For previous amendments see Note to Determination No. 8 of 1997 and see also Determination No. 8 of 1997.

17. Defence Determination 1991/45, as amended to date. For previous amendments see Note to Determination 23 of 1998 and see also Determination No. 23 of 1998.

18. Determination 1995/26, as amended to date. For previous amendments see Note to Determination 16 of 1998 and see also Nos. 1, 13, 17, 19, 20, 23, 24, 25, 27 and 28 of 1998.

19. 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, 17, 19, 20, 23, 24, 25, 27 and 28 of 1998.
ATTACHMENT A
## SCHEDULE 2

### ALLOWANCES AND CONTRIBUTIONS FOR MEALS

#### PART 1 – Meal Allowance

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
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<tr>
<td>Meal</td>
<td>Amount</td>
<td>Amount for purposes of paragraph 10(a) of Determination 506</td>
</tr>
<tr>
<td></td>
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<td>$</td>
</tr>
<tr>
<td>Breakfast</td>
<td>10.00</td>
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</tr>
<tr>
<td>Lunch</td>
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<td>4.90</td>
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<td>Dinner</td>
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#### PART 2 – Amounts payable for meals – Temporary Accommodation Allowance

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<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meal</td>
<td>Amount for capital cities and high cost country centres</td>
<td>Amount for other localities</td>
</tr>
<tr>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Breakfast</td>
<td>13.05</td>
<td>10.00</td>
</tr>
<tr>
<td>Lunch</td>
<td>13.90</td>
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<tr>
<td>Dinner</td>
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</table>
PART 3 - Contributions for food - Temporary Accommodation Allowance

<table>
<thead>
<tr>
<th>Member’s salary</th>
<th>Member with spouse</th>
<th>Member or spouse only</th>
<th>Additional amount for each additional adult dependant</th>
<th>Additional amount for first dependant under 21</th>
<th>Additional amount for each subsequent dependant under 21</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ a year</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

| Below 20,000    | 93.30              | 46.65                | 46.65                                               | 9.33                                        | 7.00                                                |
| 20,000 – 21,999 | 94.96              | 47.48                | 47.48                                               | 9.50                                        | 7.12                                                |
| 22,000 – 23,999 | 98.26              | 49.13                | 49.13                                               | 9.83                                        | 7.37                                                |
| 24,000 – 25,999 | 101.57             | 50.79                | 50.79                                               | 10.16                                       | 7.62                                                |
| 26,000 – 27,999 | 104.88             | 52.44                | 52.44                                               | 10.49                                       | 7.87                                                |
| 28,000 – 29,999 | 108.19             | 54.10                | 54.10                                               | 10.82                                       | 8.11                                                |
| 30,000 – 31,999 | 111.50             | 55.75                | 55.75                                               | 11.15                                       | 8.36                                                |
| 32,000 – 33,999 | 114.81             | 57.40                | 57.40                                               | 11.48                                       | 8.61                                                |
| 34,000 – 35,999 | 118.12             | 59.06                | 59.06                                               | 11.81                                       | 8.86                                                |
| 36,000 – 37,999 | 121.43             | 60.71                | 60.71                                               | 12.14                                       | 9.11                                                |
| 38,000 – 39,999 | 124.74             | 62.37                | 62.37                                               | 12.47                                       | 9.36                                                |
| 40,000 – 41,999 | 128.05             | 64.02                | 64.02                                               | 12.80                                       | 9.60                                                |
| 42,000 – 43,999 | 131.35             | 65.68                | 65.68                                               | 13.14                                       | 9.85                                                |
| 44,000 – 45,999 | 134.66             | 67.33                | 67.33                                               | 13.47                                       | 10.10                                               |
| 46,000 – 47,999 | 137.97             | 68.99                | 68.99                                               | 13.80                                       | 10.35                                               |
| 48,000 – 49,999 | 141.28             | 70.64                | 70.64                                               | 14.13                                       | 10.60                                               |
| 50,000 – 51,999 | 144.59             | 72.30                | 72.30                                               | 14.46                                       | 10.84                                               |
| 52,000 – 53,999 | 147.90             | 73.95                | 73.95                                               | 14.79                                       | 11.09                                               |
| 54,000 – 55,999 | 151.21             | 75.60                | 75.60                                               | 15.12                                       | 11.34                                               |
| 56,000 – 57,999 | 154.52             | 77.26                | 77.26                                               | 15.45                                       | 11.59                                               |
| 58,000 – 59,999 | 157.83             | 78.91                | 78.91                                               | 15.78                                       | 11.84                                               |
| 60,000 – 61,999 | 161.14             | 80.57                | 80.57                                               | 16.11                                       | 12.09                                               |
| 62,000 – 63,999 | 164.44             | 82.22                | 82.22                                               | 16.44                                       | 12.33                                               |
| 64,000 – 65,999 | 167.75             | 83.88                | 83.88                                               | 16.78                                       | 12.58                                               |
| 66,000 – 67,999 | 171.06             | 85.53                | 85.53                                               | 17.11                                       | 12.83                                               |
| 68,000 - 69,999 | 174.37             | 87.19                | 87.19                                               | 17.44                                       | 13.08                                               |
### SCHEDULE 2 - continued

