



Defence Determination 2009/55

I, PETER JOHN REDSTON, Acting Director General Personnel Policy and Employment Conditions, make this Determination under section 58B of the *Defence Act 1903*.

Dated 3 September 2009

P J REDSTON
Acting Director General
Personnel Policy and Employment Conditions
People Strategies and Policy Group

1 Citation

This Determination is Defence Determination 2009/55, Removals and housing on deployment – amendment.

2 Commencement

1. Clauses 11, 12, 13 and 23 commence on 15 October 2009.
2. The remainder of the Determination commences on 3 September 2009.

3 Amendment

Defence Determination 2005/15, Conditions of Service, as amended,¹ is amended as set out in this Determination.

4 Subparagraph 6.1.13.b.iii (Members eligible)

substitute

- iii. The member chose under subclauses 7.3.15A, 7.5.36A, 7.5A.11A or 7.6.28A to leave their accommodation.

See: Chapter 7

Part 3 Division 1 subclause 7.3.15A, Living-in accommodation on deployment
Part 5 Division 7 subclause 7.5.36A, Service residence on deployment
Part 5A Division 1 clause 7.5A.11A, Choice Accommodation on deployment
Part 6 Division 5 subclause 7.6.28A, Rent allowance on deployment

5 Subparagraph 6.3.4.1.b.iii (Private vehicles – loss on sale)

substitute

- iii. They have made a choice to vacate their accommodation under subclauses 7.3.15A.2, 7.5.36A.2, 7.5A.11A or 7.6.28A.2, or the CDF has decided that the member must leave the living-in accommodation under subclause 7.3.15A.5.

See: Chapter 7

Part 3 Division 1 subclause 7.3.15A, Living-in accommodation on deployment
Part 5 Division 7 subclause 7.5.36A, Service residence on deployment
Part 5A Division 1 clause 7.5A.11A, Choice Accommodation on deployment
Part 6 Division 5 subclause 7.6.28A, Rent allowance on deployment

6 Subparagraph 6.6.32A.1.c.i (Removal on posting or deployment)

substitute

- i. They choose to vacate their accommodation under subclauses 7.3.15A.2, 7.5.36A.2, 7.5A.11A or 7.6.28A.2.

See: Chapter 7

Part 3 Division 1 subclause 7.3.15A, Living-in accommodation on deployment
Part 5 Division 7 subclause 7.5.36A, Service residence on deployment
Part 5A Division 1 clause 7.5A.11A, Choice Accommodation on deployment
Part 6 Division 5 subclause 7.6.28A, Rent allowance on deployment

7 Subparagraph 6.6.45A.1.c.i (Removal on posting or deployment)

substitute

- i. They choose to vacate their accommodation under subclauses 7.3.15A.2, 7.5.36A.2, 7.5A.11A or 7.6.28A.2.

See: Chapter 7

Part 3 Division 1 subclause 7.3.15A, Living-in accommodation on deployment

Part 5 Division 7 subclause 7.5.36A, Service residence on deployment

Part 5A Division 1 clause 7.5A.11A, Choice Accommodation on deployment

Part 6 Division 5 subclause 7.6.28A, Rent allowance on deployment

8 Paragraph 7.3.22.1.e (Members who do not pay to live in)

substitute

- e. The member is absent from Australia on a deployment.

Note: Their contribution ceases on the day they board a ship or aircraft for the journey from Australia to the operational area.

9 Paragraph 7.3.22.1.ea (Members who do not pay to live in)

omit

10 Clause 7.3.25A (Member deployed at short notice)

omit

11 Subclause 7.4.21.2 (Meals – hotel or serviced apartment), table

substitute

Item	The meal amount for...	in capital cities and high-cost country centres* is (\$)...	and in other locations is (\$)...
1.	breakfast	22.30	19.95
2.	lunch	25.00	22.80
3.	dinner	43.00	39.30

* **See:** [Annex 9.5.A](#) Part 3, 'Location' column for the list of high-cost country centres.

