

Defence Determination, Conditions of service Amendment (Employment offer modernisation) Determination 2023 (No. 1)

I, FIONA LOUISE McSPEERIN, Assistant Secretary, People Policy and Employment Conditions, make the following Determination under section 58B of the *Defence Act 1903*.

Dated 5 April 2023

Fiona Louise McSpeerin

Assistant Secretary
People Policy and Employment Conditions
Defence People Group

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1 Name

This instrument is the *Defence Determination, Conditions of service Amendment (Employment offer modernisation) Determination 2023 (No. 1).*

2 Commencement

1. Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| **Commencement information** |
| --- |
| **Column 1** | **Column 2** | **Column 3** |
| **Provisions** | **Commencement** | **Date/Details** |
| The whole of this Instrument. | 1 July 2023 |  |

 Note: this table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

2. Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 58B of the *Defence Act 1903*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Chapter 1

Defence Determination 2016/19, Conditions of service

|  |  |
| --- | --- |
| 1 | Subsection 1.2.2.1 |
|  | Omit “Division 2” wherever occurring, substitute “Division 3”. |
| 2 | Subsection 1.2.2.2 (example) |
|  | Repeal the example wherever occurring. |
| 3 | Subsection 1.2.3 (example) |
|  | Repeal the example. |
| 4 | Subsection 1.2.4 (example, non-examples and see note) |
|  | Repeal the example, non-examples and see note. |
| 5 | Subsection 1.2.4.1 |
|  | Repeal the subsection, substitute: |
| 1. | The definitions under Part 3 applies to each use of the term throughout Chapters 1 to 17, unless specified otherwise. |
| 6 | Chapter 1 Part 3 |
|  | Repeal the Part, substitute: |

### **Part 3: Interpretation**

### Division 1: Definitions – general

##### 1.3.1    Interpretation

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|  | **Accompanied resident family** has the same meaning given in section 1.3.14 applies. |
|  | **Adult child** means a person who meets all of the following. |
|  | a. | They are between 21 years old and 25 years old. |
|  | b. | Immediately before turning 21 years old they were resident family of a member. |
|  | c. | Since turning 21 years old, they have continued to live with the member or an adult who is recognised as resident family of the member.  |
|  | **Act** means the *Defence Act 1903.* |
|  | **Allowance** includes an allowance determined under section 58B or section 58H of the Act, unless expressly stated otherwise. |
|  | **Approved form** means a form approved by the Assistant Secretary People Policy and Employment Conditions by notifiable instrument. |
|  | **Baggage**,for service within Australia, means one of the following. |
|  | a. | Personal possessions that either accompany the member or are sent unaccompanied by public transport. |
|  | b. | For the purpose of a removal, includes furniture and effects that the member has chosen not to be carried by a contracted removalist. |
|  | **Calendar month** has the same meaning given in section 2B of the *Acts Interpretation Act 1901*. |
|  | **Capital city** includes the metropolitan area of a capital city of a State or Territory. |
|  | **CDF** means the Chief of the Defence Force.**Note:** The CDF may authorise another person to act on their behalf. |
|  | **CDF recognised partner** has the same meaning given by section 1.3.38. |
|  | **Ceasing continuous full-time service** includes all of the following. |
|  | a. | All forms of termination of service, such as on retirement, retrenchment, and on completing a specified period of service. |
|  | b. | The transfer of service from the Permanent Forces. |
|  | c. | Ending a period of continuous full-time service as a member of the Reserves. |
|  | **Child** has the same meaning given by section 1.3.35. |
|  | **Close relative** has the same meaning given by section 1.3.2. |
|  | **Commonwealth** includes a Commonwealth body, as defined in section 9 of the *Corporations Act 2001.*  |
|  | **Commonwealth removalist** means Toll Transitions Pty Ltd, its subcontractors, agents or employees who provide removal services under a contract with the Commonwealth. |
|  | **Compulsory residency** means training in a hospital undertaken by a medical officer as a condition of entry into the medical profession. **Note:** It does not matter whether or not the medical officer lives in accommodation provided by the hospital. |
|  | **Continuous full‑time service** is service performed by a member of the Permanent Forces, or a period of by a member of the Reserves for which they are paid the annual rate of salary. |
|  | **Couple** means a member and their partner. |
|  | A reference to **custody** is a reference to civil custody in the absence of a finding of guilt under a Commonwealth law (other than the *Defence Force Discipline Act 1982*), a State or Territory law, or a foreign law.**Note:** Custody does not include military custody. |
|  | **De facto relationship** has the same meaning given by section 1.3.39. |
|  | **Defence Regulation** means the *Defence Regulation 2016*. |
|  | **Deployment** means warlike or non-warlike service overseas by a member force assigned with a United Nations’ mission or a similar force. |
|  | **Detention** means a punishment of detention imposed on a member who has been convicted of a Service offence under the *Defence Force Discipline Act 1982.* |
|  | **DFRT allowance** means any relevant allowances, as defined under section 58F of the Act, which is paid on a fortnightly basis. |
|  | **Doctor** means a health professional who is a medical practitioner, including an ADF medical officer, registered under the law of a State or Territory. |
|  | **Dual entitlement** means a benefit that is payable to a both member and their pertner, who is also a member in the same circumstances.. |
|  | **Effective date of posting** means whichever is the later of the following. |
|  | a. | The commencement date as specified in the member's posting order. |
|  | b. | The date the member actually starts duty at their new primary service location. |
|  | **Emergency** means an event that causes, or threatens to cause, any of the following on a Defence establishment. |
|  | a. | Death of, or injury or other damage to the health of, any person. |
|  | b. | Destruction of, or damage to, any property. |
|  | c. | Disruption to essential services. |
|  | **Note:** This is not limited to naturally occurring events (such as earthquakes, floods or storms), but would include, for example: fires, explosions, accidents, epidemics, pandemics, emissions of poisons, radiation or other hazardous agents, hijacks, sieges, riots, acts of terrorism and hostilities by an enemy. |
|  | **Employment** means paid work that includes full-time or part-time work, casual work or self‑employment, but does not include volunteering activities. |
|  | **Engine capacity – rotary engine** means the displacement of the engine, or the rotor comprising the engine, according to the specifications of the engine issued by the manufacturer of the vehicle, which is any of the following figures. |
|  | a. | The displacement of the rotor that makes up the engine. |
|  | b. | The sum of the displacements of the rotors that make up the engine. |
|  | **Equivalent rank** has the same meaning given by section 1.3.40. |
|  | **Evacuation order** means an order given by the Senior ADF Officer of a Defence establishment to evacuate the establishment in response to an emergency. |
|  | **Extended housing benefit location** has the same meaning given by section 1.3.11. |
|  | **Family benefit location** has the same meaning given by section 1.3.12. |
|  | **Flexible service determination** is a determination made under subsection 23(2) of the Act. |
|  | **Fortnightly rate**, in relation to an annual rate of allowance provided under this Determination, means the amount calculated using the formula in subsection 3.2.7.3. |
|  | **Gaining location** means the housing benefit location in relation to a member’s primary service location.  |
|  | **Guardian or housekeeper** means a person who is an adult the CDF is satisfied is acting as a guardian or housekeeper for a member who has a child who is resident family and any of these other conditions are met. |
|  | a. | The member has no partner. |
|  | b. | The member's partner is an invalid or has a disability. |
|  | b. | The member's partner is either a member serving at another primary service location or a non-Service partner living away from the family home. |
|  | **Health professional**, means any of the following. |
|  | a. | A registered medical or dental practitioner, which also includes those who provide services as a Defence member, Australian Public Service employee or otherwise under an agreement in place with Defence. |
|  | b. | Any of the following professionals authorised by the Surgeon General Australian Defence Force to perform an extended role. |
|  |  | i. | Nursing Officer. |
|  |  | ii. | Nurse Practitioner. |
|  |  | iii. | Advanced Medical Assistant (AMA) or Advanced Medical Technician (AMT). |
|  |  | iv. | Clinical Manager (CM). |
|  | **Housing benefit location** has the same meaning given by section 1.3.10. |
|  | **Imprisonment** means a punishment of imprisonment imposed on a member who has been convicted of an offence by any of the following judicial, or quasi‑judicial body as defined in section 3 of the *Defence Force Discipline Act 1982*. |
|  | a. | A Service tribunal. |
|  | b. | A civil court. |
|  | c. | A court of another country. |
|  | **Initial minimum period of service** means the period of service a member must serve following enlistment or appointment, which may result in a service obligation debt under regulation 25 of the Defence Regulation if not completed. |
|  | **Isolation period**, in relation or in response to a public health emergency, means the period a person is required to isolate themself.**Note:** An isolation period may also be known as a quarantine period. |
|  | **Legal officer** meansan officer who is, or is eligible to be, admitted as a barrister or solicitorof the High Court or the Supreme Court of a State or Territory, but does not include an officer who is a Judge of a court with, or vested with, federal jurisdiction under section 71 of the Commonwealth Constitution or a Judge of a court with State or Territory jurisdiction. |
|  | **Living-in accommodation** means any of the following forms of accommodation. |
|  | a. | A barracks or similar kind of residential accommodation owned or controlled by the Commonwealth and provided primarily for the use of members who have no resident family. |
|  | b. | Those which are described in paragraph a. that a foreign government or other organisation contracted by the Commonwealth provides. |
|  | c. | Those provided by a hospital for a medical officer to occupy during a period of compulsory residency. |
|  | d. | Those provided by a seminary or theological college for a Chaplain to occupy when undertaking training at the seminary or theological college. |
|  | e. | Those provided by an educational institution for a Maritime Spiritual Wellbeing Officer to occupy when undertaking compulsory post-graduate work experience at the institution. |
|  | **Live-in carer,** in relation to a member, means a person the CDF is satisfied meets all of the following apply. |
|  | a. | The person provides care for the member. |
|  | b. | The member is required to have the person live with them as a part of the member's rehabilitation plan. |
|  | **Living out** means not occupying a living-in accommodation. |
|  | **Location of residence**, for service within Australia, has the same meaning given by section 1.3.13. |
|  | **Long‑term posting** means one of the following. |
|  | a. | For duty within Australia — a period of duty that the member's Service has directed to be for more than 6 months. |
|  | b. | For duty overseas — has the same meaning given in section 12.3.10. |
|  | **Loosing location** means one of the following. |
|  | a. | For a member who has accompanied resident family and no unaccompanied resident family on their first removal after joining or re-joining the Permanent Forces — the location in Australia of the current or last permanent home of the resident family when they joined or re-joined.  |
|  | b. | For a member who has no resident family — the location in Australia to which they were last granted a removal.  |
|  | c. | For any other member — the location in Australia they were last granted a removal for their resident family.  |
|  | **Meal costs** include compulsory service charges and taxes, such as GST, and excludes voluntary tips and alcoholic drinks. |
|  | **Meal period** means 1 hour beginning at any of the following times. |
|  | a. | 0700 hours for breakfast. |
|  | b. | 1300 hours for lunch. |
|  | c. | 1900 hours for dinner. |
|  | **Medical absence** means the period for which a member is granted leave under Chapter 5 Part 3 to be absent from duty for health reasons. |
|  | **Member** has the same meaning given under the Act.**Note 1:** Under section 4 of the Act, member includes an officer, sailor, soldier and airman. Under section 58A of the Act, member also includes a person who has ceased to be a member, whether by reason of death or otherwise.**Note 2:** Section 1.2.2 restricts the application of Chapters 1 to 17 to existing ADF members on continuous full-time service, unless a provision makes it clear that the provision applies to members on Reserve service, or former members. |
|  | **Member undergoing recategorisation training** has the same meaning given by section 1.3.3. |
|  | **Month** has the meaning given in section 2G of the *Acts Interpretation Act 1901.* |
|  | **Non-resident family** means recognised family who do are not accompanied resident family or unaccompanied resident family. |
|  | **Non-Service partner** is a member's partner who is not a member. |
|  | **Non-warlike service** means any of the following.  |
|  | a. | Service in the Defence Force that is of a kind determined to be non-warlike service under section 5C of the *Veterans’ Entitlements Act 1986.*  |
|  | b. | Service with a peacekeeping force, as published in the Gazette, as a Peacekeeping Force under section 68(1) of the *Veterans’ Entitlements Act 1986.* |
|  | c. | Service with the Defence Force that is of a kind determined to be non‑warlike service under section 6 of the *Military Rehabilitation and Compensation Act 2004.* |
|  | **Nonworking period** in relation to a flexible service determination, means the period that is not the member's pattern of service. |
|  | **Normal departmental liability** has the same meaning given by section 9.1.7.  |
|  | **Normal working hours** for a member means the hours of duty set by their commander. |
|  | **Operational area** means the specified area in column B of the table in section 17.7.6. |
|  | **Own home** has the same meaning given by section 7.1.14. |
|  | **Paid leave** means a period of leave when a member is entitled to salary. |
|  | **Partner** has the same meaning given by section 1.3.36. |
|  | **Pattern of Reserve service** means the periods that a member of the Reserves has agreed with their supervisor the member would attend for duty.  |
|  | **Pattern of service** means the hours of duty or periods of duty prescribed under a flexible service determination. |
|  | **Pay grade** means the pay grade for a member under DFRT Determination No. 2 of 2017, Salaries. |
|  | **Pay to the Commonwealth**, in relation to a debt or liability to the Commonwealth that a member incurs, means a member's obligation to pay (or repay) money to the Commonwealth. |
|  | **Period of prospective service** has the same meaning as in section 30(1) in Part 8 of the *Military* *Superannuation and Benefits Act 1991*, as repealed by Act No. 135 of 1991 and preserved by item 4 of Schedule 4 to the *Defence Legislation Amendment Act (No. 1) 2005*. |
|  | **Posting period**, for service within Australia, has the same meaning given by section 1.3.4. |
|  | **Primary emergency contact**, for the purpose of notifying the family of a member assigned a casualty status, means an adult who is usually in the member's family nominated as the first contact. |
|  | **Primary service location** has the same meaning given by section 1.3.9. |
|  | **Private Proficient**, in relation to salary, means a Private eligible to be paid salary as a Private Proficient. |
|  | **Private vehicle** means a motor vehicle registered in the name of the member or their resident family that is not a recreational or hobby vehicle. |
|  | **Public holiday** has the meaning given in the following. |
|  | a. | In relation to a member performing duty in Australia — section 5.12.1. |
|  | b. | In relation to a member performing duty overseas — section 5.12.10. |
|  | **Public transport** means transport available to the public by regular services over fixed routes. |
|  | **Quarantine residence** means a residence, or other form of accommodation, provided for the purpose of undertaking an isolation period (or quarantine period). |
|  | **Rank**, which is not an honorary rank, includes the following unless otherwise specified. |
|  | a. | For a Chaplain — division. |
|  | b. | For a Maritime Spiritual Wellbeing Officer — class. |
|  | **Note:** Section 1.3 40 provides for equivalent ranks. |
|  | **Recognised family** means any of the following |
|  | a. | A member’s partner. |
|  | b. | A child of the member or the member’s partner. |
|  | **Recognised other person** has the same meaning given by section 1.3.37. |
|  | **Refitting port** means the port where a seagoing ship or seagoing submarine refit that is not the ship's home port. |
|  | **Remote location** means a location listed in the following. |
|  | a. | For the purpose of ADF district allowance — Annex 4.4.A. |
|  | b. | For the purpose of additional recreation leave — Annex 5.4.A. |
|  | **Removal** means a removal by a Commonwealth removalist. |
|  | A person is **required to isolate** if one of the following apply. |
|  | a. | If the person is in Australia — under a law of any of the following. |
|  |  | i. | A State or Territory. |
|  |  | ii. | A foreign government — before leaving Australia to begin or continue a long‑term posting or short-term duty in that foreign government’s jurisdiction. |
|  | b. | If the person is, or accompanying a member, on a long-term posting overseas or short-term duty overseas — under a law of a State or Territory, or a law of a foreign government. |
|  | **Note:**  Isolation may also be known as quarantine. |
|  | **Reserve service** means a period of service performed by a member of the Reserves that is not continuous full-time service. |
|  | **Resident family** means any of the following. |
|  | a. | Accompanied resident family. |
|  | b. | Unaccompanied resident family.  |
|  | **Restricted destination** means any of the following. |
|  | a. | Afghanistan. |
|  | b. | Democratic People’s Republic of Korea. |
|  | c. | Iraq. |
|  | d. | South Sudan. |
|  | e. | Syria. |
|  | f. | Yemen. |
|  | g. | A country, or a part of a country, listed by the Department of Foreign Affairs and Trade with an advice level of ‘Do not travel’. |
|  | **Retirement age** has the same meaning as under regulation 23(4) of the Defence Regulation. |
|  | **Return of service obligation**, in relation to specified training, education, experience or special duties, means the period of service that a member is required to complete, which if not completed may result in a service obligation debt under regulation 25 of the Defence Regulation. |
|  | **Salary** means salary paid or payable under DFRT Determination No. 2 of 2017, *Salaries*. |
|  | **Seagoing ship** means any of the following. |
|  | a. | A ship or vessel in commission in the service of the Royal Australian Navy. |
|  | b. | Another ship or other vessel approved by the CDF that is under the direction of the Commonwealth or a foreign government. |
|  | **Seagoing submarine** means any of the following. |
|  | a. | A submarine in commission in the service of the Royal Australian Navy. |
|  | b. | Another submarine approved by the CDF that is under the direction of the Commonwealth or a foreign government. |
|  | **Serious illness** has the same meaning given by section 1.3.4. |
|  | **Service location** has the same meaning given by section 1.3.8. |
|  | **Service residence** means a residence provided to a member under Chapter 7 Part 6. |
|  | **Ship's home port** means the port from which the seagoing ship or seagoing submarine regularly operates for a period of more than 1 year. |
|  | **Short‑term duty** has the same meaning given in section 12.3.18. |
|  | **Special needs** has the same meaning given by section 1.3.6. |
|  | **Suitable accommodation** has the same meaning given by section 1.3.7. |
|  | **Trainee** means a new member of the ADF who meets all of the following. |
|  | a. | They receive salary under Schedule B.13 of the Schedule to the DFRT Determination No. 2 of 2017, *Trainee salary rates.* |
|  | b. | They are not a member undergoing recategorisation training. |
|  | **Training commitment** means an obligation under regulation 27 of the Defence Regulation for a member of the Reserves to render service for the purpose of undertaking training. |
|  | **Travel card** means a charge card that the Department of Defence provides to a member to pay accommodation, meal and incidental costs. |
|  | **Unaccompanied resident family** has the same meaning given in section 1.3.20. |
|  | **Unpaid leave** means any ofthe following. |
|  | a. | Leave without pay. |
|  | b. | Unpaid maternity leave. |
|  | c. | Unpaid parental leave. |
|  | **Very serious illness** means an illness or injury of such severity that life is imminently endangered. |
|  | **Warlike service** means service with the Defence Force that is of a kind determined under any of the following. |
|  | a. | Section 5C of the *Veterans’ Entitlements Act 1986*. |
|  | b. | Section 6 of the *Military Rehabilitation and Compensation Act 2004*. |