### PART 3 - continued

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
<th>Column 5</th>
<th>Column 6</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Member's salary $ a year</strong></td>
<td><strong>Member with spouse</strong></td>
<td><strong>Member or spouse only</strong></td>
<td><strong>Additional amount for each additional adult dependant</strong></td>
<td><strong>Additional amount for first dependant under 21</strong></td>
<td><strong>Additional amount for each subsequent dependant under 21</strong></td>
</tr>
<tr>
<td>70,000 - 71,999</td>
<td>177.68</td>
<td>88.84</td>
<td>88.84</td>
<td>17.77</td>
<td>13.33</td>
</tr>
<tr>
<td>72,000 - 73,999</td>
<td>180.99</td>
<td>90.49</td>
<td>90.49</td>
<td>18.10</td>
<td>13.57</td>
</tr>
<tr>
<td>74,000 - 75,999</td>
<td>184.30</td>
<td>92.15</td>
<td>92.15</td>
<td>18.43</td>
<td>13.82</td>
</tr>
<tr>
<td>76,000 - 77,999</td>
<td>187.61</td>
<td>93.80</td>
<td>93.80</td>
<td>18.76</td>
<td>14.07</td>
</tr>
<tr>
<td>78,000 - 79,999</td>
<td>190.92</td>
<td>95.46</td>
<td>95.46</td>
<td>19.09</td>
<td>14.32</td>
</tr>
<tr>
<td>80,000 - 81,999</td>
<td>194.23</td>
<td>97.11</td>
<td>97.11</td>
<td>19.42</td>
<td>14.57</td>
</tr>
<tr>
<td>82,000 - 83,999</td>
<td>197.53</td>
<td>98.77</td>
<td>98.77</td>
<td>19.75</td>
<td>14.82</td>
</tr>
<tr>
<td>84,000 - 85,999</td>
<td>200.84</td>
<td>100.42</td>
<td>100.42</td>
<td>20.08</td>
<td>15.06</td>
</tr>
<tr>
<td>86,000 - 87,999</td>
<td>204.15</td>
<td>102.08</td>
<td>102.08</td>
<td>20.42</td>
<td>15.31</td>
</tr>
<tr>
<td>88,000 - 89,999</td>
<td>207.46</td>
<td>103.73</td>
<td>103.73</td>
<td>20.75</td>
<td>15.56</td>
</tr>
<tr>
<td>90,000 - 91,999</td>
<td>210.77</td>
<td>105.39</td>
<td>105.39</td>
<td>21.08</td>
<td>15.81</td>
</tr>
<tr>
<td>92,000 - 93,999</td>
<td>214.08</td>
<td>107.04</td>
<td>107.04</td>
<td>21.41</td>
<td>16.06</td>
</tr>
<tr>
<td>94,000 - 95,999</td>
<td>217.39</td>
<td>108.69</td>
<td>108.69</td>
<td>21.74</td>
<td>16.30</td>
</tr>
<tr>
<td>96,000 - 97,999</td>
<td>220.70</td>
<td>110.35</td>
<td>110.35</td>
<td>22.07</td>
<td>16.55</td>
</tr>
<tr>
<td>98,000 - 99,999</td>
<td>224.01</td>
<td>112.00</td>
<td>112.00</td>
<td>22.40</td>
<td>16.80</td>
</tr>
<tr>
<td>100,000 – 101,999</td>
<td>227.32</td>
<td>113.66</td>
<td>113.66</td>
<td>22.73</td>
<td>17.05</td>
</tr>
<tr>
<td>102,000 – 103,999</td>
<td>230.62</td>
<td>115.31</td>
<td>115.31</td>
<td>23.06</td>
<td>17.30</td>
</tr>
<tr>
<td>104,000 – 105,999</td>
<td>233.93</td>
<td>116.97</td>
<td>116.97</td>
<td>23.39</td>
<td>17.54</td>
</tr>
<tr>
<td>106,000 – 107,999</td>
<td>237.24</td>
<td>118.62</td>
<td>118.62</td>
<td>23.72</td>
<td>17.79</td>
</tr>
<tr>
<td>108,000 – 109,999</td>
<td>240.55</td>
<td>120.28</td>
<td>120.28</td>
<td>24.06</td>
<td>18.04</td>
</tr>
<tr>
<td>110,000 – 111,999</td>
<td>243.86</td>
<td>121.93</td>
<td>121.93</td>
<td>24.39</td>
<td>18.29</td>
</tr>
<tr>
<td>112,000 – 113,999</td>
<td>247.17</td>
<td>123.58</td>
<td>123.58</td>
<td>24.72</td>
<td>18.54</td>
</tr>
<tr>
<td>114,000 – 115,999</td>
<td>250.48</td>
<td>125.24</td>
<td>125.24</td>
<td>25.05</td>
<td>18.79</td>
</tr>
<tr>
<td>116,000 – 117,999</td>
<td>253.79</td>
<td>126.89</td>
<td>126.89</td>
<td>25.38</td>
<td>19.03</td>
</tr>
<tr>
<td>118,000 – 119,999</td>
<td>257.10</td>
<td>128.55</td>
<td>128.55</td>
<td>25.71</td>
<td>19.28</td>
</tr>
<tr>
<td>120,000 and above</td>
<td>260.41</td>
<td>130.20</td>
<td>130.20</td>
<td>26.04</td>
<td>19.53</td>
</tr>
</tbody>
</table>
SCHEDULE 2 – continued

