Defence Act 1903

Defence Determination 1998/44

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 22 December 1998

M. PEARCE
Director General
Personnel Policy and Employment Conditions
Defence Personnel Executive
1. **Citation**
1.1 This Determination may be cited as Defence Determination 1998/44, Housing Assistance (Defence Determination 1998/41 – Amendment).

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

3. **Amendment**
3.1 Defence Determination 1998/41, Housing Assistance (Defence Determinations 1996/16 and 1998/30 – Amendment), is amended as set out in this Determination.

4. **New clause 12A**
4.1 After clause 12, insert:

**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.”.”.

5. **Clause 13 (Clause 6.1 (Purpose))**
5.1 Omit the clause, substitute:

**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’.”.”.

6. **Clause 15 (Clause 6.3 (Reimbursement for utilities – members with dependants (separated)))**
6.1 Subclause 15.1:

Omit the subclause, substitute:

**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’.”.

6.2  New subclause 15.4A:
After subclause 15.4, insert:

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

7.  Clause 16 (Clause 6.4 (Period of reimbursement – member temporarily absent))
7.1  Before subclause 16.1, insert:

“16.1A  Omit ‘a member’, substitute ‘an eligible member’.‘.”.
Defence Determination 1998/44

Defence Act 1903

Defence Determination (DD) 1998/30 of 18 August 1998 (the Principal Determination) authorises new housing assistance entitlements for members of the Australian Defence Force.

DD 1998/41 of 7 December 1998 (the Amending Determination) implements phase 2 of the new arrangements with effect from payday 7 January 1999. The necessary amendments to the Principal Determination include:

- the introduction of a contribution for utilities for members without dependants while living in; and
- the repeal of provisions in Part 6 of the Principal Determination authorising reimbursement for utilities for such members while living out with housing assistance.

Certain members are exempt from these changes. The new contribution will not apply to them, and they will continue to be entitled to the existing reimbursement.

The purpose of this Determination is to amend the Amending Determination by exempting certain additional members from the changes to Part 6 of the Principal Determination (ie those dealing with reimbursement for utilities for members living out). The members in question are those who have no dependants and who are posted to a seagoing submarine. These members were inadvertently omitted from the class of exempt members in the clauses of the Amending Determination dealing with Part 6, although they were included in the exemption from the contribution for utilities.

Clause 1 provides the manner in which this Determination may be cited.

Clause 2 provides for this Determination to commence on the same day as the Amending Determination.

Clause 3 specifies that this Determination amends the Amending Determination.

Clause 4 provides for the Amending Determination to insert into Part 6 of the Principal Determination a new definition of “eligible member” specifying the classes of member who remain entitled to reimbursement for utilities in the circumstances described.

As a result of the inclusion of the new definition, clauses 5 and 6 simplify amendments made by the Amending Determination in relation to reimbursement for utilities.

Clause 7 makes a minor amendment to reflect the inclusion of the new definition.

authority: Section 58B of the
Defence Act 1903