##### 1.3.2    Close relative

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| 1. | **Close relative** of a member means any of the following people. |
|  | a. | Recognised family of a member. |
|  | b. | The member’s parent, brother, sister, child, partner. |
|  | c. | The parent or childof the member's partner. |
|  | d. | If the member's partner is also a member, recognised family of the member's partner. |
|  | e. | Any other person approved by the CDF as a close relative of any of the following people. |
|  |  | i. | The member. |
|  |  | ii. | The member’s partner. |
| 2. | For the purpose of paragraph 1.e the CDF must consider all the following. |
|  | a. | Any kinship obligations or child-rearing practices of the member’s traditional culture. |
|  | b. | Any other relevant factor. |
| 3. | In this section, **child** means a child of the member, regardless of age.  |

##### 1.3.3    Member undergoing recategorisation training

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|  | Member undergoing recategorisation training means a member who meets both of the following circumstances.  |
|  | a. | They commence training in a capacity listed in Schedule B.13 to *DFRT Determination No. 2 of 2017, Salaries*. |
|  | i. | For members on continuous full-time service — Part 1 of Schedule B.13. |
|  | ii. | For members on Reserve service — Part 2 of Schedule B.13. |
|  | b. | Immediately before the start of the training, salary was payable to the member under a schedule to *DFRT Determination No. 2 of 2017, Salaries*, other than Schedule B.13. |
|  | **Note 1:** These members are eligible for salary non-reduction under section 3.2.25.**Note 2:** This definition does not apply to new entrants to the ADF, who have only ever been on a trainee rate of salary under Schedule B.13 as defined in section 1.3.1. |

##### 1.3.4    Posting period

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| 1. | For service within Australia, a member's posting period starts on the day they begin duty at a primary service location and ends on the day they finish duty there, subject to subsections 2 to 6. |
|  | **Note:** Posting period for a member on a long-term posting overseas is defined in section 12.3.16. |
| 2. | The member’s duty begins on any of the following days that they arrive at the location. |
|  | a. | The Saturday, Sunday or public holiday immediately before the day they begin duty. |
|  | b. | The last day of their paid leave before the day they begin duty. |
|  | c. | The day they are granted a removal to the location, or any later day. |
| 3. | If the member’s resident family are granted a removal to the member’s housing benefit location and arrive there before the member, the posting period starts on the day their resident family arrive. |
| 4. | The member’s duty ends on any of the following days that they leave the location. |
|  | a. | The Saturday, Sunday or public holiday immediately before the day they finish duty. |
|  | b. | The last day of their paid leave immediately before the day they finish duty. |
|  | c. | The day they are granted a removalfrom the location, or any later day. |
| 5. | If the member’s resident family are granted a removalfrom the housing benefit location and depart after the member, the posting period ends on the day their resident family depart. |
| 6. | In deciding whether it is reasonable for a member's posting period to start on an earlier day or end on a later day, the CDF must consider all of the following. |
|  | a. | The circumstances of the member’s removal to or from the location. |
|  | b. | The number, age, gender and circumstances of the member’s resident family. |
|  | c. | The availability of rental accommodation at the location. |
|  | d. | Any other factor relevant to the posting. |
|  | **Note:** The specific provisions in other Chapters regarding the start and stop of particular benefits override this definition. |

##### 1.3.5    Serious illness

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|  | Serious illness means one of the following. |

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| Item | Seriously ill person | Severity of illness or injury |
| 1. | A member’s close relative under the following.1. For the purpose of compassionate leave — Chapter 5 Part 9 Division 2.
2. For the purpose of travel for compassionate leave — Chapter 15 Part 3 Division 6.
 | Life endangerment. |
| 2. | A member under the following Australians dangerously ill scheme.1. Within Australia — Chapter 9 Part 3 Division 9.
2. Overseas — Chapter 17 Part 4.
 | Any or all of the following.a. Life endangerment.b. Significant disablement.c. Material impact on future life.**Note:** A serious illness can include a mental health condition. |

##### 1.3.6    Special needs

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| 1. | Subject to subsection 2, **special needs** in relation to one of the following, means a person who the CDF is satisfied has a condition set out in column A of the following table that has been assessed or recognised by the person in column B of the same item.  |
|  | a. | The member’s resident family. |
|  | b. | A person who has an interdependent relationship with the member under paragraph 1.3.37.1.d. |

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| **Item** | **Column A****Condition** | **Column B****Person who must assess or recognise the condition.** |
| 1. | Physical. | A specialist medical practitioner. |
| 2. | Intellectual. |
| 3. | Sensory. |
| 4. | Multiple impairments. |
| 5. | Medical condition, illness or disability. |
| 6. | Speech or language disorders. | One of the following.1. A specialist medical practitioner.
2. A paramedical practitioner.
 |
| 7. | Social, emotional or behavioural. |
| 8. | Specific learning difficulties. | One of the following.1. A specialist medical practitioner.
2. A psychologist.
 |
| 9. | They are academically gifted or talented and have achieved a score at or about the 95th percentile on either of the following.1. Any individual or group IQ test.
2. A subscale of an individual IQ test.
 | A psychologist with qualification and experience in assessing children. |

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| 2. | A member must apply for recognition special needs using the approved form. |
| 3. | A person ceases to have special needs if the circumstances on which the CDF approved the member’s application changes.  |
|  | **Note:** A person may still be recognised as resident family or as a recognised other person if they cease to have special needs recognised.  |

##### 1.3.7    Suitable accommodation

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| 1. | **Suitable accommodation** means accommodation that meets all of the following.  |
|  | a. | It is in the member's service location. |
|  | b. | It can accommodate the member, any resident family, and any recognised other persons. |
|  | c. | If it is not a rented home or own home — it has the rent band that applies to the member under section 7.6.13. |
|  | d. | It is available within a reasonable time. |
|  | e. | Accommodation that, in relation to the member’s situation in column A of the following table, is a type of accommodation listed in column B of the same item. |

|  |  |  |
| --- | --- | --- |
| Item | Column AMember situation | Column BType of accommodation |
| 1. | They are one of the following.1. A member with accompanied resident family.
2. A member who has no resident family but who has an adult child.
 | Any of the following.1. The member’s suitable own home.
2. A suitable Service residence.
3. A home for which rent allowance is payable.
 |
| 2. | The member has unaccompanied resident family. | a. For the member, any of the following.i. Suitable living‑in accommodation.ii. A rented home for which rent allowance is payable.iii. A surplus Service residence.iv. Accommodation provided under Part 7.v. An appointment, tied or assigned Service residence under Part 6 Division 6.b. For the unaccompanied resident family the accommodation that was approved as suitable for them to live in at the family benefit location. |
| 3. | The member meets all the following.a. They are a member with unaccompanied resident family.b. They have unaccompanied resident family at a location that is not a family benefit location. | Any of the following.a. Suitable living‑in accommodation.b. A rented home for which rent allowance is payable.c. A surplus Service residence.d. Accommodation provided under Part 7. |
| 4. | A member who has no resident family. | Any of the following.a. The member’s suitable own home.b. Suitable living‑in accommodation.c. A rented home for which rent allowance is payable.d. A surplus Service residence.e. Accommodation provided under Part 7.f. An appointment, tied or assigned Service residence under Part 6 Division 6. |

|  |  |
| --- | --- |
|  | **Note:** Section 7.5.2 provides a different definition of Suitable accommodation for the purpose of Chapter 7 Part 5. |

#### Division 2: Key definitions relating to location

##### 1.3.8    Service location

|  |  |
| --- | --- |
|  | **Service location**, in relation to a member, including a member of the Reserves, means any of the following. |
|  | a. | The location where the member is normally expected to provide capability under any of the following.  |
|  |  | i. | A posting order. |
|  |  | ii. | An alternate located work agreement. |
|  |  | iii. | A transition location (general) agreement. |
|  |  | iv. | A transition location (medical) agreement. |
|  | b. | If the member is posted to any of the following, the ship’s or submarine’s home port. |
|  |  | i. | A seagoing ship. |
|  |  | ii. | A seagoing submarine. |
|  |  | iii. | A flight liable to embark on a seagoing ship. |

##### 1.3.9    Primary service location

|  |  |
| --- | --- |
|  | **Primary service location** means one of the following. |
|  | a. | If the member only has one service location, the service location. |
|  | b. | If the member has more than one service location, the location specified in any of the following agreements as the member’s primary service location. |
|  |  | i. | The member’s alternate located work agreement. |
|  |  | ii. | The member’s transition location (general) agreement. |
|  |  | iii. | The member’s transition location (medical) agreement. |

##### 1.3.10    Housing benefit location

|  |  |
| --- | --- |
|  | **Housing benefit location**, in relation to a member, means the area comprising of all of the following. |
|  | a. | Any area that is within 30 km from the member’s primary service location that can be travelled by vehicle on a public road.  |
|  | b. | Any area in which a member can travel by public transport in 150 minutes from the member’s primary service location and return for the purpose of commencing duty and returning home after ceasing duty. |
|  | c. | An extended housing benefit location under section 1.3.10. |
|  | d. | If a member occupies a Service residence that meets all of the following, the location of the Service residence. |
|  |  | i. | The Service residence is not in a location covered by paragraphs a, b, or c. |
|  |  | ii. | The Service residence has been provisioned for members posted to the member’s primary service location. |
|  | e. | An area approved for a member participating in one of the following trials. |
|  |  | i. | The Puckapunyal housing trial under section 7.1.16A. |
|  |  | ii. | The flexible housing trail under section 7.1.16B. |
|  | f. | An adjacent housing benefit location if the member’s partner is also a member. |

##### 1.3.11    Extended housing benefit location

|  |  |
| --- | --- |
|  | **Extended housing benefit location** for a member means an area extending the housing benefit location described in paragraphs 1.3.10.a. and b. that meets both of the following. |
|  | a. | The extension of the housing benefit location has been requested by the member. |
|  | b. | The CDF is satisfied that the member’s attendance at their primary service location will not be adversely affected any additional travelling time to their primary service location as a consequence of extending the member’s housing benefit location  |

##### 1.3.12    Family benefit location

|  |  |
| --- | --- |
| 1. | **Family benefit location** means any of the following that is not in the member’s housing benefit location. |
|  | a. | If a member is one of the following — the location to which their resident family received a removal under this Determination. |
|  |  | i. | The member has unaccompanied resident family and no accompanied resident family. |
|  |  | ii. | The member is posted to a seagoing ship or submarine. |
|  |  | iii. | The member has accompanied resident family and no unaccompanied resident family and is deployed for 6 months or longer. |
|  | b. | If the member the member was recruited from overseas and has unaccompanied resident family and no accompanied resident family — the location of the member's resident family’s first Australian home. |
|  | c. | If all of the following apply — the location the member’s resident family lives. |
|  |  | i. | The member has unaccompanied resident family. |
|  |  | ii. | Before the member had an unaccompanied resident family the member had an accompanied resident family. |
|  |  | iii. | The unaccompanied resident family remain in the location where they were the member’s accompanied resident family. |
| 2. | Despite subsection 1.c, family benefit location does not include the location the member’s resident family live if all the following are met.  |
|  | a.  | Before the member had an unaccompanied resident family the member had an accompanied resident family. |
|  | b. | During the period the member had accompanied resident family they lived in a location (the alternate location) approved under an alternate located work agreement. |
|  | c.  | Before the member’s alternate located work agreement was approved, the member’s resident family did not live in the alternate location. |