PART 4 – Contribution for meals – living-in accommodation

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of member</td>
<td>Amount</td>
</tr>
<tr>
<td></td>
<td>$ a week</td>
</tr>
<tr>
<td>Corporal or lower rank, trainee(^1)</td>
<td>34.30</td>
</tr>
<tr>
<td>Sergeant or higher non-commissioned rank, Warrant Officer</td>
<td>42.35</td>
</tr>
<tr>
<td>Officer (other than trainee(^1))</td>
<td>45.68</td>
</tr>
</tbody>
</table>

PART 5 – Casual meal charges

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of member</td>
<td>Breakfast</td>
</tr>
<tr>
<td></td>
<td>$</td>
</tr>
<tr>
<td>Corporal or lower rank, trainee(^1)</td>
<td>2.30</td>
</tr>
<tr>
<td>Sergeant or higher non-commissioned rank, Warrant Officer</td>
<td>2.70</td>
</tr>
<tr>
<td>Officer (other than trainee(^1))</td>
<td>3.10</td>
</tr>
</tbody>
</table>
SCHEDULE 2 – continued

PART 6 – Contribution for meals – member on leave without pay
(other than part-time leave without pay)

<table>
<thead>
<tr>
<th>Description of member</th>
<th>Breakfast $</th>
<th>Lunch $</th>
<th>Dinner $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporal or lower rank, trainee&lt;sup&gt;1&lt;/sup&gt;</td>
<td>6.40</td>
<td>6.85</td>
<td>12.40</td>
</tr>
<tr>
<td>Sergeant or higher non-commissioned rank; Warrant Officer; officer (other than trainee)</td>
<td>10.70</td>
<td>11.40</td>
<td>20.70</td>
</tr>
</tbody>
</table>