12 Subclause 7.4.21.3 (Meals – hotel or serviced apartment), table

substitute

Item	The meal amount for...	in capital cities and high-cost country centres* is (\$)...	and in other locations is (\$)...
1.	breakfast	11.15	10.00
2.	lunch	12.50	11.40
3.	dinner	21.50	19.65

* **See:** [Annex 9.5.A](#) Part 3, 'Location' column for the list of high-cost country centres.

13 Subclause 7.4.21.3 (Meals – hotel or serviced apartment), example

substitute

Example: A member uses temporary accommodation for two nights in Newcastle, which is a high-cost country centre. The member is travelling with a spouse, one child aged eight and another aged 12. They are entitled to three meals on each of two days. Their total meal allowance is \$632.10, worked out as follows.

Member		Spouse		Child aged 12 (adult rates)		Child aged 8 (dependants under 10 years old rates)	
Lunch	\$25.00	Lunch	\$25.00	Lunch	\$25.00	Lunch	\$12.50
Dinner	\$43.00	Dinner	\$43.00	Dinner	\$43.00	Dinner	\$21.50
Breakfast	\$22.30	Breakfast	\$22.30	Breakfast	\$22.30	Breakfast	\$11.15
Lunch	\$25.00	Lunch	\$25.00	Lunch	\$25.00	Lunch	\$12.50
Dinner	\$43.00	Dinner	\$43.00	Dinner	\$43.00	Dinner	\$21.50
Breakfast	\$22.30	Breakfast	\$22.30	Breakfast	\$22.30	Breakfast	\$11.15
Total	\$180.60	Total	\$180.60	Total	\$180.60	Total	\$90.30

14 Clause 7.5.43A (Suspended contributions for a member without dependants), table item 4

substitute

4.	on deployment	the day they board a ship or aircraft for the journey from Australia to the operational area.
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15 Clause 7.5.43A (Suspended contributions for a member without dependants), table item 5

omit

16 Clause 7.5.43B (Member deployed at short notice)

omit

17 Clause 7.5A.11 (Advances of rent or bond)

insert at the end

7.5A.11A Choice Accommodation on deployment

1. This clause applies to a member who is deployed for six months or longer.
2. The member may choose between the following options.

- a. To keep the Choice Accommodation home for the period of the member's deployment.
- b. To leave the Choice Accommodation home.

Related Information: A member who chooses to leave a Choice Accommodation home becomes entitled to a range of removal and storage conditions. Summaries are in clauses 17.5.13 (for warlike deployments) and 17.7.13 (for non-warlike deployments).

3. The choice in subclause 2 must be in writing to the member's Housing Management Centre Manager and made before the member is deployed.
4. A member who fails to make a choice under subclause 2 is taken to have chosen to keep their Choice Accommodation home.

18 Clause 7.5A.12 (Contribution for Choice Accommodation – Member without dependants'), title

omit

dependants'

insert

dependants

19 Clause 7.5A.16 (When contribution ceases for a member without dependants)

substitute

7.5A.16 Exemptions from contributions

1. The contribution for a member without dependants in Choice Accommodation ceases for any period in which they satisfy the conditions of clause 7.6.18.

See: Division 2 clause 7.6.18, When rent contribution ceases for a member without dependants

2. A member with dependants (unaccompanied) only has to pay a contribution if their dependants live in a Service residence or a home for which rent allowance is payable. The member does not have to pay a contribution for Choice Accommodation the member lives in at the gaining location.

20 Paragraph 7.6.18.c (When rent contribution ceases for a member without dependants)

substitute

- c. The member is absent from Australia on a deployment.