##### 1.3.13    Location of residence

|  |  |
| --- | --- |
|  | **Location of residence**, for service within Australia, means the area comprising of all of the following. |
|  | a. | The area that is within 30 km from the member’s residence that can be travelled by vehicle on a public road. |
|  | b. | The area in which a member can travel by public transport in 150 minutes from the member’s residence and return. |

#### Division 3: Key definitions relating to resident family

##### Subdivision 1: Accompanied resident family

##### 1.3.14    Accompanied resident family

|  |  |
| --- | --- |
|  | A person is **accompanied resident family** of a member if all of the following apply. |
|  | a. | The person meets the definition of recognised family under section 1.3.1. |
|  | b. | The member has applied for recognition of the person as accompanied resident family on the approved form. |
|  | c. | One of the following apply. |
|  |  | i. | The person meets the criteria for a type of accompanied resident family in Subdivision 2: Types of accompanied resident family |
|  |  | ii. | The person is unaccompanied resident family of a dual serving couple under Subdivision 5: Dual serving members. |

##### 1.3.15    Effect of temporary separation

|  |  |
| --- | --- |
|  | A person does not ceases to be accompanied resident family of a member if they are temporarily separated from the member due to one of the following reasons. |
|  | a. | Service reasons. |
|  | b. | The member or their partner has an illness or infirmity which prevents them from living together. |
|  | c. | A circumstance in which the CDF is satisfied of the following.  |
|  |  | i. | The reason for the temporary separation is unforeseen.  |
|  |  | ii. | The separation is genuinely temporary. |
|  |  | iii. | The person intends to permanently re-join the member within a reasonable timeframe. |

##### Subdivision 2: Types of accompanied resident family

##### 1.3.16    Accompanied resident family – Partner

|  |  |
| --- | --- |
|  | A partner of a member is accompanied resident family of a member if they meet any of the following.  |
|  | a. | They live in a home with the member on a permanent basis. |
|  | b. | They are reasonably expected to live in a home with the member. |

##### 1.3.17    Accompanied resident family – Child 90+ nights

|  |  |
| --- | --- |
|  | A child is accompanied resident family of a member if they are reasonably expected to live with the member for at least 90 nights in a year. |
|  | **Note:** If a member is on a flexible service determination, the member’s nonworking period does not affect the 90 night period when the child stays with the member in the housing benefit location. |

##### 1.3.18    Accompanied resident family – Child less than 90 nights

|  |  |
| --- | --- |
|  | A child is accompanied resident family of a member if they are expected to live with the member at their housing benefit location for less than 90 nights a year and the CDF is satisfied that they are not able to meet section (Child 90+ nights) having regard to any of the following. |
|  | a. | The arrangements for the child's contact or residence with the member. |
|  | b. | The member's access to the child. |
|  | c. | The distance and transport between the child's location and the member's location. |
|  | d. | The nature and extent of the member's Service commitments. |
|  | e. | Other factors that may be relevant to the relationship of the child and the member. |

##### 1.3.19    Accompanied resident family – Child absent due to education

|  |  |
| --- | --- |
|  | A child is accompanied resident family of a member if all of the following apply. |
|  | a. | The member has accompanied resident family. |
|  | b. | The child is absent from the member’s home only because they are undertaking full-time primary, secondary or undergraduate tertiary education. |

##### Subdivision 3: Unaccompanied resident family

##### 1.3.20    Unaccompanied resident family

|  |  |
| --- | --- |
| 1. | A person is **unaccompanied resident family** of a member if all of the following apply. |
|  | a. | The person meets the definition of recognised family under section 1.3.1. |
|  | b. | The member has applied for recognition of the person as unaccompanied resident family on the approved form. |
|  | c. | One of the following apply. |
|  |  | i. | The person meets the criteria for a type of unaccompanied resident family in Subdivision 4: Types of unaccompanied resident family. |
|  |  | ii. | The person is unaccompanied resident family of a dual serving couple under Subdivision 5: Dual serving members. |
| 2. | A member is eligible for the recognition of the resident family as unaccompanied resident family if all of the following apply. |
|  | a. | The member’s resident family are children. |
|  | b. | The CDF is satisfied that there is an appropriate recognised other person to care for the children. |
|  | **Note:** ‘Child’ is defined in section 1.3.32. |

##### 1.3.21    When resident family cease to be unaccompanied

|  |  |
| --- | --- |
|  | Resident family cease to be unaccompanied resident family of a member if any of the following apply.  |
|  | a. | The resident family no longer meets the criteria for a type of unaccompanied resident family in subdivision 4 of this Division. |
|  | b. | Subdivision 5 ceases to apply. |
|  | c. | The member commences a new posting. |
|  | d. | The CDF is satisfied that the member’s resident family no longer meet the purpose of being recognised as unaccompanied. |
|  |  | **Note:** The CDF must inform the member of the decision. |
|  | **Note:** Nothing prevents the member from reapplying for recognition of a person as unaccompanied resident family. |

##### Subdivision 4: Types of unaccompanied resident family

##### 1.3.22    Unaccompanied resident family – In connection with a posting

|  |  |
| --- | --- |
|  | Resident family is unaccompanied resident family if all of the following apply. |
|  | a. | The member commences a new posting. |
|  | b. | Immediately before commencing a new posting, one of the following applies. |
|  |  | i. | The resident family was accompanied resident family of the member. |
|  |  | ii. | The resident family was unaccompanied resident family. |
|  | c. | The member resides in their housing benefit location without any accompanied resident family. |

##### 1.3.23    Unaccompanied resident family – In connection with a posting to a seagoing ship or seagoing submarine

|  |  |
| --- | --- |
|  | Resident family is unaccompanied resident family if all of the following apply. |
|  | a. | Immediately before becoming unaccompanied resident family, the resident family was accompanied resident family of the member. |
|  | b. | The member meets all of the following. |
|  |  | i. | They are posted to a seagoing ship or seagoing submarine. |
|  |  | ii. | They are granted a removal for their resident family to a family benefit location under section 6.5.21. |
|  |  | iii. | They reside in their housing benefit location without any accompanied resident family. |

##### 1.3.24    Unaccompanied resident family – Resident family moving away from the member

|  |  |
| --- | --- |
|  | Resident family is unaccompanied resident family if all of the following apply. |
|  | a. | The resident family meets all of the following. |
|  |  | i. | Immediately before becoming unaccompanied resident family, they were accompanied resident family of the member. |
|  |  | ii. | They move away from the member’s housing benefit location. |
|  | b. | The member resides in their housing benefit location without any accompanied resident family. |

##### 1.3.25    Unaccompanied resident family – On return from a deployment

|  |  |
| --- | --- |
|  | Resident family is unaccompanied resident family if all of the following apply. |
|  | a. | The resident family meets all of the following. |
|  |  | i. | Immediately before becoming unaccompanied resident family, they were accompanied resident family of the member. |
|  |  | ii. | During the member’s deployment, they moved to a family benefit location or another location for family support. |
|  | b. | The member meets all of the following. |
|  |  | i. | On return from deployment, they do not commence a new posting in Australia. |
|  |  | ii. | They reside in their housing benefit location without any accompanied resident family. |

##### 1.3.26    Unaccompanied resident family – Partners who don’t live together

|  |  |
| --- | --- |
|  | A partner is unaccompanied resident family if all of the following apply. |
|  | a. | The CDF is satisfied that the member and their partner are not able to live together due to one of the following. |
|  |  | i. | Service requirements.  |
|  |  | ii. | Court orders relating to a child of the member or of the person. |
|  |  | iii. | Court orders relating to the safety and welfare of a person. |
|  |  | iv. | Compelling reasons that prevent the member and person from living together.  |
|  | b. | The member resides in their housing benefit location without any accompanied resident family. |

##### 1.3.27    Unaccompanied resident family – Recognised family in connection with recruitment from overseas

|  |  |
| --- | --- |
|  | Recognised family is unaccompanied resident family if all of the following apply. |
|  | a. | The member meets all of the following. |
|  |  | i. | They were recruited from overseas. |
|  |  | ii. | They were moved to Australia at Commonwealth expense. |
|  |  | iii. | They reside in their housing benefit location without any accompanied resident family. |
|  | b. | The recognised family’s first home in Australia that is not in the member’s housing benefit location. |

##### 1.3.28    Unaccompanied resident family – Service or compassionate reasons

|  |  |
| --- | --- |
| 1. | Resident family is unaccompanied resident family if all of the following apply. |
|  | a. | The CDF is satisfied that there are Service or compassionate reasons to recognise them as unaccompanied resident family, having regard to the following, |
|  |  | i. | The health and welfare of the member and their resident family. |
|  |  | ii. | Any other relevant matter. |
|  | b. | The member resides in their housing benefit location without any accompanied resident family. |
| 2. | In making a decision under subsection 1, the CDF must also specify the duration in which the decision is to apply. |

##### 1.3.29    Unaccompanied resident family – Child absent due to education

|  |  |
| --- | --- |
|  | A child is unaccompanied resident family of a member if all of the following apply. |
|  | a. | The member has unaccompanied resident family. |
|  | b. | The child is absent from the member’s home only because they are undertaking full-time primary, secondary or undergraduate tertiary education. |
|  | c. | The member resides in their housing benefit location without any accompanied resident family. |

##### Subdivision 5: Dual serving members

##### 1.3.30    Who this subdivision applies to

|  |  |
| --- | --- |
|  | This subdivision applies to a member (the first member) who meets all of the following. |
|  | a. | The member’s partner is also a member (the second member). |
|  | b. | The first member has a different primary service location and housing benefit location than the second member. |

##### 1.3.31    Dual serving member – Partner only

|  |  |
| --- | --- |
|  | If the member’s (the first member) only resident family is their partner (the second member) and the first member is nominated as having unaccompanied resident family the following apply. |
|  | a. | The first member is accompanied resident family of the second member. |
|  | b. | The second member is unaccompanied resident family of the first member. |

##### 1.3.32    Dual serving member – Member lives without resident family

|  |  |
| --- | --- |
|  | If one of the members does not live with any resident family (the first member) and the member’s partner lives with the resident family (the second member) the following apply. |
|  | a. | In relation to the first member, their resident family are unaccompanied resident family. |
|  | b. | In relation to the second member, their resident family are accompanied resident family. |

##### 1.3.33    Dual serving member – Members both live with resident family

|  |  |
| --- | --- |
|  | If both members live with resident family and a member (the first member) is nominated as having unaccompanied resident family, the following apply. |
|  | a. | In relation to the first member, their resident family are unaccompanied resident family and they have no accompanied resident family. |
|  | b. | In relation to the member (the second member) not nominated as having unaccompanied resident family their resident family are accompanied resident family and they have no unaccompanied resident family. |

##### 1.3.34    Dual serving member – Rules relating to nomination

|  |  |
| --- | --- |
|  | For the purpose of section 1.3.31 and 1.3.33, the following apply. |
|  | a. | A nomination may be made by a member or their partner. |
|  | b. | If a nomination is not made, the senior member is taken to be nominated as having unaccompanied resident family. |
|  | c. | The classification of the resident family applies regardless of who they live with. |

#### Division 4: Key definitions relating to people

##### Subdivision 1: General

##### 1.3.35    Child

|  |  |
| --- | --- |
|  | A **child** of a member or their partner means a person who meets any of the following. |
|  | a. | A person under 21 years of age who meets one of the following. |
|  |  | i. | They are, or were before they turned 18 years old, a child of the member or the member’s partner for the purposes of Part 7 Division 1 Subdivision D of the *Family Law Act 1975*. |
|  |  | ii. | They are, or were before they turned 18 years old, the subject of a permanent care order issued by a court or statutory authority and placed in the member’s or the member’s partner’s care. |
|  | b. | The age limit in subsection 1 does not apply for a child who is an invalid or has a disability. |

##### 1.3.36    Partner

|  |  |
| --- | --- |
| 1. | **Partner**, in relation to a member,means a person who meets any of the following.  |
|  | a. | They are in a registered relationship prescribed by the law of a State or Territory with the member. |
|  | b. | They are in a de facto relationship with the member. |
|  | c. | One of the following applies. |
|  |  | i. | They are married to the member under the *Marriage Act 1961*. |
|  |  | ii. | They are in a marriage with the member that is recognised under the *Marriage Act 1961*. |
|  | d. | A CDF recognised partner under section 1.3.38. |
| 2. | A person ceases to be a partner if the CDF is satisfied that the person lives separately and apart from the member on a permanent or indefinite basis. |
|  | **Note 1:** Living separately and apart from the member on a permanent basis is an indication of a breakdown in the relationship. **Note 2:** A member and their partner may cease to be partners even if they continue to reside in the same residence or that either party provides some household services to the other. |

##### 1.3.37    Recognised other person

|  |  |
| --- | --- |
| 1. | **Recognised other person**, in relation to a member,means any of the following. |
|  | a. | An adult child. |
|  | b. | A live-in carer. |
|  | c. | A guardian or housekeeper. |
|  | d. | Subject to subsection 2, a person who has an interdependent relationship with the member if the CDF is satisfied the member and the person have a close personal relationship having regard to the following factors. |
|  |  | i. | The person has a permanent relationship with the member and provides them with a degree of emotional support.  |
|  |  | ii. | The living arrangements of the person and if they will live with the member. |
|  |  | iii. | The person inability of the person to live with the member because of an intellectual, physical or psychiatric disability. |
|  |  | iv. | The financial support provided to the person by the member. |
|  |  | v. | The interdependent support and personal care provided to the member or the person.  |
| 2. | A person must not be recognised as being in an interdependent relationship under paragraph 1.d if the CDF is satisfied that any of the following circumstances apply.  |
|  | a. | The person's relationship with the member is one of mere convenience.  |
|  | b. | There is alternative support, care or accommodation available to the person. |
|  | c. | The person is a resident child carer living with the member's family but is not otherwise recognised family of the member. |

##### Subdivision 2: Partners

##### 1.3.38    CDF recognised partner

|  |  |
| --- | --- |
|  | **CDF recognised partner** means a person who meets one of the following. |
|  | a. | They meet all of the following.  |
|  |  | i. | The person would be able to be recognised as being in a de facto relationship with the member if they were living together. |
|  |  | ii. | The member and the person are not able to live together due to Service requirements only.  |
|  | b. | The person would be in a de facto relationship if they lived with the member, but are unable to because of one of the following.  |
|  |  | i. | Court orders relating to a child of the member or of the person. |
|  |  | ii. | Court orders relating to the safety and welfare of a person. |
|  |  | iii. | Compelling reasons that prevent the member and person from living together.  |