[NOTE 1: “Trainee” is defined in Defence Determination 1991/45.]
SCHEDULE 4

CONTRIBUTIONS FOR ACCOMMODATION

PART 1 – Contribution for living-in accommodation

<table>
<thead>
<tr>
<th>Description of member</th>
<th>Amount – $ a week</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporal or lower rank, trainee¹</td>
<td>35.10 35.10 35.10 35.10 35.10</td>
</tr>
<tr>
<td>Sergeant or higher non-commissioned rank, Warrant Officer</td>
<td>42.05 42.05 42.05 42.05 42.05</td>
</tr>
<tr>
<td>Officer (other than trainee³)</td>
<td>47.70 47.70 47.70 47.70 47.70</td>
</tr>
</tbody>
</table>

PART 2 – Contribution for living-in accommodation – member on leave without pay (other than part-time leave without pay)

<table>
<thead>
<tr>
<th>Category of accommodation</th>
<th>Amount – $ a week</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dormitory room</td>
<td>35.00</td>
</tr>
<tr>
<td>Shared room</td>
<td>70.00</td>
</tr>
<tr>
<td>Single room with shared facilities</td>
<td>84.00</td>
</tr>
<tr>
<td>Single room with private facilities</td>
<td>98.00</td>
</tr>
</tbody>
</table>
Additional charge if housekeeping services are provided with the accommodation 35.00

SCHEDULE 4 – continued

PART 3 – Contribution for Rent Allowance – member with dependants

<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 contribution $ a week</td>
</tr>
<tr>
<td>1</td>
<td>Colonel or higher rank</td>
<td>171.10</td>
</tr>
<tr>
<td>2</td>
<td>Major, Lieutenant Colonel</td>
<td>139.70</td>
</tr>
<tr>
<td>3</td>
<td>Warrant Officer Class 1, Warrant Officer Class 2, Second Lieutenant, Lieutenant, Captain</td>
<td>126.10</td>
</tr>
<tr>
<td>4</td>
<td>Sergeant, Staff Sergeant</td>
<td>111.15</td>
</tr>
<tr>
<td>5</td>
<td>Corporal or lower rank, trainee¹</td>
<td>92.80</td>
</tr>
</tbody>
</table>

[NOTE 1: “Trainee” is defined in Defence Determination 1991/45.]
DETERMINATION 1998/31 - CLAUSE NOTES

Clause Amendments


FOOTNOTES - 1998/31

1. Defence Determination 1998/31 has been amended by Defence Determination No. 42 of 1998.
EXPLANATORY STATEMENT

Defence Determination 1998/31

Defence Act 1903

As a result of the implementation of new housing-related entitlements for members of Australian Defence Force (ADF) by Defence Determination (DD) 1998/30, this Determination repeals certain redundant determinations, makes other consequential amendments and authorises transitional arrangements.

Part A deals with preliminary matters and provides for this Determination to commence on 3 September 1998, the same day as DD 1998/30.

The following table summarises the repeal action authorised by the relevant Parts of this Determination:

**TABLE – Repeal action**

<table>
<thead>
<tr>
<th>Repealed by</th>
<th>Determination repealed</th>
<th>Topic</th>
<th>Corresponding Part of DD 1998/30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part E</td>
<td>0503</td>
<td>Temporary Rental Allowance (for members with dependants obliged to obtain private rental housing in the absence of other suitable accommodation)</td>
<td>Part 5</td>
</tr>
<tr>
<td>Part F</td>
<td>0504</td>
<td>Temporary Accommodation Allowance (for members obliged to obtain short-term accommodation in the absence of other suitable accommodation)</td>
<td>Part 2</td>
</tr>
<tr>
<td>Part H</td>
<td>0507</td>
<td>Living Out Allowance (for members without dependants living out in specified circumstances)</td>
<td>Part 5</td>
</tr>
<tr>
<td>Part I</td>
<td>0508</td>
<td>Living Out Away From Home Allowance (for members living out away from their dependants in specified circumstances)</td>
<td>Part 5</td>
</tr>
<tr>
<td>Part M</td>
<td>2501</td>
<td>Charge for Rations and Quarters (payable for accommodation and meals by members living in Service)</td>
<td>Part 3 [accommodation] Part 4 [meals]</td>
</tr>
</tbody>
</table>
accommodation primarily provided
for members without dependants)