21 Paragraph 7.6.18.ca (When rent contribution ceases for a member without dependants)

omit

22 Clause 7.6.28B (Member deployed at short notice)

omit

23 Subclause 7.7.10.2 (Member on leave without pay), table

substitute

Item	Description of member	Breakfast (\$)	Lunch (\$)	Dinner (\$)
1.	Corporal or lower, trainee	11.43	12.23	22.16
2.	Sergeant or higher non-commissioned rank, Warrant Officer, officer (other than trainee)	19.16	20.39	37.02

24 Subclause 7.7.10.3 (Member on leave without pay)

omit

is taken not to be on leave without pay.

insert

must pay whichever of the following charges they were paying before they started leave without pay.

- a. A fortnightly meal charge.

See: Clause 7.7.5, Fortnightly meal charges

- b. The casual meal charge.

See: Clause 7.7.7, Casual meal charges

25 Subclause 17.5.12.1 (Member living in)

substitute

- 1. This clause applies to a member who meets all the following conditions.
 - a. The member is living in.
 - b. The member is deployed for service on a warlike deployment for six months or longer.
 - c. The member meets either of the following conditions.
 - i. The member is a member without dependants.

- ii. The member is a member with dependants (unaccompanied).

26 Subclause 17.5.12.2 (Member living in), table item 3

substitute

3.	The member does not have to pay a contribution for living in.	Clause 7.3.22
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27 Subclause 17.5.12.2 (Member living in), table item 4

omit

28 Subclause 17.5.12.2 (Member living in), table item 5

omit

29 Subclause 17.5.13.1 (Member living out)

substitute

1. This clause applies to a member who meets all the following conditions.
 - a. The member is living out.
 - b. The member is deployed for service on a warlike deployment for six months or longer.
 - c. The member meets either of the following conditions.
 - i. The member is a member without dependants.
 - ii. The member is a member with dependants (unaccompanied).

30 Subclause 17.5.13.2 (Member living in), table item 2

substitute

2.	The member does not have to pay a contribution.	Member without dependants – for Service residences – clause 7.5.43A, table item 4 for Choice Accommodation – 7.5A.16 for rent allowance – paragraph 7.6.18.c Member with dependants (unaccompanied) – for Service residences – clause 7.5.43 for Choice Accommodation – 7.5A.16 for rent allowance – subclause 7.6.17.1, Exception 2
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31 Subclause 17.5.13.2 (Member living out), table item 4

omit

32 Subclause 17.5.13.2 (Member living out), table item 5

omit

33 Subclause 17.7.12.1 (Member living out)

substitute

1. This clause applies to a member who meets all the following conditions.
 - a. The member is living in.
 - b. The member is deployed for service on a non-warlike deployment for six months or longer.
 - c. The member meets either of the following conditions.
 - i. The member is a member without dependants.
 - ii. The member is a member with dependants (unaccompanied).

34 Subclause 17.7.12.2 (Member living out), table item 3

substitute

3.	The member does not have to pay a contribution for living in.	Clause 7.3.22
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35 Subclause 17.7.12.2 (Member living in), table item 4

omit

36 Subclause 17.7.12.2 (Member living in), table item 5

omit

37 Subclause 17.7.13.1 (Member living out)

substitute

1. This clause applies to a member who meets all the following conditions.
 - a. The member is living out.
 - b. The member is deployed for service on a non-warlike deployment for six months or longer.
 - c. The member meets either of the following conditions.
 - i. The member is a member without dependants.
 - ii. The member is a member with dependants (unaccompanied).

38 Subclause 17.7.13.2 (Member living out), table item 2

substitute

2.	The member does not have to pay a contribution.	Member without dependants – for Service residences – clause 7.5.43A, table item 4 for Choice Accommodation – 7.5A.16 for rent allowance – paragraph 7.6.18.c Member with dependants (unaccompanied) – for Service residences – clause 7.5.43 for Choice Accommodation – 7.5A.16 for rent allowance – subclause 7.6.17.1, Exception 2
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39 Subclause 17.7.13.2 (Member living out), table item 4

omit

40 Subclause 17.7.13.2 (Member living out), table item 5

omit

41 Transitional

1. This clause applies to a member who was entitled to housing or removal assistance during the period 1 July 2009 to 2 September 2009.
2. The member is entitled to a payment equal to the amount described in paragraph a, less the amount described in paragraph b.
 - a. The value of the housing and removal assistance that would have been provided to the member in relation to the period 1 July 2009 to 2 September 2009 had this Determination taken effect on 1 July 2009.