##### 1.3.39    De facto relationship

|  |  |
| --- | --- |
| 1. | **De facto relationship** means a relationship between the member and another person that is, in the CDF’s opinion, a de facto relationship.**Note:** De facto relationship is defined by section 2F of the *Acts Interpretation Act 1901.* |
| 2. | A member must use the approved form to apply for recognition of a de facto relationship. |
| 3. | A de facto relationship may be recognised under subsection 1 if the partners are temporarily separated due to one of the following reasons. |
|  | a. | Service reasons. |
|  | b. | The member or their partner has an illness or infirmity which prevents them from living together. |
|  | c. | A circumstance where the CDF is satisfied of the following.  |
|  |  | i. | The reason for the temporary separation is unforeseen.  |
|  |  | ii. | The separation is genuinely temporary, and the CDF is satisfied that the person intends to permanently re-join the member within a reasonable timeframe. |
|  | **Note:** This subsection cannot apply to a relationship where the couple have never lived together. |
| 4. | To avoid doubt, an application may be approved in relation to a period immediately preceding the application date.**Note:** Approval of a past period may require adjustment of allowances and benefits and this may result in recovery action, with the member or their partner having to repay benefits to Defence or other Commonwealth agencies. |

#### Division 5: Other matters

##### 1.3.40    Equivalent ranks and classifications

|  |  |
| --- | --- |
| 1. | A reference to an Army rank includes a reference to the equivalent of a rank in the Navy and Air Force as set out in Schedule 1 of the Act, unless specified otherwise. |
| 2. | A reference to a rank in column A of the following table includes a Chaplain classification in column B or a Maritime Spiritual Wellbeing Officer classification in column C of the same item. |

|  |  |  |  |
| --- | --- | --- | --- |
| Item | Column ARank | Column BChaplain classification  | Column CMaritime Spiritual Wellbeing Officer classification |
| 1. | Captain | Division 1 | Class 1 |
| 2. | Major | Division 2 | Class 2 |
| 3. | Lieutenant Colonel | Division 3 | Class 3 |
| 4. | Colonel | Division 4 | Class 4 |
| 5. | Brigadier | Division 5 | Class 5 |

##### 1.3.41    References to time

|  |  |
| --- | --- |
|  | Time is expressed using a 24-hour clock system. |

##### 1.3.51    Meaning of dependant for the *Fringe Benefits Tax Assessment Regulations 2018*

|  |  |
| --- | --- |
|  | For the purpose of the *Fringe Benefits Tax Assessment Regulations 2018*, a **dependant** of a member means any of the following.  |
|  | a. | A person who is resident family of the member. |
|  | b. | A recognised other person. |
| 7 | Chapter 1 Part 4 |
|  | Repeal the Part. |
| 8 | Subsection 1.5.2.2 |
|  | Omit “dependant provides,”, substitute “recognised family or recognised other person provides”. |
| 9 | Subsection 1.5.2.2 (related information) |
|  | Repeal the related information. |
| 10 | Paragraph 1.5.2.3.b |
|  | Omit “dependants”, substitute “recognised family or recognised other person”. |
| 11 | Subsection 1.5.3.1 |
|  | Omit “or their dependants”, substitute “, recognised family or a recognised other person”. |
| 12 | Subsection 1.5.3.5 |
|  | Repeal the subsection, substitute: |
| 5. | A member must fill in and provide the approved form to their Commanding Officer as soon as practicable after any of the following events. |
|  | a. | The number of people in the member’s recognised family changes or recognised other person. |
|  | b. | The member is notified of a change of service location and it is reasonable to expect that any of the following may change in the new service location. |
|  |  | i. | The member has accompanied resident family. |
|  |  | ii. | The member has unaccompanied resident family and no accompanied resident family. |
|  |  | iii. | The member has no recognised family or other recognised persons. |
| 13 | Section 1.6.1 (heading) |
|  | Omit “adult dependant”, substitute “partner”. |
| 14 | Paragraph 1.6.1.1.a  |
|  | Omit “adult dependant”, substitute “partner”. |
| 15 | Subsection 1.6.1.3  |
|  | Omit “adult dependant”, substitute “partner”. |
| 16 | Subsection 1.6.1A.2  |
|  | Repeal the subsection, substitute: |
| 2. | The member may nominate, in writing, their partner to pay contributions owed by the member if all of the following conditions are met. |
|  | a. | Their partner is also a member. |
|  | b. | Their partner has consented in writing to make the contributions on the member’s behalf. |
|  | **Note 1:** Their partner may revoke consent at any time.**Note 2:** Contributions are to be paid through the Department of Defence pay system.**Note 3:** If the contribution is not paid by their partner, the contribution may be recovered from the member as a debt owed to the Commonwealth. |
| 17 | Subsection 1.6.2.1 |
|  | Omit “adult dependant”, substitute “partner”. |
| 18 | Paragraph 1.6.4.1.a  |
|  | Omit “dependants”, substitute “recognised family”. |
| 19 | Subparagraph 1.6.4.1.b.i  |
|  | Omit “dependant”, substitute “recognised family”. |
| 20 | Subsection 1.6.4.2 |
|  | Repeal the subsection, substitute: |
| 2. | The amount may be payable to more than one of the member’s recognised family if the CDF is satisfied of the losses each person suffers through the loss of the member’s earnings. |
| 21 | Subsection 1.7.4.6 |
|  | Omit “dependants”, substitute “resident family”. |
| 22 | Subsection 1.7.16.4  |
|  | Omit “dependants”, substitute “resident family or recognised other persons”. |
| 23 | Subsection 1.7.16.6 |
|  | Omit “dependants”, substitute “resident family”. |
| 24 | Subsection 1.7.16.8 |
|  | Omit “posting location”, substitute “service location”. |
| 25 | Paragraph 1.7.24.1.b |
|  | Omit “posting location”, substitute “service location”. |

Schedule 2—Chapter 4

Defence Determination 2016/19, Conditions of service

|  |  |
| --- | --- |
| 1 | Paragraph 4.4.5.1.a |
|  | Repeal the paragraph, substitute: |
|  | a. | Their primary service location is a remote location. |
| 2 | Subsection 4.4.7.1 |
|  | Repeal the subsection, substitute: |
| 1. | Subject to subsection 2, the member is eligible to receive ADF district allowance for one of the following periods. |
|  | a. | If the member’s primary service location is a remote location ― the following period. |
|  |  | i. | Starting on the later of the day the member commences duty in the location or the day the member arrives in the location. |
|  |  | ii. | Ending on the day before they leave the location. |
|  | b. | If the member is serving on temporary duty at a remote location for a continuous period of more than 21 days ― the following period. |
|  |  | i. | Starting on the day the member begins the period of temporary duty.  |
|  |  | ii. | Ending on the day before they leave the location. |
| 3 | Subsection 4.4.9.1, table |
|  | Repeal the table, substitute: |

|  |  |  |  |
| --- | --- | --- | --- |
| Item | Column ACondition | Column BLocation grade | Column CRate($) |
| 1. | A member who lives in. | A | 1,055 |
| B | 3,010 |
| C | 3,765 |
| D | 5,275 |
| E | 6,030 |
| 2. | A member who meets all of the following.1. They have accompanied resident family.
2. They live out.
3. Item 3 paragraph a. of this table does not apply.
 | A | 3,015 |
| B | 8,605 |
| C | 10,760 |
| D | 15,070 |
| E | 17,225 |
| 3. | Any of the following.a. A member who has accompanied resident family who lives out and at least one of their accompanied resident family meet all of these conditions.i. They are an ADF member or an APS employee in Defence.ii. They are paid ADF district allowance or district allowance under the *Defence Enterprise Agreement 2017-2020* as in force on 16 August 2017.b. A member who meets all of the following.1. They have unaccompanied resident family.
2. They have no accompanied resident family.
3. They live out.

c. A member with no resident family who lives out.d. A member of the Reserves who is undertaking Reserve Service and who is required to live out. | A | 1,510 |
| B | 4,305 |
| C | 5,380 |
| D | 7,535 |
| E | 8,615 |

|  |  |
| --- | --- |
| 4 | Paragraph 4.4.9.2.b |
|  | Omit “dependants”, substitute “of their resident family”. |
| 5 | Paragraph 4.4.11.1.c |
|  | After the paragraph, insert:  |
|  | d. | They have an approved alternate located work agreement and they are required to attend for duty in the location to which they are posted for duty. |
| 6 | Subsection 4.4.11.2, table item 2  |
|  | Omit the table item, substitute: |

|  |  |  |
| --- | --- | --- |
| 2. | Has unaccompanied resident family who stays at the remote location for the duration of the absence. | more than 30 days. |

|  |  |
| --- | --- |
| 7 | Subsection 4.4.11.2, table item 3 |
|  | Omit the table item, substitute: |

|  |  |  |
| --- | --- | --- |
| 3. | meets both of the following:a. one of the following applies:i. they have unaccompanied resident familyii. they have no resident family living at the remote location b. they perform temporary duty is in another remote location | more than 30 days. |

|  |  |
| --- | --- |
| 8 | Section 4.4.12 (table)  |
|  | Omit “dependants”, substitute “resident family”. |
| 9 | Section 4.4.14  |
|  | Repeal the section, substitute. |

##### 4.4.14    Primary service location changes from one remote location to another

|  |  |
| --- | --- |
| 1. | This subsection applies if a member’s primary service location changes from one remote location to another remote location. |
| 2. | This section does not apply to a member who meets all of the following.  |
|  | a. | The member is approved an alternate located work agreement to a remote location. |
|  | b. | One of the following apply.  |
|  |  | i. | The member's resident family join the member in the remote location.  |
|  |  | ii. | The member's resident family already live in the remote location and the location is a location where benefits are not provided.  |
|  | c. | The member’s primary service location changes, and their resident family remain in the remote location.  |
| 3. | The member is eligible for ADF district allowance at the rate for the previous primary service location until the beginning of their period at the new primary service location. |
| 4. | Despite subsection 3, subsection 5 applies if a member meets all of the following.  |
|  | a. | Their primary service location changes from one remote location to another remote location.  |
|  | b. | They have unaccompanied resident family because their resident family remain in the first remote location. |
|  | a. | Their primary service location changes from one remote location to another remote location.  |
|  | b. | They have unaccompanied resident family because their resident family remain in the first remote location. |
| 5. | The member is eligible for ADF District allowance at the rate that is the greater of the following. |
|  | a. | The rate the member received at the remote location that was the member’s primary service location before they were posted. |
|  | b. | The rate the member would receive at the remote location which is their new primary service location if they were a member who had accompanied resident family at that that location.  |
| 10 | Section 4.4.15  |
|  | Repeal the section, substitute. |

##### 4.4.15    Primary service location changes from a remote location to non-remote location

|  |  |
| --- | --- |
| 1. | This section applies if a member meets all these conditions. |
|  | a. | The member’s primary service location changes from a remote location to another location that is not a remote location. |
|  | b. | They have unaccompanied resident family because their resident family remain in the remote location. |
| 2. | This section does not apply to a member who meets all of the following.  |
|  | a. | The member is approved an alternate located work agreement to a remote location. |
|  | b. | One of the following apply.  |
|  |  | i. | The member's resident family join the member in the remote location.  |
|  |  | ii. | The member's resident family already live in the remote location and the location is a location where benefits are not provided.  |
|  | c. | The member’s primary service location changes, and their resident family remain in the remote location.  |
| 3. | The member is eligible for ADF district allowance for the period their resident family stay at the remote location. |
| 11 | Subsection 4.4.16.1  |
|  | Omit “member with dependants”, substitute “member who has accompanied resident family and no unaccompanied resident family”. |
| 12 | Paragraph 4.4.16.2.b  |
|  | Omit “for a member with dependants”, substitute “under section 4.4.9 table item 2”. |
| 13 | Subsection 4.4.16.2.c |
|  | Omit “dependants”, substitute “resident family”. |
| 14 | Subsection 4.4.19.2 |
|  | Omit “dependant”, substitute “of their resident family”. |
| 15 | Paragraph 4.6.7.1.a |
|  | Omit “posting location”, substitute “service location”. |
| 16 | Subsection 4.7.4.2 |
|  | Repeal the subsection, substitute: |
| 2. | The CDF may approve the payment or reimbursement of costs for the following expenses that are directly related to the member's representational duties. |
|  | a. | The purchase of civilian clothing for the member or the member's resident family. |
|  | b. | The hire of civilian clothing for the member or the member's resident family. |
|  | c. | Laundry and dry cleaning costs. |
|  | d. | Babysitting costs for a child who is the member’s resident family if any of the following are attending a representational activity. |
|  | i. | The member and their partner. |
|  | ii. | If the member does not have a partner, the member. |
| 17 | Subsection 4.7.5.2 |
|  | Omit “recognised dependants”, substitute “resident family”. |
| 18 | Paragraph 4.7.6.a |
|  | Omit “dependants”, substitute “resident family”. |
| 19 | Paragraph 4.8.6.2.a |
|  | Omit “dependant”, substitute “resident family”. |
| 20 | Section 4.8.8 |
|  | Repeal the section, substitute: |

##### 4.8.8    Dual entitlement

|  |  |
| --- | --- |
|  | If the trainee's partner is a member and is also eligible for the trainee's dependant allowance, the rate for each member is one of the following. |
|  | a. | If the trainee and their partner have the same rate of salary — half the difference between their individual rate and the salary of a Private in Pay Grade 1. |
|  | b. | If the trainee and their partner have different rates of salary — half the difference between the lower individual rate and the salary of a Private in Pay Grade 1. |
| 21 | Subsection 4.10.2.b |
|  | Omit “a dependant”, substitute “their resident family”. |

Schedule 3—Chapter 5

Defence Determination 2016/19, Conditions of service

|  |  |
| --- | --- |
| 1 | Paragraph 5.4.17.1.c (note c) |
|  | Repeal the paragraph. |
| 2 | Subsection 5.7.5.1 (note) |
|  | Omit “a recognised dependant”, substitute “recognised as resident family”. |
| 3 | Subparagraph 5.7.6A.1.b.i |
|  | Omit “a dependant of the member”, substitute “a member’s resident family”. |
| 4 | Subsection 5.7.7.1 (notes) |
|  | Omit “dependant of the member”, substitute “member’s resident family”. |
| 5 | Paragraph 5.10.4.3.g |
|  | Omit “dependants”, substitute “resident family, recognised family or recognised other persons”. |
| 6 | Paragraph 5.10.5.1.c |
|  | Repeal the paragraph, substitute: |
|  | c.  | The member is granted a period of leave without pay to accompany their partner to a new housing benefit location. |
| 7 | Paragraph 5.10.6.3.a |
|  | Omit “or dependants if they”, substitute “, their resident family or recognised other persons if the member”. |
| 8 | Paragraph 5.10.6.3.c |
|  | Omit “or their dependant”, substitute “, their resident family, or their recognised other persons”. |
| 9 | Paragraph 5.11.13.b |
|  | Repeal the paragraph, substitute: |
|  | b.  | Supervise a child who is recognised as resident family, recognised family or as a recognised other person and is required to isolate themself. |
| 10 | Subsection 5.11.15.1 |
|  | Repeal the subsection, substitute: |
| 1. | Subject to subsection 2, a member is eligible for a short absence from duty if they are required to supervise any of the following persons who required to complete an isolation period. |
|  | a.  | A person who is the member’s resident family. |
|  | b.  | A person who is a recognised other person. |
| 11 | Section 5.11.17 |
|  | Repeal the section, substitute: |