**TABLE – continued**

<table>
<thead>
<tr>
<th>Repealed by</th>
<th>Determination repealed</th>
<th>Topic</th>
<th>Corresponding Part of DD 1998/30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part N</td>
<td>2507</td>
<td>Charge for Excess Water (standard charge payable for water usage by members with dependants living in married quarters)</td>
<td>Part 6</td>
</tr>
</tbody>
</table>

The remainder of Parts B to Q (inclusive) and Part S of this Determination make minor amendments to align (where necessary) the other determinations made under section 58B of the *Defence Act 1903* (the Act) with the terminology used in the new housing assistance provisions. The amendments deal with references to housing-related determinations and entitlements; definitions of expressions relevant to housing assistance; the format of provisions containing such references; and deletion of references to Temporary Rental Allowance, Living Out Allowance and Living Out Away From Home Allowance, which are now subsumed into Rent Allowance.

Part R amends DD 1991/45, which sets out general definitions and interpretation for use with other determinations made under section 58B of the Act. Clause 33 in this Part consolidates (without significant change) all of the generally-applicable definitions that are relevant to the interpretation of ADF housing assistance and the related allowances and contributions. The opportunity is taken to include definitions of “high cost country centre” and “tier 2 country centre” that are required for the interpretation of a schedule setting out rates of Travelling Allowance.

Clause 35 of Part R sets out a standard general interpretation of the expression “period of posting” that is used in DD 1998/30 and is required in simplifying other section 58B determinations. A discretion is included for the Chief of the Defence Force (CDF) to approve that the period begins and ends on the dates of arrival at and departure from the locality of posting in certain circumstances.

Part T amends DD 1996/16, which authorises the rates of various allowances and contributions payable under other section 58B determinations, including DD 1998/30.

Clause 40 in Part T restructures a provision authorising rates of allowances and contributions for meals and food. The new provision operates in conjunction with a revised Schedule 2 inserted by clause 45. Particular comments on these rates are as follows:

- the amounts of Meal Allowance specified in new subclause 3.1 and Part 1 of Schedule 2 are transferred from Part 2 of the former Schedule 2 and are unchanged;
the amounts payable for meals to a member who is entitled to Temporary Accommodation Allowance, as specified in paragraph 3.2(a) and Part 2 of the Schedule, are transferred from Part 1 of the former Schedule 2 and are unchanged;

the contributions for food payable by a member with dependants who is entitled to Temporary Accommodation Allowance, as specified in paragraph 3.2(b) and Part 3 of the Schedule, are transferred from the former Schedule 5 and are increased as the result of a routine annual review to reflect movement in the relevant component of the Consumer Price Index. On this occasion the increase is 2.1% for the 15 months ended 30 June 1998. In future the contributions will be adjusted annually in the September quarter, in line with adjustments to other elements of ADF housing assistance and accommodation entitlements. This adjustment is in accordance with the *Australian Defence Force Productivity Based Remuneration Arrangement: 1997-99*, which requires the rates to be reviewed in the September quarter 1998;

the weekly contributions for food payable by a member who lives in, as specified in paragraph 3.2(c) and Part 4 of the Schedule, represent approximately half the obsolete combined charge for rations and quarters set out in Part 1 of the former Schedule 9. (The other half of that charge related to living-in accommodation, as described under clause 41 below.);

the casual meal charges specified in paragraph 3.2(d) and Part 5 of the Schedule are based on a percentage of the obsolete charge for rations and quarters; and

the contributions for meals payable by a member who continues to live in while on continuous leave without pay, as specified in paragraph 3.2(e) and Part 6 of the Schedule, are transferred from Part 2 of the former Schedule 9 and are unchanged.