Exceptions: Clauses 11, 12, 22 and 23 of this Determination
 - b. The value of the housing and removal assistance provided to the member under the Principal Determination in relation to the period 1 July 2009 to 2 September 2009.

NOTE

1. Defence Determination 2005/15 commenced on 31 May 2005. For previous amendments see Note to Defence Determination 2009/1 and see also Defence Determinations 2009/2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 and 54.

EXPLANATORY STATEMENT

Defence Determination 2009/55

This Determination amends Defence Determination 2005/15, Conditions of Service (the Principal Determination), made under section 58B of the *Defence Act 1903* (the Act). Chapters 6, 7 and 17 of the Principal Determination sets out provisions dealing with removals, housing, and deployment conditions, respectively, for members of the Australian Defence Force (ADF).

This Determination has four purposes:

- it extends the range of people who are exempt from the requirement to make a housing contribution while on a deployment to members without dependants whose deployment is for six months or longer;
- it allows members in Choice Accommodation (that is, one class of rental accommodation) who are deployed to choose whether to keep the accommodation while they are away, or to become entitled to a range of removal and storage conditions;
- it clarifies the contributions to be paid by a member who eats a meal in the mess while taking leave without pay for exceptional reasons;
- it varies the rates of several housing allowances. The adjustments are part of the annual review of housing allowances, but the rates for these allowances were not available when the rest of the review was implemented, in Defence Determination 2009/34.

Clause 1 of this Determination sets out the manner in which this Determination may be cited.

Clause 2 of this Determination provides that the Determination commences on two dates. Clauses relating to allowance rates commence on 15 October 2009. The rest of the Determination commences on 3 September 2009.

Clause 3 specifies that the amendment is made to the Principal Determination, as amended.

Clauses 4, 5, 6 and 7 each extend removal or storage benefits to a member who chooses under clause 7.5A.11A of the Principal Determination to vacate their Choice Accommodation when they are deployed. Clause 7.5A.11A of the Principal Determination is inserted by clause 17 of this Determination.

Clause 4 substitutes subparagraph 6.1.13.b.iii of the Principal Determination. The clause extends disturbance allowance benefits to a member who vacates their Choice Accommodation on deployment.

Clause 5 substitutes subparagraph 6.3.4.1.b.iii of the Principal Determination. The clause extends a payment for a financial loss on the sale of a private vehicle to a member who vacates their Choice Accommodation on deployment.

Clause 6 substitutes subparagraph 6.6.32A.1.c.i of the Principal Determination. The clause provides removal of furniture and effects to storage to a member who vacates their Choice Accommodation on deployment.

Clause 7 substitutes subparagraph 6.6.45A.1.c.i of the Principal Determination. The clause extends storage of furniture, effects, and a private vehicle to a member who vacates their Choice Accommodation on deployment.

Clause 8 substitutes paragraph 7.3.22.1.e of the Principal Determination. The paragraph formerly provided an exemption for contributions towards living-in accommodation to members deployed for less than six months. The new paragraph removes the six-month limit.

Clause 9 omits paragraph 7.3.22.1.ea from the Principal Determination. The paragraph did provide an exception to the six-month limit for an exemption for contributions for members in living-in

accommodation who are deployed. With the removal of the limit by the change made in clause 8, the exception is no longer needed.

Clause 10 omits clause 7.3.25A from the Principal Determination. The clause formerly provided an entitlement to living-in accommodation, and an exemption from contributions, to members who were deployed with less than four weeks' notice. With the removal of the six-month eligibility limit by clause 8, this clause is no longer required.