##### 5.11.17    Member this Division applies to

|  |  |
| --- | --- |
|  | This Division applies to a member who has a child who meets all of the following. |
|  | a.  | The child is recognised as resident family. |
|  | b.  | The child attends one of the following.  |
|  |  | i. | A secondary school.  |
|  |  | ii. | A primary school.  |
|  |  | iii. | A pre-school. |
|  |  | iv.  | A kindergarten. |
|  |  | v. | A child care provider. |
| 12 | Paragraph 5.11.18.1.a |
|  | Omit “The dependant is”, substitute “Their resident family or recognised other person are” |
| 13 | Paragraph 5.11.18.1.b |
|  | Omit “the dependant”, substitute “their resident family or recognised other person” |
| 14 | Subsection 5.11.18.2 |
|  | Omit “dependant’s”, substitute “resident family’s or recognised other person’s’” |
| 15 | Subsection 5.11.18.4 |
|  | Omit “the dependant”, substitute “their resident family or recognised other person” |
| 16 | Subsection 5.12.1.3 |
|  | Omit “posting location”, substitute “primary service location”. |
| 17 | Section 5.13.4 |
|  | Repeal the section, substitute: |

##### 5.13.4    Member recalled from housing benefit location

|  |  |
| --- | --- |
| 1. | This section applies to a member who meets all of the following. |
|  | a.  | The member is on leave. |
|  | b.  | The member has not left their housing benefit location.  |
|  | c.  | The member is recalled to duty. |
| 2. | The member has not eligibility to recall costs. |
| 18 | Section 5.13.5.1.b |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 19 | Subsection 5.13.5.2 |
|  | Repeal the subsection, substitute: |
| 2. | A member is eligible for a payment set by the CDF towards the following costs associated with the recall. |
|  | a.  | For the journey from the leave location to the place of duty and return, all of the following. |
|  |  | i. | Transportation costs.**Note:** This travel is duty travel. |
|  |  | ii. | Meal expenses. |
|  |  | iii. | If an overnight break is necessary — accommodation costs. |
|  | b.  | If the member is a parent, and their resident family and recognised other persons travel with the member, all of the following for the resident family and recognised other persons. |
|  |  | i. | Transportation costs. |
|  |  | ii. | Meal expenses. |
|  |  | iii. | If an overnight break is necessary — accommodation costs. |
|  | c. | Other holiday items that the member had paid for but was not able to benefit from due to the recall. |
|  | d.  | Other unavoidable costs associated with the recall from leave. |
| 20 | Paragraph 5.13.6.1.a |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 21 | Subsection 5.13.6.2 |
|  | Repeal the subsection, substitute: |
| 2. | A member is eligible for an amount set by the CDF towards the following costs associated with the recall. |
|  | a.  | For the member’s return to their place of duty all of the following |
|  |  | i. | Additional travel costs that were not an expected or an ordinary part of the member’s return to duty. |
|  |  | ii. | Meal expenses. |
|  |  | iii. | If an overnight break is necessary — accommodation costs. |
|  | b.  | If the member’s resident family and recognised other persons travel with the member, all of the following for the resident family and recognised other persons. |
|  |  | i. | Additional travel costs that were not an expected or an ordinary part of the member’s return to duty. |
|  |  | ii. | Meal expenses. |
|  |  | iii. | If an overnight break is necessary — accommodation costs. |
|  | c.  | Other holiday items that the member had paid for but was not able to benefit from due to the recall. |
|  | d. | Other unavoidable costs associated with the recall from leave. |

Schedule 4—Chapter 6

Defence Determination 2016/19, Conditions of service

|  |  |
| --- | --- |
| 1 | Section 6.1A.1 |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 2 | Section 6.1A.2 (definition of essential household item)  |
|  | Omit “or their dependants”, substitute “, their resident family or a recognised other person”. |
| 3 | Section 6.1A.2 (definition of private vehicle)  |
|  | Omit “or their dependant”, substitute “, their resident family, or a recognised other person”. |
| 4 | Section 6.1A.2 (definition of towable item)  |
|  | Omit “or their dependant”, substitute “, their resident family, or a recognised other person”. |
| 5 | Subparagraph 6.1.4.b.i |
|  | Repeal the subparagraph, substitute: |
|  |  | i. | They are a member who has unaccompanied resident family and no accompanied resident family, or a member with no resident family or recognised other persons.  |
| 6 | Section 6.1.4 (note)  |
|  | Omit “their adult dependant”, substitute “an adult who is recognised as resident family”.  |
| 7 | Paragraph 6.1.5.d  |
|  | Repeal the paragraph, substitute: |
|  | d. | They are moving to another home because the combined total of resident family and recognised other persons has changed. |
|  | e. | They meet all of the following.  |
|  |  | i. | They are a member who has unaccompanied resident family and no accompanied resident.  |
|  |  | ii. | They are moving to reunite with their resident family. |
|  |  | iii. | The location they are moving to is specified in their alternate located work agreement.  |
| 8 | Subsection 6.1.6.2 (table item 1) |
|  | Omit “Member with dependants”, substitute “Member who has accompanied resident family or member with recognised other persons and no resident family”. |
| 9 | Subsection 6.1.6.2 (table item 2) |
|  | Omit “Member without dependants and member with dependants (unaccompanied)”, substitute “Member who has unaccompanied resident family or the member who has no resident family or recognised other persons”. |
| 10 | Subsection 6.1.7.2  |
|  | Omit “spouse or”. |
| 11 | Subsection 6.1.7.3  |
|  | Omit “and their dependants”, substitute “, their resident family and recognised other persons”. |
| 12 | Section 6.1.8 |
|  | Repeal the section, substitute: |

##### 6.1.8    Resident family removed at a later date

|  |  |
| --- | --- |
| 1. | A member who is removed without their resident family is eligible for an amount equal to the amount payable to a member under section 6.1.6 table item 2.  |
| 2. | If the member’s resident family are removed to the same location as the member at a later date, the total amount payable for both removals must not be more that if they had been removed together.  |
| 13 | Section 6.1.9 |
|  | Repeal the section, substitute: |

##### 6.1.9    Removal on enlistment

|  |  |
| --- | --- |
|  | A member who has no resident family and is granted a removal on enlistment is eligible for an amount equal to the amount payable to a member under section 6.1.6 table item 2.  |
| 14 | Section 6.1.11 |
|  | Omit “dependants” wherever occurring, substitute “resident family or recognised other persons”.  |
| 15 | Subsection 6.1.14.1 |
|  | Omit “or a dependant”, substitute “, their resident family or a recognised other person”.  |
| 16 | Section 6.1.17 |
|  | Omit “adult dependant” wherever occurring, i “adult who is recognised as resident family or as a recognised other person”.  |
| 17 | Paragraph 6.1.17.1.a |
|  | Omit “dependant child who”, substitute “child who is resident family or a recognised other person and”.  |
| 18 | Subsection 6.1.17.3 |
|  | Repeal the subsection, substitute: |
| 3. | For the purpose of paragraph 1.c, family reasons include any of the following.  |
|  | a. | If any of the following are unable to help with the removal because of work commitments they cannot avoid. |
|  |  | i. | The member. |
|  |  | ii. | The member’s partner. |
|  |  | iii. | An adult who is resident family or a recognised other person. |
|  | b. | The member is a single parent who has no adults recognised as resident family or recognised other persons that can help with the removal. |
|  | c. | The member, their partner or an adult who is resident family or as a recognised other person is absent to care for a close family member who is ill.  |
|  |  | **Note:** Claims should be supported by a medical certificate. |
|  | **Note:** Section 1.6.1 applies to this section and may affect the payment of assistance if a member and an adult who is recognised as resident family are both eligible for assistance with childcare costs on removal for the same period. |
| 19 | Section 6.1.19 |
|  | Omit “dependant child”, substitute “child who is resident family or a recognised other person”. |
| 20 | Subparagraph 6.1.21.2.a |
|  | Omit “any dependants”, substitute “any resident family or recognised other persons”.  |
| 21 | Subparagraph 6.1.21.2.f |
|  | Omit “posting locations”, substitute “housing benefit locations”.  |
| 22 | Chapter 6 Part 1 Division 4 |
|  | Omit “posting location” wherever occurring, substitute “housing benefit location”.  |
| 23 | Chapter 6 Part 1 Division 4 |
|  | Omit “or their dependant” wherever occurring, substitute “, their resident family or recognised other persons”.  |
| 24 | Subsection 6.2.2.1 |
|  | Repeal the subsection, substitute: |
| 1. | A person who meets any of the following is eligible for the reimbursement of the financial loss on the sale of furniture and effects if they choose to sell the items instead of having them removed to another location in Australia. |
|  | a. | A member. |
|  | b. | A person recognised as resident family of a deceased member. |
|  | c. | A person recognised as a recognised other person of a deceased member.  |
| 25 | Subsection 6.2.2.2 (note)  |
|  | After “their adult dependant”, substitute “an adult who is recognised as resident family”.  |
| 26 | Subparagraph 6.2.4.1.b.i  |
|  | Repeal the subparagraph, substitute: |
|  |  | i. | They are a member who has unaccompanied resident family and no accompanied resident family, or a member with no resident family or recognised other persons. |
| 27 | Subsection 6.2.4.3 (note)  |
|  | After “their adult dependant”, substitute “an adult who is recognised as resident family”.  |
| 28 | Paragraph 6.2.5.5.b |
|  | Omit “and their dependants”, substitute “, their resident family or a recognised other person”. |
| 29 | Section 6.3.1 |
|  | Omit “posting location” wherever occurring, substitute “housing benefit location”. |
| 30 | Section 6.3.1 |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 31 | Section 6.3.3 |
|  | Repeal the section, substitute: |

##### 6.3.3    Uplift travel benefits

|  |  |
| --- | --- |
|  | A member is eligible for vehicle allowance calculated under section 9.6.25 for the return travel between their housing benefit location and their previous housing benefit location if all of the following apply. |
|  | a. | The purpose of returning to the pervious housing benefit location is any of the following. |
|  |  | i. | To supervise the uplift of furniture and effects at their previous housing benefit location. |
|  |  | ii. | To accompany their resident family to the member’s housing benefit location. |
|  | b. | The member has commenced duty in their primary service location before their removal from their pervious housing benefit location commences. |
|  | **Note 1:** A member may only receive this benefit once for each removal.**Note 2:** A member may be eligible for flights under section 9.2.10. |
| 32 | Section 6.3.4 |
|  | Omit “posting location” wherever occurring, substitute “housing benefit location”. |
| 33 | Paragraph 6.5.4.1  |
|  | Omit “who is not”, insert “or their resident family who are not”.  |
| 34 | Paragraph 6.5.4.1  |
|  | Omit “or their dependant”, substitute “, their resident family or recognised other persons”.  |
| 35 | Paragraph 6.5.4.1.a |
|  | Omit “or dependant”, substitute “, their resident family or recognised other persons”.  |
| 36 | Subsection 6.5.4.2 |
|  | Repeal the subsection, substitute: |
| 2. | For the purpose of subsection 1, the Divisions are as follows. |
|  | a. | Division 4, Posting or deployments. |
|  | b. | Division 6, Removal on ceasing continuous full-time service. |
|  | c. | Division 8, When a member becomes a member who has accompanied resident family or recognised other persons |
|  | d. | Division 9, When a member ceases to be a member who has resident family or recognised other persons |
|  | e. | Division 11, Removal on death of a member. |
| 37 | Paragraph 6.5.5.1.c |
|  | Omit the paragraph, substitute: |
|  | c. | The member is posted to a new primary service location and their current home is already in their new housing benefit location, unless they are required to move to another home by their Service. |
| 38 | Paragraph 6.5.5.1.d |
|  | Omit the paragraph, substitute: |
|  | d. | Any of the following is revoked at the member’s request. |
|  |  | i. | Extended housing benefit location. |
|  |  | ii. | Alternate located work agreement.  |
| 39 | Section 6.5.6 |
|  | Repeal the heading, substitute: |

##### 6.5.6    When a member’s partner is resident family and a member

|  |  |
| --- | --- |
|  | If a member’s partner is also a member and both have the same housing benefit location, the following apply.  |
|  | a. | If the members are eligible for a removal under section 6.5.5, only one member is eligible for the removal. |
|  |  | **Note:** The removal is for the member and their resident family. |
|  | b. | If the members are posted to adjacent housing benefit locations, all benefits apply to the location they choose to establish the family home. |
| 40 | Subparagraph 6.5.8A.1.c.ii |
|  | Omit “dependant”, substitute “resident family or recognised other persons”. |
| 41 | Subsection 6.5.10A.1 |
|  | Omit “or their dependant” wherever occurring, substitute “, their resident family or recognised other persons”. |
| 42 | Paragraph 6.5.10A.1.c |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 43 | Subsection 6.5.10A.2 |
|  | Repeal the subsection, substitute: |
| 2. | The member is eligible for the reimbursement of one of the following if they would have moved the item themselves had they, their resident family or recognised other persons driven. |
|  | a. | The removal of the item from the member’s previous housing benefit location to the member’s housing benefit location. |
|  | b. | The storage of the item at the member’s previous housing benefit location. |
| 44 | Subsection 6.5.10A.3 |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 45 | Subsection 6.5.12A.1 |
|  | Repeal the subsection, substitute: |
| 1. | A person who is one of the following may be reimbursed an amount if they insure urgently required household items that are to be removed.  |
|  | a. | A member. |
|  | b. | A person recognised as resident family of a deceased member. |
|  | c. | A person recognised as a recognised other person of a deceased member. |
| 46 | Paragraph 6.5.12A.2.b |
|  | Omit “or their dependant”, substitute “, their resident family or recognised other persons”. |
| 47 | Subsection 6.5.12A.3 (note)  |
|  | After “their adult dependant”, substitute “an adult who is recognised as resident family”.  |
| 48 | Subsection 6.5.14.1 |
|  | Omit “or their dependants”, substitute “, their resident family or recognised other persons”. |
| 49 | Chapter 6 Part 5 Division 3 (heading) |
|  | Omit “personal location where benefits are provided”, substitute “family benefit location”. |
| 50 | Section 6.5.18 |
|  | Repeal the section, substitute: |

##### 6.5.18    Purpose

|  |  |
| --- | --- |
|  | This Division sets out a member’s benefits when their resident family and recognised other persons live in a family benefit location.  |