Clause 41 expands a provision that formerly authorised the rates of contribution for Temporary Rental Allowance. The new provision deals with all rates of contribution applicable to members under DD 1998/30, and operates in conjunction with a revised Schedule 4 inserted by clause 46. Particular comments on these rates are as follows:

the contribution for utilities specified in new paragraph 8.1(a) is transferred from the former subclause 13.2 of DD 1996/16 and is unchanged;

the contributions for accommodation payable by a member who lives in, as specified in paragraph 8.1(b) and Part 1 of Schedule 4, represent approximately half the obsolete charge for rations and quarters set out in Part 1 of the former Schedule 9;

the contributions for accommodation payable by a member who lives in while on continuous leave without pay, as specified in paragraph 8.1(b) and Part 2 of Schedule 4, are transferred from Part 2 of the former Schedule 9 and are unchanged (apart from being expressed as weekly instead of daily amounts);

the rent contributions applicable to a member with dependants, as specified in paragraph 8.1(c) and Part 3 of Schedule 4, are retained without change from the former Schedule 4;
the rate of contribution for water specified in paragraph 8.1(d) is transferred from the former clause 9 and is unchanged; and

the upper reimbursement limits for utilities and laundry specified in paragraphs 8.1(e) and 8.1(f) respectively are derived from existing limits contained in ADF guideline material for use in connection with the former Living Out Allowance and Living Out Away from Home Allowance.

Clauses 42 to 48 inclusive omit redundant clauses and schedules of DD 1996/16 and substitute the new Schedules 2 and 4.

Part U authorises transitional arrangements in connection with the new housing entitlements and related changes, as follows:

- clause 49 defines certain expressions used in the Part;
- clause 50 maintains the compliance of a member with the eligibility conditions for a housing related entitlement or liability under a former determination, while not maintaining the monetary amount or value of the member’s former entitlement or liability (see the summary in the Explanatory Statement to DD 1998/30 of the overall effect of the new housing assistance scheme, including in relation to members who live out). Any discretion or other approval exercised under a former determination is also taken to be exercised under DD 1998/30. This provision operates for a finite period, until the member vacates the current dwelling for which housing assistance is received, or leaves the current locality of posting. For example, permission granted by the CDF under the former Determination 0507, Living Out Allowance, for a member to live out for the purposes of access to housing assistance would not need (in the absence of a change in the member’s circumstances) to be renewed under the new scheme before the occurrence of one of the specified events, but the amount of the member’s entitlement to that particular allowance is not preserved (with one exception – see clause 53 below). The member’s housing assistance entitlements are instead assessed under the new Rent Allowance provisions;
- clause 51 has a similar effect in relation to the status of members and other persons (for example their dependants) as a result of decisions taken under DD 1991/45 before 3 September 1998 (the commencement day). For example, DD 1991/45 includes powers for the CDF to approve persons as dependants or to approve a member as separated from dependants for the purpose of certain special entitlements. These powers are amended by DD 1998/32, Definitions and Interpretation of Dependents (Amendment), with effect from the commencement day, but the effect of clause 51 is that such approvals would not need (in the absence of a change in the member’s circumstances) to be renewed under the new scheme before the member leaves the current locality of posting;
- clause 52 maintains, for the purposes of the new scheme, the authority of and status of decisions made by persons whom the CDF authorised to exercise similar powers for and on behalf of the CDF in relation to discretions under a former determination (including DD 1991/45 as in force before its amendment by this Determination and DD 1998/32);
• clause 53 preserves the rent ceiling (known as the ‘established rental level’) of a member who was formerly entitled to Living Out Allowance or Living Out Away From Home Allowance from the commencement day until the occurrence of a specified event. (The rent ceiling represents in each case the limit of Commonwealth liability for rental assistance to a member.) The former rent ceiling is preserved until the day on which the member vacates the current dwelling; if it was lower than the new rent ceiling, the member has the option of having the new rent ceiling apply to the current dwelling; and

• clause 54 maintains for the time being the entitlement of certain members who are posted to a seagoing submarine to an allowance for meals and food on the same terms as would have applied to them under the former Determinations 0507 or 0508. (Those Determinations applied respectively to members without dependants and members whose temporary separation from dependants is recognised for the purpose of their entitlements.)

Where entitlements are subject to the discretion of the CDF, criteria are provided for the exercise of the discretion and adverse decisions are subject to a redress of grievance process including appeal to the Defence Force Ombudsman.

Authority: Section 58B of the Defence Act 1903