Clause 11 substitutes the table in subclause 7.4.21.2 of the Principal Determination. The table provides rates of allowances for meals eaten by a member or the member's family, including older children, in hotels or serviced apartments when the family is relocating. Rates have increased by an average of 5.8%, in line with adjustments to travelling allowance rates.

Clause 12 substitutes the table in subclause 7.4.21.2 of the Principal Determination. The table provides rates of allowances for meals eaten by member's children under 10 years' old in hotels or serviced apartments when the family is relocating. Rates have increased by an average of 5.8%, in line with adjustments to travelling allowance rates.

Clause 13 substitutes the example in subclause 7.4.21.3 of the Principal Determination. The example illustrates the calculation of temporary accommodation allowance. The figures have been updated, to reflect the changes made in clauses 11 and 12 of this Determination.

Clause 14 substitutes table item 4 of clause 7.5.43A of the Principal Determination. The item provides exemption from contribution for a Service residence for a member without dependants who is deployed. The requirement that the member be deployed for less than six months in order to be exempt has been removed.

Clause 15 omits table item 5 from clause 7.5.43A of the Principal Determination. The paragraph did provide an exception to the six-month limit for an exemption for contributions for members in Service residences who are deployed. With the removal of the limit by the change made in clause 14, the exception is no longer needed.

Clause 16 omits clause 7.5.43B from the Principal Determination. The clause formerly provided an entitlement to keep a Service residence, and an exemption from contributions, to members who were deployed with less than four weeks' notice. With the removal of the six-month eligibility limit by clause 14, this clause is no longer required.

Clause 17 inserts a new clause 7.5A.11A into the Principal Determination. The new clause allows members who are deployed for more than six months and who are in Choice Accommodation (that is, one class of rental accommodation) to choose whether to keep their accommodation while they are away, or to leave. A member who chooses to leave becomes entitled to a variety of removal and storage benefits, through changes introduced in clauses 4, 5, 6 and 7 of this Determination.

Clause 18 makes a minor editorial correction to the title of clause 7.5A.12 of the Principal Determination, by removing an apostrophe.

Clause 19 substitutes clause 7.5A.16 of the Principal Determination, which describes when contributions cease for a member without dependants who lives in Choice Accommodation. The new clause includes a new category of members who are exempt from contribution, members with dependants (unaccompanied) whose dependants live in a Service residence or a rent allowance home. This rule fits the general policy principle that members with dependants (unaccompanied) should only be charged contributions for one residence.

Clause 20 substitutes paragraph 7.6.18.c of the Principal Determination. The paragraph provides exemption from contribution for rent allowance for a member without dependants who is deployed. The requirement that the member be deployed for less than six months in order to be exempt has been removed.

Clause 21 omits paragraph 7.6.18.ca from the Principal Determination. The paragraph did provide an exception to the six-month limit for an exemption for contributions for members in rental accommodation who are deployed. With the removal of the limit by the change made in clause 20, the exception is no longer needed.

Clause 22 omits clause 7.6.28B from the Principal Determination. The clause formerly provided an entitlement to assistance with the cost of rental accommodation, and an exemption from contributions, to members who were deployed with less than four weeks' notice. With the removal of the six-month eligibility limit by clause 20, this clause is no longer required.

Clause 23 substitutes the table in subclause 7.7.10.2 of the Principal Determination. The table prescribes rates of meal charge for meals eaten in the mess by a member on leave without pay. Rates have increased by an average of 7.3%, to be consistent with amounts charged to diners who are not members of the Defence community.

Clause 24 varies subclause 7.7.10.3 of the Principal Determination, which provides a power to determine that a member was granted leave without pay for exceptional reasons. The subclause now provides that the member must pay the same charges to eat in the mess as a member on duty.