##### 6.5.18A    Member this Division applies to

|  |  |
| --- | --- |
|  | This Division applies to a member who has resident family. |
| 51 | Section 6.5.19 |
|  | Repeal the section, substitute: |

##### 6.5.19    Compassionate removal to a family benefit location

|  |  |
| --- | --- |
| 1. | A member is eligible for a removal under Division 2 for their resident family to a family benefit location if the CDF is satisfied of all of the following. |
|  | a. | The member has substantial compassionate reasons for the removal. |
|  | b. | That the removal is in the interests of the ADF. |
| 2. | For the purpose of subsection 1, the CDF must consider all of the following. |
|  | a. | The seriousness of the reasons for the compassionate removal. |
|  | b. | The nature of care or assistance required by the member’s resident family or recognised other persons. |
|  | c. | Whether the circumstances are likely to be resolved after a reasonably short period of time or are enduring. |
|  | d. | Whether the issue can only be addressed by relocating the member’s resident family and recognised other persons. |
|  | e. | Whether the decision to relocate was prompted by personal or Service-related circumstances. |
|  | f. | Whether the member has applied for discharge and is eligible for a discharge removal. |
| 52 | Section 6.5.19A |
|  | Repeal the section, substitute: |

##### 6.5.19A    Removal to a family benefit location for employment or study

|  |  |
| --- | --- |
| 1. | A member is eligible for a removal under Division 2 for their resident family to a family benefit location if the CDF is satisfied of all of the following. |
|  | a. | The move is necessary for the member's partner to undertake specified employment, other than home based employment, or a specified period of face-to-face study in the family benefit location. |
|  | b. | The move occurs within 3 months before or after a member’s move to a new housing benefit location. |
|  | c. | The member will be in the new housing benefit location for 6 months or more. |
|  | d. | The family benefit location is closer to the member's housing benefit location than the former housing benefit location. |
| 2. | A member may have the period under paragraph 1.b extended if the CDF considers it is reasonable in the circumstances. |
| 3. | A removal granted under subsection 1 is subject to the following. |
|  | a. | The removal for the member is a limited removal for the member from the former housing benefit location to the new housing benefit location. |
|  | b. | The removal for the resident family is a removal of the member’s household furniture and effects from the former housing benefit location to the family benefit location. |
|  |  | **Note:** The member’s household furniture and effects are not moved to the member’s new housing benefit location before being removed to the family benefit location. |
| 4. | A removal under this section is limited to what the member would have been eligible for under this Part to move their household furniture and effects to their new housing benefit location from both of the following locations. |
|  | a. | The member's residence in the losing housing benefit location. |
|  | b. | Any location where the member has goods stored under this Part. |
| 5. | The member must pay any costs above the amount Defence would have paid for a removal to a family benefit location for employment or study. |
| 6. | If the cost of removal to a family benefit location for employment or study is less than the cost of a removal to the member's new housing benefit location, the member is not eligible for the difference. |
| 53 | Section 6.5.20 |
|  | Repeal the section, substitute: |

##### 6.5.20    Removal to a family benefit location instead of a housing benefit location in a remote location

|  |  |
| --- | --- |
| 1. | A member is eligible for a removal under Division 2 for their resident family if all of the following apply. |
|  | a. | The member is posted to a remote location for 6 months or more. |
|  | b. | The remote location is the member’s housing benefit location. |
|  | c. | The resident family choose to move to a family benefit location instead of the remote location. |
| 2. | A member in a situation set out in column A of the following table is eligible for the removal benefit provided in column B and must pay the amount set out in column C of the same item.  |

|  |  |  |  |
| --- | --- | --- | --- |
| Item | Column A**Member’s situation**  | Column BRemoval Benefit | Column CAmount payable by the member |
| 1. | All of the following apply. 1. The removal is of items that would have been removed to the remote location.
2. The removal is from the member's residence and store in the previous housing benefit location to the family benefit location.
 | A removal under Division 2.  | The difference between the following costs. 1. The amount it would have cost to remove the member’s resident family to the member's housing benefit location.
2. The amount it cost the member’s resident family to relocate to the family benefit location.
 |
| 2. | All of the following apply. 1. The removal is of items that would not have been removed to the remote location.
2. The removal is to the Commonwealth removalist's store.
 | A removal to the Commonwealth removalist’s store. |  |
| 3. | All of the following apply. 1. The removal is of the member's effects, without furniture.
2. The removal is to the family benefit location
 | A removal under Division 2.  | The difference between the following costs. 1. The amount it would have cost to remove the member’s resident family to the member's housing benefit location.
2. The amount it cost the member’s resident family to relocate to the family benefit location.
 |

|  |  |
| --- | --- |
| 3. | A member is eligible for storage of items when any of the following apply. |
|  | a. | The member has excess items that are not removed from the previous housing benefit location. |
|  | b. | The member has items already in store at the time the posting authority is issued. |
| 54 | Section 6.5.21 (heading) |
|  | Repeal the heading, substitute: |

##### 6.5.21    Removal to family benefit location on seagoing posting

|  |  |
| --- | --- |
| 55 | Section 6.5.21 |
|  | Omit “dependants” wherever occurring, substitute “resident family and recognised other persons”. |
| 56 | Section 6.5.21 |
|  | Omit “personal location” wherever occurring, substitute “family benefit location”. |
| 57 | Section 6.5.22 |
|  | Repeal the section, substitute: |

##### 6.5.22    Removal of resident family to a member’s housing benefit location

|  |  |
| --- | --- |
| 1. | This section applies to a member who meets all of the following. |
|  | a. | A member's resident family do not live with the member. |
|  | b. | The resident family wish to rejoin the member. |
| 2. | A member who meets the criteria set out in column A of the following table is eligible for the removal benefit in column B and must pay the amount in column C of the same item. |

|  |  |  |  |
| --- | --- | --- | --- |
| Item | Column A**Criteria**  | Column BRemoval Benefit | Column CAmount payable by the member |
| 1. | The member was provided a removal for their resident family and recognised other persons under section 6.5.19.  | A removal under Division 2 to their housing benefit location. |  |
| 2. | The member was provided a removal for their resident family to the family benefit location and the costs were less than it would have cost for a removal to the member’s housing benefit location had the resident family moved with the member to their housing benefit location.  | A removal under Division 2 to their housing benefit location. | The difference between the following costs. 1. The amount it would have cost to remove the member’s resident family to the housing benefit location.
2. The amount it cost the member’s resident family to relocate to the family benefit location.
 |

|  |  |
| --- | --- |
| 3. | Despite subsection 2, a member is eligible for the full costs of the removal if the CDF is satisfied that it is in the interests of the ADF having regards to the direct and indirect costs of the removal. |
| 58 | Section 6.5.23 |
|  | Repeal the section. |
| 59 | Chapter 6 Part 5 Division 4 (heading) |
|  | Repeal the heading, substitute: |

#### Division 4: Removal on commencing posting or deployment

|  |  |
| --- | --- |
| 60 | Section 6.5.24 |
|  | Repeal the section, substitute: |

##### 6.5.24    Purpose

|  |  |
| --- | --- |
|  | This Division sets out a member’s eligibility for a removal when they are posted, have an alternate work location agreement or on deployment. |

##### 6.5.24A    Definitions

|  |  |
| --- | --- |
|  | ***Cost of a removal*** under this Division includes the following. |
|  | a. | The cost of removing furniture and effects under Division 2 for any of the following people being removed. |
|  |  | i. | The member. |
|  |  | ii. | The member’s resident family. |
|  |  | iii. | The member’s recognised other persons. |
|  | b. | One of the following in connection with the removal. |
|  |  | i. | Vehicle removal assistance payable to the member under Part 5A. |
|  |  | ii. | The cost of removal travel for the member, resident family and recognised other persons under Chapter 9 Part 2 Division 3. |
| 61 | Section 6.5.26 |
|  | Repeal the section, substitute: |

##### 6.5.26    Posting of 6 months or more

|  |  |
| --- | --- |
| 1. | A member is eligible for a removal if all of the following apply. |
|  | a. | The member is issued a new posting order for a period of 6 months or more. |
|  | b. | One of the following applies. |
|  |  | i. | The posting order requires them to move outside of their current housing benefit location. |
|  |  | ii. | They have an alternate work location agreement that requires them to move to a new housing benefit location. |
| 2. | The member is eligible for a removal of the following. |
|  | a. | If the residence in the new housing benefit location is furnished or partly furnished — necessary furniture and effects. |
|  | b. | If the residence in the new housing benefit location is unfurnished — all the member’s furniture and effects. |
| 3. | The member must pay a contribution towards the cost of the removal if the cost of the removal to the new housing benefit location is greater than the cost of the removal from their housing benefit location to their service location to which they have been posted. |
| 4. | The contribution is calculated using the following formula. |
|  | $$contribution=A-B$$ |
|  | Where: |
|  | **A** | is the cost of a removal from the member’s housing benefit location to the location specified in the member’s new posting order. |
|  | **B** | is the cost of a removal from the member’s housing benefit location to their new housing benefit location. |
| 62 | Section 6.5.27 |
|  | Repeal the section, substitute: |

##### 6.5.27    Posting of a member who has unaccompanied resident family and no accompanied resident family

|  |  |
| --- | --- |
| 1. | This section applies to a member who meets all of the following. |
|  | a. | One of the following applies. |
|  |  | i. | The member goes on a posting for duty in Australia of 6 months or more. |
|  |  | ii. | The unaccompanied resident family is reuniting with the member.  |
|  | b. | They meet all of the following. |
|  |  | i. | They have unaccompanied resident family. |
|  |  | ii. | They have no accompanied resident family.  |
| 2. | The member is eligible for one of the following. |
|  | a. | If the member has 6 months or more of their posting period to serve at their primary service location and is relocating their resident family to their housing benefit location — removal under subsection 6.5.26 for their resident family. |
|  | b. | If the member and their resident family are relocating to a housing benefit location — the removal of their and their resident family’s furniture and effects to the new housing benefit location. |
| 3. | The member must pay a contribution towards the cost of the removal if the cost of the removal to the new housing benefit location is greater than the cost of the removal from their housing benefit location to their service location to which they have been posted. |
| 4. | The contribution is calculated using the following formula. |
|  | $$contribution=A-B$$ |
|  | Where: |
|  | **A** | is the cost of a removal from the member’s housing benefit location to the location on the member’s new posting order. |
|  | **B** | is the cost of a removal from the member’s housing benefit location to their new housing benefit location. |
| 63 | Subsection 6.5.28.3 |
|  | Repeal the subsection, substitute:  |
| 3. | A member is eligible for a removal from the losing housing benefit location to the gaining housing benefit location if the CDF is satisfied the reason the member is otherwise not eligible for a removal is beyond their control.  |
| 64 | Section 6.5.29 |
|  | Repeal the section, substitute: |

##### 6.5.29    Removal between residences in the same location in Australia

|  |  |
| --- | --- |
| 1. | A member in the situation in an item in Column A of the following table is eligible for the benefit in Column B of the same item. |

|  |  |  |
| --- | --- | --- |
| Item | Column AMember situation | Column BBenefit |
| 1. | The member is required to vacate any of the following for reasons beyond their control.1. Living-in accommodation.
2. A Service residence.
3. Accommodation for which rent allowance is payable

**Note:** Reasons beyond a member's control does not include the breakdown of a relationship. | A removal of furniture and effects from that accommodation to another residence or to an approved store in the same location. |
| 2. | A member is occupying a Service residence or accommodation for which rent allowance is payable and acquires a suitable own home in the housing benefit location. | Subject to subsection 3, a removal of furniture and effects to that home if the location the home is in will be the member’s housing benefit location for 12 months or more. |
| 3. | The member meets all the following.1. They have been on posting as a member who has unaccompanied resident family and no accompanied resident family.
2. Their resident family are occupying a Service residence or accommodation for which rent allowance is payable.
3. They acquire a suitable own home in the family benefit location.
 | Subject to subsection 3, a removal of furniture and effects to that home provided the location will be the members family benefit location for 12 months or more. |
| 4. | The member meets all the following.1. They have an own home in their housing benefit location but are not required to live in it.
2. They must vacate a Service residence or accommodation for which rent allowance is payable.
3. The reason for the move is beyond their control.
4. They subsequently intend to occupy their suitable own home.

**Note:** Reasons beyond a member's control does not include the breakdown of a relationship. | A removal of furniture and effects to the following.1. To their suitable own home.
2. To an approved store while they wait for vacant possession of their own home and then to that home.
 |
| 5. | The member must vacate a suitable own home for reasons beyond their control. | A removal of furniture and effects to an approved store while they await repair of the home or alternative suitable accommodation, and then to that home. |
| 6. | The member meets all of the following and has been granted a removal for their resident family to the housing benefit location.1. They have unaccompanied resident family.
2. They have no accompanied resident family.
 | A removal of furniture and effects to the following.1. From the member's accommodation to the new home.
2. From the family benefit location to the new home.
 |

|  |  |
| --- | --- |
| 2. | The member is eligible for storage costs if the CDF is satisfied the member needs the storage for reasons beyond their control. |
| 3. | A member is not eligible for assistance for a removal between homes in the housing benefit location or family benefit location if all the following apply. |
|  | a. | The member sells a home. |
|  | b. | The member buys a new home in the same location |
|  | c. | The member cannot take vacant possession of the new home. |
|  | d. | The member lives in the old home until they can take vacant possession of the new home. |
|  | e. | The member is paid rent allowance while they live in the old home. |
| 65 | Section 6.5.30 |
|  | Repeal the section, substitute: |

##### 6.5.30    Removal in anticipation of a posting – before posting order issued

|  |  |
| --- | --- |
| 1. | Subject to subsection 3, a member is eligible to be reimbursed their removal costs if all of the following apply. |
|  | a. | All of the following apply. |
|  |  | i. | The member moves their resident family to an anticipated location specified in subsection 2 for compassionate reasons. |
|  |  | ii. | The member’s resident family and recognised other persons will live with the member at the anticipated location for 6 months or more. |
|  | b. | The move happens before the member’s next posting order has been issued. |
|  | c. | The CDF is satisfied that the move occurred for one of the following reasons. |
|  |  | i. | The removal is the result of a resident family member’s illness and the removal has been supported by a civilian medical practitioner and endorsed by the Defence Health Service. |
|  |  | ii. | Suitable accommodation is not available in the member’s current housing benefit location. |
|  |  | iii. | Suitable secondary or higher education for the member’s child is not available in their current housing benefit location. |
|  |  | iv. | There are other exceptional reasons that require the member to move. |
|  | **Note:** The member must provide copies of relevant documents to the CDF when applying for reimbursement. |
| 2. | For the purpose of subsection 1, the resident family must have been moved to one of the following locations. |
|  | a. | The location that will be the member’s housing benefit location on their next posting. |
|  | b. | The housing benefit location where the member will be serving for less than 12 months in anticipation of a long-term posting to that location. |
|  | c. | The housing benefit location where they will be serving less than 12 months and then to a second housing benefit location in anticipation of a long-term posting at the second location. |
| 3. | The benefit under subsection 1 is payable from the day the member is issued the posting order.  |
| 4. | The member must repay any amount received under this section if the posting did not proceed because of a reason other than a Service reason.**Note:** The member’s eligibility for reimbursement is not affected if the anticipated long-term posting does not occur due to Service reasons. |
| 66 | Section 6.5.33 |
|  | Repeal the section, substitute: |

