Defence Determination 1998/41

I, MAL PEARCE, Director General Personnel Policy and Employment 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 7 December 1998

M. PEARCE
Director General
Personnel Policy and Employment Conditions
Defence Personnel Executive
PART A - Preliminary

1. Citation
1.1 This Determination may be cited as Defence Determination 1998/41, Housing Assistance (Defence Determinations 1996/16 and 1998/30 – Amendment).

2. Commencement
2.1 This Determination commences on 7 January 1999.

PART B – Amendment of Defence Determination 1996/16

3. Amendment
3.1 Defence Determination 1996/16, as amended\(^1\), is amended as set out in this Part.

4. Clause 8 (Housing Assistance – member contributions)
4.1 After paragraph 8.1(b), insert:

“(ba) for the purpose of the contribution for utilities under subclause 3.6A.1 - $7.50 a week;”.

4.2 Paragraph 8.1(d):
Add at the end “and”.

4.3 Paragraph 8.1(e):
Omit “week; and”, substitute “week.”.

4.4 Paragraph 8.1(f):
Omit the paragraph.

PART C - Amendment of Defence Determination 1998/30

5. Amendment
5.1 Defence Determination 1998/30, Housing Assistance, as amended\(^2\), is amended as set out in this Part.

6. Clause 2.5 (Entitlement to TAA)
6.1 Paragraph 2.5.1(a):
Omit the paragraph, substitute:

“(a) at a member’s locality of posting, the member:

(i) has an own home that would be a suitable own home but for paragraph 1.8.1(b); or
(ii) is entitled to housing assistance by way of living-in accommodation, married quarters or RA;”.

6.2 Subparagraph 2.5.1(b)(iii):
Add at the end “and”.

7. **Clause 2.7 (Hotel contribution)**
7.1 Subparagraph 2.7.1(b)(i):
Omit “the contribution for living-in accommodation”, substitute “the contributions for living-in accommodation and utilities”.

8. **Clause 2.8 (Serviced apartment contribution)**
8.1 Subparagraph 2.8.1(b)(i):
Omit “the contribution for living-in accommodation”, substitute “the contributions for living-in accommodation and utilities”.

9. **Clause 2.11 (Food and meals – serviced apartments)**
9.1 Omit “for more than a week”, substitute “for a week or more”.

10. **Clause 3.6 (Member occupying accommodation provided for a lower rank)**
10.1 Omit “or accommodation”, substitute “for accommodation”.

11. **New clause 3.6A**
11.1 After clause 3.6, insert:

**Contribution for utilities**
“3.6A.1 If a member lives in, the member must pay to the Commonwealth a contribution for utilities at the rate specified in paragraph 8.1(ba) of Defence Determination 1996/16.

“3.6A.2 A member is not required to pay a contribution for utilities for any part of a period in which a contribution for living-in accommodation is not payable.

“3.6A.3 Subclause 3.6A.2 does not apply to a normal entry recruit (other than an officer) during initial recruit training.”.

12. **Clause 5.2 (Specified period)**
12.1 Paragraph 5.2.1(c):
Omit “possesses an own home”, substitute “has an own home”.

12A. **New clause 6.1A**
12A.1 Before clause 6.1, insert:

**Definition**
“6.1A In this Part, ‘eligible member’ means:

(a) a member with dependants (separated); and
(b) a member without dependants who is posted to a seagoing submarine,

being a member who either:

(c) is entitled to RA; or
(d) occupies an own home in circumstances where the member would otherwise be entitled to RA if the member occupied a rented dwelling.”.

13. Clause 6.1 (Purpose)
13.1 Paragraph 6.1.1(a):
Omit the paragraph, substitute:

“(a) to reimburse eligible members for the reasonable costs of utilities; and”.

14. Clause 6.2 (Contribution for water)
14.1 Omit “a member”, substitute “a member or former member”.
14.2 Omit “the member”, substitute “the member or former member”.

15. Clause 6.3 (Eligible member – reimbursement for utilities)
15.1 Subclause 6.3.1:
Omit “If a member without dependants or a member with dependants (separated) is entitled to RA for a rented dwelling (or occupies an own home in circumstances where the member would otherwise be entitled to RA if the member occupied a rented dwelling), the member is entitled”, substitute “An eligible member is entitled”.

15.2 Paragraph 6.3.1(a):  
Add at the end “and”.

15.3 Paragraph 6.3.1(b):
Omit “Defence Determination 1996/16; and”, substitute “Defence Determination 1996/16.”.

15.4 Paragraph 6.3.1(c):
Omit the paragraph.

15.4A Subclause 6.3.2:
Omit “a member” (first occurring), substitute “an eligible member”.