Clause 25 substitutes subclause 17.5.12.1 of the Principal Determination. The subclause describes the members the clause applies to. Clause 17.5.12 acts as a cross reference to deployment conditions elsewhere in the Principal Determination. The amendment clarifies that the clause applies to members deployed for service on a warlike deployment for six months or longer.

Clause 26 substitutes table item 3 in subclause 17.5.12.2 of the Principal Determination. The table describes conditions of employment for a member other than a member with dependants, who lives in and who is deployed. The item removes the requirement that a member without dependants must pay to live in, to reflect the change made by clause 8 of this Determination.

Clause 27 omits item 4 from the table in subclause 17.5.12.2 of the Principal Determination. The item was a cross reference to the rule omitted by clause 10 of this Determination.

Clause 28 omits item 5 from the table in subclause 17.5.12.2 of the Principal Determination. The item was a cross reference to the rule omitted by clause 9 of this Determination.

Clause 29 substitutes subclause 17.5.13.1 of the Principal Determination. The subclause describes the members the clause applies to. Clause 17.5.13 acts as a cross reference to deployment conditions elsewhere in the Principal Determination. The amendment clarifies that the clause applies to members deployed for service on a warlike deployment for six months or longer.

Clause 30 substitutes item 2 in the table in subclause 17.5.13.2 of the Principal Determination, which describes the exception to the need to contribute towards a member's accommodation. The new item points the reader to the location of the various exceptions to the requirement to contribute, contained elsewhere in the Principal Determination.

Clause 31 omits item 4 from the table in subclause 17.5.13.2 of the Principal Determination. The item was a cross reference to the rules omitted by clauses 16 and 22 of this Determination.

Clause 32 omits item 5 from the table in subclause 17.5.13.2 of the Principal Determination. The item was a cross reference to the rules omitted by clauses 15 and 21 of this Determination.

Clause 33 substitutes subclause 17.7.12.1 of the Principal Determination. The subclause describes the members the clause applies to. Clause 17.7.12 acts as a cross reference to deployment conditions elsewhere in the Principal Determination. The amendment clarifies that the clause applies to members deployed for service on a non-warlike deployment for six months or longer.

Clause 34 substitutes item 3 of the table in subclause 17.7.12.2 of the Principal Determination. The table describes conditions of employment for a member other than a member with dependants, who lives in and who is deployed. The item removes the requirement that a member without dependants must pay to live in, to reflect the change made by clause 8 of this Determination.

Clause 35 omits item 4 from the table in subclause 17.7.12.2 of the Principal Determination. The item was a cross reference to the rule omitted by clause 10 of this Determination.

Clause 36 omits item 5 from the table in subclause 17.7.12.2 of the Principal Determination. The item was a cross reference to the rule omitted by clause 9 of this Determination.

Clause 37 substitutes subclause 17.7.13.1 of the Principal Determination. The subclause describes the members the clause applies to. Clause 17.7.13 acts as a cross reference to deployment conditions

elsewhere in the Principal Determination. The amendment clarifies that the clause applies to members deployed for service on a non-warlike deployment for six months or longer.

Clause 38 substitutes item 2 of the table in subclause 17.7.13.2 of the Principal Determination. The table describes conditions of employment for a member other than a member with dependants, who lives out and who is deployed. The new item points the reader to the location of the various exceptions to the requirement to contribute, contained elsewhere in the Principal Determination.

Clause 39 omits item 4 from the table in subclause 17.7.13.2 of the Principal Determination. The item was a cross reference to the rules omitted by clauses 14 and 20 of this Determination.

Clause 40 omits item 5 from the table in subclause 17.5.13.2 of the Principal Determination. The item was a cross reference to the rules omitted by clauses 15 and 21 of this Determination.

Clause 41 is a transitional provision. The clause provides a payment to members who would have been advantaged had this Determination come into force on 1 July 2009. Provisions relating to rates of allowance (clauses 11, 12 and 23 of this Determination), and leave without pay (clause 24 of this Determination) have been excluded from this test.

Authority: Section 58B of the
Defence Act 1903