##### 6.5.33    Posting changed or cancelled for Service reasons after removal

|  |  |
| --- | --- |
| 1. | This section applies to a member if all of the following occur. |
|  | a. | A removal to the member’s next posting location has taken place. |
|  | b. | The posting is changed or cancelled for Service reasons. |
| 2. | A member posted for 6 months or more is eligible for the removal of all furniture and effects to one of the following or the expenses of storing their furniture and effects. |
|  | a. | The housing benefit location. |
|  | b. | The family benefit location. |
| 3. | A member posted for less than 6 months is eligible for all the following. |
|  | a. | The removal of their effects from the location to which they were removed to the member’s housing benefit location or family benefit location.  |
|  | b. | The expenses of storing the furniture until their next posting. |
| 67 | Section 6.5.34 |
|  | Omit “posting location” wherever occurring, substitute “housing benefit location”. |
| 68 | Paragraph 6.5.37A.1.a |
|  | Repeal the paragraph, substitute:  |
|  | a. | They meet one of the following.  |
|  |  | i. | They have no resident family or recognised other persons. |
|  |  | ii. | They have unaccompanied resident family and no accompanied resident family.  |
| 69 | Paragraph 6.5.38.1.a |
|  | Repeal the paragraph, substitute: |
|  | a. | They meet one of the following.  |
|  |  | i. | They have no resident family or recognised other persons. |
|  |  | ii. | They have unaccompanied resident family and no accompanied resident family.  |
| 70 | Subsection 6.5.38.2 |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 71 | At the end of section 6.5.45  |
|  | Add: |

##### 6.5.45A    Member this Division applies to

|  |  |
| --- | --- |
|  | This Division applies to a member who meets one of the following. |
|  | a. | They are ceasing continuous full-time service. |
|  | b. | They are commencing a transition location (medical) agreement. |
|  | c. | They are commencing a transition location (general) agreement. |
| 72 | Section 6.5.46  |
|  | Omit “posting location” wherever occurring, substitute “housing benefit location”. |
| 73 | Subsection 6.5.46.4 (table item 1) |
|  | Omit “table item 2 does not”, substitute “table items 1A or 2 do not”: |
| 74 | Subsection 6.5.46.4 (table item 1) |
|  | After table item 1, add: |

|  |  |  |  |
| --- | --- | --- | --- |
| 1A. | The member commences one of the following and table item 2 does not apply.1. Transition location (medical) agreement.
2. Transition location (general) agreement.
 | Any time during the transition period in the agreement. |  |

|  |  |
| --- | --- |
| 75 | Subsection 6.5.46.4 (table item 2) |
|  | Omit “dependant’s”, substitute “resident family member or recognised other persons’”. |
| 76 | Section 6.5.47 |
|  | Repeal the section, substitute: |

##### 6.5.47    Removal if service continues after intended date of ceasing

|  |  |
| --- | --- |
| 1. | This section applies to a member who had a removal in advance of ceasing continuous full-time service and continues to serve beyond the date notified in their discharge authority. |
| 2. | If the member’s next posting is to a new housing benefit location, the member is eligible for a removal that is limited to what a removal would cost between the following locations.  |
|  | a. | The member’s housing benefit location immediately before the removal in advance of ceasing continuous full-time service. |
|  | b. | The member’s new housing benefit location. |
| 3. | Subsection 2 does not apply if any of the following apply.  |
|  | a. | The member was granted a compassionate removal for their resident family to a family benefit location |
|  | b. | The removal in advance of ceasing continuous full-time service corresponds with a regular removal on posting during the final 12 months of the member’s service. |
| 4. | The member must pay a contribution towards the cost of the removal if the cost of the removal to the new housing benefit location is greater than the cost of the removal between the locations specified under subsection 2. |
| 5. | The contribution is calculated using the following formula. |
|  | $$contribution=A-B$$ |
|  | Where: |
|  | **A** | is the cost of a removal from the member’s housing benefit location to the location on the member’s new posting order. |
|  | **B** | is the cost of a removal between the locations specified under subsection 2. |
| 77 | Aft the end of section 6.5.50  |
|  | Add: |

##### 6.5.50A    Member this Division does not apply to

|  |  |
| --- | --- |
|  | This Division does not apply to a member who is on any of the following. |
|  | a. | Transition location (medical) agreement. |
|  | b. | Transition location (general) agreement. |
| 78 | Section 6.5.52 (heading) |
|  | Repeal the heading, substitute: |

##### 6.5.52    Storage for members who have accompanied resident family or recognised other persons

|  |  |
| --- | --- |
| 79 | Subsection 6.5.52.1 |
|  | Omit “This table sets out the storage benefits of a member with dependants who is eligible for a removal at Commonwealth expense.”, substitute: |
|  | The following table sets out the storage benefits for a member who meets one of the following and is eligible for a removal under this Chapter. |
|  | a. | They are a member who has accompanied resident family and no unaccompanied resident family. |
|  | b. | They are a member who has recognised other persons and no resident family. |
| 80 | Paragraph 6.5.52.3.c |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 81 | Section 6.5.53 (heading) |
|  | Omit “with dependants (unaccompanied)”, substitute “who has unaccompanied resident family and no accompanied resident family”. |
| 82 | Paragraph 6.5.53.1.a |
|  | Repeal the paragraph, substitute: |
|  | a. | They meet all of the following. |
|  |  | i. | They have unaccompanied resident family. |
|  |  | ii. | They have no accompanied resident family. |
| 83 | Section 6.5.54 (heading) |
|  | Omit “without dependants”, substitute “who has no resident family or recognised other persons”. |
| 84 | Subsection 6.5.54.1 |
|  | Repeal the subsection, substitute: |
| 1. | This section applies to a member who meets all of the following. |
|  | a. | They have no resident family or recognised other persons. |
|  | b. | They eligible for a removal under this Determination. |
| 85 | Subsection 6.5.54.2 |
|  | Omit “without dependants”. |
| 86 | Paragraph 6.5.56.3.a |
|  | Omit “or their dependants”, substitute “, their resident family or recognised other persons”. |
| 87 | Section 6.5.57 (heading) |
|  | Omit “at posting location”. |
| 88 | Section 6.5.57 |
|  | Omit “posting location”, substitute “housing benefit location or family benefit location”. |
| 89 | Section 6.5.58 (heading) |
|  | Omit “personal location”, substitute “family benefit location”. |
| 90 | Section 6.5.58 |
|  | Omit “personal location”, substitute “family benefit location”. |
| 91 | Subsection 6.5.59.2 |
|  | Repeal the subsection, substitute: |
| 2. | Despite subsection 1, a member who has deferred their removal as a result of meeting all of the following criteria is eligible for storage until such time that they do not meet the criteria. |
|  | a. | They have unaccompanied resident family.  |
|  | b. | They have no accompanied resident family. |
| 92 | Section 6.5.61 |
|  | Repeal the section, substitute: |

##### 6.5.61    Storage on death of a member who had accompanied resident family or recognised other persons

|  |  |
| --- | --- |
| 1. | A member’s resident family or recognised other persons are eligible to have their furniture and effects removed to and stored in one of the following locations if the member dies. |
|  | a. | The Commonwealth removalist's store in the member's final housing benefit location. |
|  | b. | The relevant location in the tables in section 6.5.85. |
| 2. | When accommodation becomes available, the resident family or recognised other persons are eligible for the removal of items removed under subsection 1 to the accommodation. |
| 3. | Storage under subsection 1 is ceases on the later of the following dates.  |
|  | a. | Six months from the date of the member’s death. |
|  | b. | A date the CDF considers to be reasonable. |
| 93 | Chapter 6 Part 5 Division 8 (heading) |
|  | Omit “with dependants”, substitute “who has accompanied resident family or recognised other persons”. |
| 94 | Section 6.5.65 |
|  | Repeal the section, substitute: |

##### 6.5.65    Purpose

|  |  |
| --- | --- |
|  | The purpose of this Division is to set out the removal and storage benefits for a member who goes from having no resident family or recognised other persons to having accompanied resident family and no unaccompanied resident family. |
| 95 | Subsection 6.5.66.1 |
|  | Omit “with dependants”, substitute “who has accompanied resident family and no unaccompanied resident family”. |
| 96 | Subsection 6.5.66.3 |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 97 | Section 6.5.67 |
|  | Omit “with dependants”, substitute “who has accompanied resident family and no unaccompanied resident family”. |
| 98 | Section 6.5.67 |
|  | Omit “posting location” wherever occurring, substitute “housing benefit location”. |
| 99 | Section 6.5.68 (heading) |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 100 | Section 6.5.68 |
|  | Omit “posting location” wherever occurring, substitute “housing benefit location”. |
| 101 | Paragraph 6.5.68.1.c |
|  | Repeal the paragraph, substitute: |
|  | c. | The member has a de facto relationship recognised under section 1.3.39. |
| 102 | Paragraph 6.5.68.2.b |
|  | Omit “spouse or partner had been a dependant recognised”, substitute “partner had been recognised family”. |
| 103 | Paragraph 6.5.70 |
|  | Repeal the section, substitute: |

##### 6.5.70    Removal of child's effects

|  |  |
| --- | --- |
|  | A member is eligible for a removal of the effects of their partner's child at the time of marriage or ADF recognition of the partnership if all of the following are met. |
|  | a. | The member is eligible for a removal of their partner's effects. |
|  | b. | The child will be resident family of the member. |
| 104 | Section 6.5.71 |
|  | Repeal the section, substitute: |

##### 6.5.71    Removal eligibility on next posting

|  |  |
| --- | --- |
| 1. | This section applies to a member if all the following occur during the posting period. |
|  | a. | A person is recognised as recognised family by becoming a partner of the member. |
|  | b. | The member was not eligible or did not accept a removal for the person under paragraph a. under this Division. |
| 2. | On the member's next posting, the member is eligible for a removal for the recognised family from any of the following locations to the member’s housing benefit location.  |
|  | a. | If the recognised family lives within Australia the removal is from any of the following. |
|  |  | i. | The town in which they were married.  |
|  |  | ii. | The town where the resident family lived when they were recognised as the member's resident family. |
|  |  | iii. | The town in which the relationship was registered. |
|  |  | iv. | The member's current housing benefit location. |
|  |  | v. | The member's ship's home port if the member posted to a seagoing ship or a seagoing submarine. |
|  | b. | If the recognised family lives outside of Australia, the removal is from the town where the recognised family first entered Australia. |
| 3. | The member must pay a contribution towards the cost of the removal if the cost of the removal from a location that is not specified under subsection 2 is greater than the cost of the removal from their housing benefit location. |
| 4. | The contribution is calculated using the following formula. |
|  | $$contribution=A-B$$ |
|  | Where: |
|  | **A** | is the cost of a removal from the location not specified under subsection 2 to the location on the member’s new posting order. |
|  | **B** | is the cost of a removal from the member’s housing benefit location or ship’s home port at the time they were recognised as the member’s resident family to their new housing benefit location. |
| 5. | For the purpose of this section a town includes a city, suburb or other distinct residential area. |
| 105 | Section 6.5.72 |
|  | Repeal the section, substitute: |

##### 6.5.72    Member's home not suitable to house additional resident family or recognised other persons

|  |  |
| --- | --- |
| 1. | A member is eligible for a removal to suitable housing in their housing benefit location or family benefit location if all of the following apply.  |
|  | a. | The combined number of people they have recognised as resident family and recognised other persons has increased. |
|  | b. | The home where their resident family and recognised other persons reside is no longer suitable due to the number of resident family and recognised other persons it is to house. |
| 2. | The standard used to assess the suitability of the accommodation to house resident family is set out under paragraph 7.6.4.1.b. |
| 106 | Section 6.5.73 |
|  | Repeal the section, substitute: |

##### 6.5.73    Removal only granted once on the recognition of the same relationship

|  |  |
| --- | --- |
|  | A member is eligible for a removal under this Division once for each person recognised as the member’s resident family.  |
| 107 | Chapter 6 Part 5 Division 9 (heading) |
|  | Omit “ceases to be a member with dependants”, substitute “no longer has resident family or recognised other persons” |
| 108 | Section 6.5.74 |
|  | Omit “to be a member with dependants”, substitute “to have resident family or recognised other persons”. |
| 109 | Section 6.5.75 (heading) |
|  | Repeal the heading, substitute: |

##### 6.5.75    Member ceases to have any resident family or recognised other persons (other than on death of the resident family or recognised other person)

|  |  |
| --- | --- |
| 110 | Subsection 6.5.75.1 |
|  | Omit “be a member with dependants”, substitute “have any resident family or recognised other persons”. |
| 111 | Subsection 6.5.75.4 |
|  | Repeal the subsection, substitute: |
| 3. | A member who meets the conditions in an item in Column A of the following table when they cease to have any resident family or recognised other persons for reasons other than the death of their resident family or recognised other persons is eligible for the benefit in Column B of the same item. |

|  |  |  |
| --- | --- | --- |
| Item | Column ACondition | Column BBenefit |
| 1. | The member was occupying a furnished residence with their resident family and recognised other persons and has furniture and effects in storage at Commonwealth expense at another location. | Continued storage for another 3 months. |
| 2. | The member had unaccompanied resident family and no accompanied resident family. | Three months’ storage for items already in storage and for items removed into storage at Commonwealth expense at a location other than the posting location. |

|  |  |
| --- | --- |
| 112 | Section 6.5.75A |
|  | Repeal the section, substitute: |