15.5 Subclause 6.3.2:
Omit “or laundry” (wherever occurring).

15.6 Subclause 6.3.2:
Omit “or 6.3.1(c), as the case requires”.

16. Clause 6.4 (Period of reimbursement – member temporarily absent)
16.1A Omit “a member”, substitute “an eligible member”.

16.1 Omit “or laundry”.


NOTES

1. 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, 28, 29, 31, 32, 33, 37, 38 and 39 of 1998.

2. Defence Determination 1998/30, as amended to date. For previous amendments see Defence Determination No. 35 of 1998.
DEFENCE DETERMINATION 1998/41 - CLAUSE NOTES

Clause Amendments

12A. Inserted by: No. 44 of 1998.


FOOTNOTES – 1998/41

1. Defence Determination 1998/41 has been amended by Defence Determination No. 44 of 1998.
EXPLANATORY STATEMENT

Defence Determination 1998/41

Defence Act 1903

This Determination amends:

Defence Determination 1996/16 [rates of various allowances and contributions]; and
Defence Determination 1998/30, Housing Assistance [the Principal Determination].

The main purpose of the amendments is to implement Phase 2 of the review of housing assistance for members of the Australian Defence Force. Phase 1 was implemented by the Principal Determination with effect from 3 September 1998. (The Explanatory Statement to the Principal Determination foreshadowed that the amounts for utilities and laundry for certain members were to be repealed by further amendment in January 1999, and noted that the new housing assistance scheme had been developed following extensive consultation with members.)

Part A provides for this Determination to commence at the beginning of the pay period starting on 7 January 1999. From that date, members without dependants are to pay a contribution for utilities while living in. While living out, they are no longer to be entitled to reimbursement for the cost of utilities under Part 6 of the Principal Determination.

The amendments do not apply to members with dependants (separated) at their normal place of duty, while living away from home for Service reasons — these members are to be exempt from the contribution and entitled to the reimbursement, as the case requires.

Members are no longer to be entitled to reimbursement for the cost of laundry while living out.

Part B amends Defence Determination 1996/16 by inserting the rate of contribution for utilities and omitting the rate of reimbursement for laundry costs.

Part C amends the Principal Determination as follows:

Clause 6 restructures one of the eligibility conditions for Temporary Accommodation Allowance. The amendment omits a reference to a suitable own home at the member’s locality of posting and substitutes a reference to an own home that would be suitable for the member and dependants if the home were not leased to tenants in circumstances that comply with paragraph 1.8.1(b) — ie the lease was signed before formal notification of posting; the lease includes a release clause of 3 months or less; and the member makes reasonable efforts to obtain vacant possession as soon as possible.

Clauses 7 and 8 include the new contribution for utilities in a provision specifying the contributions payable by members without dependants while they are temporarily accommodated in hotels/motels and serviced apartments respectively. Overall contributions by these members reflect the
contributions that they would have paid for living-in accommodation.

Clause 9 makes a minor amendment to a provision dealing with the amount of Temporary
Accommodation Allowance payable for meal costs for a member and dependants occupying a
serviced apartment for “a week or more”. The provision now corresponds with an existing provision
which authorises somewhat different arrangements for those in a serviced apartment for “less than a
week”.

Clause 10 corrects a typographical error.

Clause 11 inserts the requirement for members who live in to pay a contribution for utilities.
Members are exempted while not required to pay a contribution for accommodation (eg while
serving in the field or at sea). However, certain initial recruit trainees who are not required to
contribute for accommodation are to be required to contribute for utilities.

Clause 12 makes a minor textual amendment to a provision dealing with a member who has an own
home at the locality of posting. The amendment aligns the wording of the provision with the similar
provision amended by clause 6.

Clauses 13 to 16 inclusive amend Part 6 of the Principal Determination, which provides (among
other things) for certain members to be reimbursed for the cost of utilities while living out and entitled
to Rent Allowance. The amendments:

- omit all provisions authorising reimbursement of costs for laundry;

- remove the utilities entitlement from members without dependants (while retaining it for members
  with dependants (separated); and

- make it clear that the contribution for water is payable both by members in married quarters and
  by former members who continue to occupy married quarters for short periods following
  discharge. (This amendment is consistent with section 58A of the Defence Act 1903, which
defines “member” — for the purposes of section 58B determinations — to include a person
who has ceased to be a member.)

Authority: Section 58B of the
Defence Act 1903