##### 6.5.75A    Member ceases to have resident family or recognised other persons – death of resident family or recognised other persons

|  |  |
| --- | --- |
| 1. | This section applies to a member who meets all of the following conditions. |
|  | a. | The member, their resident family and recognised other persons lived in a Service residence immediately before the resident family or recognised other persons died. |
|  | b. | The member has no resident family or recognised other persons after the death of the person. |
| 2. | The member is eligible for a removal under Division 2 of their furniture and effects to accommodation in the housing benefit location. |
| 3. | The member is eligible for removal of their furniture and effects to storage under Division 7 in the housing benefit location. |
| 4. | The member is eligible for storage benefits that are additional to those provided under section 6.5.54 if the CDF is satisfied it reasonable in the circumstances. |
| 113 | Subsection 6.5.78.3 |
|  | Repeal the subsection, substitute: |
| 3. | The non-Service partner is eligible for a removal of furniture and effects subject to the following.  |
|  | a. | The non-Service partner must request the removal in writing.  |
|  | b. | The removal is limited to one of the following.  |
|  |  | i. | A removal within the same location. |
|  |  | ii. | If the member is in the Permanent Forces at the time the relationship breaks down — the removal is to a location set out in column A of the following table subject to the conditions in column B of the same item.  |

|  |  |  |
| --- | --- | --- |
| Item | Column ALocation | Column BConditions |
| 1. | The location of the last permanent residence the member and their resident family had at the time of enlistment or appointment. | This item only applies if the marriage or ADF recognition of the partnership took place in Australia. |
| 2. | The non-Service partner's point of entry into Australia. | This item only applies if all of the following conditions are met.a. The marriage or ADF recognition of the partnership took place outside Australia.b. The non-Service partner's journey to Australia was at Commonwealth expense. |
| 3. | Any other location in Australia where the partner has established or intends to establish a permanent home.  |  |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | iii. | If the member is in the Reserves on continuous full-time service at the time the relationship breaks down — the removal is to a location set out in column A of the following table subject to the conditions in column B of the same item.  |

|  |  |  |
| --- | --- | --- |
| Item | Column ALocation | Column BConditions |
| 1. | Where they lived with the member immediately before the member started full-time service. | This item only applies if the member was appointed or enlisted in Australia.  |
| 2. | Any other location in Australia. | The amount payable is limited to the cost of a removal to the location in item 1. |

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| 114 | Section 6.5.85 |
|  | Repeal the section, substitute: |

##### 6.5.85    Removal benefit for resident family or recognised other persons

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| --- | --- |
| 1. | This section applies to a member who met one of the following before they died. |
|  | a. | They were a member who has accompanied resident family and no unaccompanied resident family. |
|  | b. | They were a member who has recognised other persons and no resident family.  |
| 2. | The member’s resident family or recognised other persons are eligible for a removal of furniture and effects limited to one of the following. |
|  | a. | Within the same location. |
|  | b. | If the member was in the Permanent Forces at the time of death — a location set out in column A of the following table subject to the conditions in column B of the same item.  |

|  |  |  |
| --- | --- | --- |
| Item | Column ALocation | Column BConditions |
| 1. | The location within Australia of the permanent residence the member and their resident family or recognised other persons had at the time of enlistment or appointment. | No conditions apply to this location. |
| 2. | The location outside Australia of the permanent residence the member and their resident family or recognised other persons had at the time of enlistment or appointment. | The removal is limited to one of the following.1. If the member was appointed or enlisted from Norfolk Island — Sydney.
2. If the member was appointed or enlisted from any other external territory of Australia — a capital city nominated by the resident family.
3. If the member was appointed or enlisted from another country — the port at which the member first entered Australia.
 |
| 3. | Any other location in Australia. | The member’s partner must meet one of the following.1. They have established a permanent home in the location.
2. They intend to establish a permanent home in the location.
 |
| 4. | An overseas country.  | The removal is limited to one of the following.1. If all of the following are met — the reasonable costs of removal and travel to a location in a country that the resident family or recognised other persons wish to live.
2. The member was enlisted or appointed from another country.
3. The resident family or recognised other persons choose to be removed before the end of the period that the member had agreed to serve in Australia.
4. In all other cases — costs up to the amount that would otherwise be payable under items 1 or 2.
 |

|  |  |  |
| --- | --- | --- |
|  | c. | If the all the following apply — a removal to a location set out in column A of the following table subject to the conditions in column B of the same item.  |
|  |  | i. | The member was a member of the Reserves on continuous full-time service at the time of death. |
|  |  | ii. | The member was appointed or enlisted in Australia. |

|  |  |  |
| --- | --- | --- |
| Item | Column ALocation | Column BConditions |
| 1. | The location where the member lived immediately before starting full-time service. | No conditions apply to this location. |
| 2. | Any other location in Australia | The cost of the removal is limited to the amount that would otherwise be payable under item 1.  |

|  |  |  |
| --- | --- | --- |
|  | d. | If the all the following apply — a removal to a location set out in column A of the following table subject to the conditions in column B of the same item.  |
|  |  | i. | The member was a member of the Reserves on continuous full-time service at the time of death. |
|  |  | ii. | The member was appointed or enlisted from an overseas country. |

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| --- | --- | --- |
| Item | Column ALocation | Column BConditions |
| 1. | The location of the port where the member first entered Australia. | No conditions apply to this location. |
| 2. | Any other location in Australia | The removal is limited to one of the following.1. The amount that would otherwise be payable to remove the resident family to the location in Australia where the member lived immediately before starting full-time service.
2. The cost of a normal service removal if the CDF is satisfied that the member’s resident family have established or intend to establish a permanent home in the location after considering all of the following.
3. Whether the resident family have extended family in the location.
4. Whether the resident family have residential property in the location.
5. Employment prospects for the resident family in the location.
6. Whether there is evidence of plans to move to the location made before the member's death.
 |

|  |  |
| --- | --- |
|  | **Note:** A removal under this section includes removal of furniture and effects from a store in any location. |
| 2. | If the member was not living with their resident family at the time of death, items in the member’s possession will be removed to the person legally entitled to receive them. |
| 3. | Any items in the resident family or recognised other persons’ possession or in storage at the time of the member’s death will be removed in the same way as items would be removed for a member who has accompanied resident family and no unaccompanied resident family. |
| 115 | Section 6.5.86 (heading) |
|  | Omit “without dependants”, substitute “who has no resident family or recognised other persons”. |
| 116 | Subsection 6.5.86.1 |
|  | Repeal the subsection, substitute: |
| 1. | A member who meets all of the following is eligible for a removal of their furniture and effects to the address of the person legally entitled to receive them. |
|  | a. | They have no resident family or recognised other persons.  |
|  | b. | They died while serving in Australia.  |
| 117 | Subsection 6.5.87.2 |
|  | Repeal the subsection. |
| 118 | Section 6.5A.1  |
|  | Repeal the section, substitute: |

##### 6.5A.1    Purpose

|  |  |
| --- | --- |
|  | This Part provides members, their resident family and recognised other persons with the removal and storage of their private vehicles and travel when they change housing benefit location, family benefit location or the member goes on deployment. |
| 119 | Section 6.5A.2  |
|  | Omit “dependant’s”, substitute “resident family’s”. |
| 120 | Section 6.5A.6  |
|  | Repeal the section, substitute: |

##### 6.5A.6    Purpose

|  |  |
| --- | --- |
|  | This Division assists members, their resident family and recognised other persons to move between housing benefit locations. This may be either by driving their own vehicle or travelling by another mode of transport and having the vehicle transported by freight. Whether the vehicle is transported or driven is the choice of the member, but there may be implications on their benefits. |
| 121 | Paragraph 6.5A.7.a  |
|  | Omit “or a dependant”, substitute “, their resident family or recognised other persons”.  |
| 122 | Paragraph 6.5A.8.2.a  |
|  | Omit “or their dependant”, substitute “, their resident family or recognised other persons”.  |
| 123 | Paragraph 6.5A.8.2.b  |
|  | Repeal the paragraph, substitute:  |
|  | b. | There member, their resident family and recognised other persons fly to their next housing benefit location or family benefit location. |
| 124 | Paragraph 6.5A.8.3.a  |
|  | Omit “posting location”, substitute “housing benefit location”.  |
| 125 | Paragraph 6.5A.9.a  |
|  | Repeal the paragraph, substitute:  |
|  | a. | The member, their resident family or recognised other persons drives the vehicle. |
| 126 | Paragraph 6.5A.10.a  |
|  | Repeal the paragraph, substitute:  |
|  | a. | The member, their resident family or recognised other persons are not able to drive the vehicle due to competency, illness or under law. |
| 127 | Paragraph 6.5A.10.d  |
|  | Repeal the paragraph, substitute:  |
|  | d. | The member, their resident family and recognised other persons travel to the destination in one vehicle. |
| 128 | Subparagraph 6.5A.10.e.ii |
|  | Omit “A dependant”, substitute “Resident family or recognised other persons”.  |
| 129 | Paragraph 6.5A.10.f |
|  | Repeal the paragraph, substitute:  |
|  | f. | The member, their resident family or recognised other persons fly to the next housing benefit location or family benefit location during the COVID-19 pandemic. |
| 130 | Section 6.5A.11 |
|  | Omit “and dependants” wherever occurring, substitute “, their resident family and recognised other persons”.  |
| 130A | Subsection 6.5A.11.2 (note) |
|  | Omit “dependants”, substitute “resident family and recognised other persons”.  |
| 131 | Paragraph 6.5A.14.1.b  |
|  | Repeal the paragraph, substitute:  |
|  | b. | The member, their resident family or recognised other persons have arrived in their new housing benefit location or family benefit location |
| 132 | Subsection 6.5A.14.2 |
|  | Omit “and their dependant”, substitute “, their resident family and recognised other persons”. |
| 133 | Subsection 6.5A.16.4 |
|  | Repeal the subsection, substitute:  |
| 4. | If a member who meets all of the following has a partner who is also a member, the member and their partner combined are only eligible for the removal of 2 towable items to the new housing benefit location. |
|  | a. | They have accompanied resident family. |
|  | b. | They have no unaccompanied resident family. |
| 134 | Paragraph 6.5A.17.1.b  |
|  | Omit “posting location”, substitute “housing benefit location”.  |
| 135 | Paragraph 6.5A.19.1.a |
|  | Repeal the paragraph, substitute:  |
|  | a. | The member meets one of the following. |
|  |  | i. | They have no resident family or recognised other persons. |
|  |  | ii. | They have unaccompanied resident family and no accompanied resident family. |
| 135 | Paragraph 6.5A.20.1.b |
|  | Omit “posting location”, substitute “housing benefit location or family benefit location”.  |

Schedule 5—Chapter 7

Defence Determination 2016/19, Conditions of service

|  |  |
| --- | --- |
| 1 | Section 7.1.6  |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 2 | Section 7.1.14  |
|  | Omit “or their dependant” wherever occurring, substitute “, their recognised family or recognised other person”. |
| 3 | Section 7.1.14 (definition of posting location)  |
|  | Repeal the definition. |
| 4 | Section 7.1.14A  |
|  | Repeal the section. |
| 5 | Section 7.1.15  |
|  | Omit “posting location” wherever occurring, substitute “housing benefit location”. |
| 6 | Section 7.1.15  |
|  | Omit “who is a dependant” wherever occurring, substitute “who is resident family”. |
| 7 | Paragraph 7.1.15.2.a  |
|  | Omit “normal place of duty”, substitute “primary service location”. |
| 8 | Subparagraph 7.1.15.2.c.iv  |
|  | Repeal the subparagraph, substitute: |
|  |  | iv. | The member has resident family with a recognised special need who needs access to professional services. |
| 9 | Section 7.1.16  |
|  | Repeal the section. |
| 10 | Section 7.1.17.2  |
|  | Omit “posting location described in paragraph 1.3.55.1.a”, substitute “housing benefit location set out under section 1.3.10”.  |
| 11 | Section 7.1.18  |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 12 | Paragraph 7.1.18.b  |
|  | Omit “and dependants”, substitute “and accompanied resident family”. |
| 13 | Subsection 7.1.19.1  |
|  | Omit “with dependants”, substitute “who has accompanied resident family”. |
| 14 | Paragraph 7.1.19.1.a  |
|  | Repeal the paragraph, substitute: |
|  | a. | They are relocating to a new housing benefit location within Australia. |
| 15 | Paragraph 7.1.19.2.a  |
|  | Repeal the paragraph, substitute: |
|  | a. | They are relocating to a new housing benefit location within Australia. |
| 16 | Section 7.1.20 |
|  | Repeal the section, substitute: |

##### 7.1.20    Member this Division does not apply to

|  |  |
| --- | --- |
|  | A member is not eligible for a house hunting trip under this Division if any of the following apply. |
|  | a. | They are preparing for a removal in connection with ceasing continuous full-time service. |
|  |  | **Note:** The removal may occur before or after ceasing continuous full-time service.  |
|  | b. | They are looking for a suitable own home to buy in the gaining location. |
|  | c. | They are preparing their suitable own home to move into.  |
|  | d. | They are on one of the following. |
|  |  | i. | A transition location (general) agreement. |
|  |  | ii. | A transition location (medical) agreement. |
| 17 | Section 7.1.23  |
|  | Omit “adult dependant” wherever occurring, substitute “an adult who is resident family”. |
| 18 | Paragraph 7.1.23.3.b  |
|  | Omit “dependant”, substitute “their accompanied resident family”. |
| 19 | Paragraph 7.1.23.3.b (exception 1) |
|  | Omit “dependant”, substitute “accompanied resident family”. |
| 20 | Paragraph 7.1.23.3.d  |
|  | Repeal the paragraph. |
| 21 | Paragraph 7.1.24.b  |
|  | Omit “and their adult dependant”, substitute “or an adult recognised as resident family”. |
| 22 | Paragraph 7.1.25.2.c  |
|  | Omit “dependants”, substitute “accompanied resident family”. |
| 23 | Paragraph 7.2.1.b  |
|  | Omit “at their posting location” substitute “in their housing benefit location or their family benefit location” |
| 24 | Section 7.2.2  |
|  | Repeal the section. |
| 25 | Paragraph 7.2.5.1.a  |
|  | Omit “dependant or their adult child” substitute “resident family, adult child or a person with an interdependent relationship with the member under paragraph 1.3.37.1.d”. |
| 26 | Paragraph 7.2.5.1.b  |
|  | Omit “posting location” substitute “housing benefit location or family benefit location”. |
| 27 | Paragraph 7.2.5.1A.b |
|  | Repeal the paragraph, substitute: |
|  | b. | For every 2 children who meet all of the following — 1 bedroom. |
|  |  | i. | They are the member’s resident family. |
|  |  | ii. | They are of the same gender and in year 6 or less at school. |
| 28 | Paragraph 7.2.5.1A.c  |
|  | Repeal the paragraph, substitute: |
|  | c. | For every person who is one of the following— 1 bedroom. |
|  |  | i. | The member’s resident family who is not include in paragraph a or b. |
|  |  | ii. | A recognised other person. |
|  |  | iii. | An adult child. |
| 29 | Paragraph 7.2.5.1A.d  |
|  | Repeal the paragraph. |
| 30 | Paragraph 7.2.5.4.c  |
|  | Omit “posting location” substitute “housing benefit location”. |
| 31 | Subsection 7.2.6.3  |
|  | Repeal the subsection, substitute: |
| 3. | A home bought using a benefit listed under subsection 1 is a suitable own home if the home is in the member’s housing benefit location or family benefit location unless the home ceases to be suitable for any of the following reasons. |
|  | a. | The number of the member’s resident family or other persons has increased since the member last occupied the home. |
|  | b. | The member has an acquired disability and needs to be located near rehabilitation facilities. |
|  | c. | The member has an acquired disability that cannot be accommodated in the home. |
| 32 | Subsection 7.2.6.4 |
|  | Repeal the subsection, substitute: |
| 4. | Subsections 2 and 3 apply even if one of these events occurs. |
|  | a. | The member has been approved under section 1.3.11 to have their housing benefit location extended and purchases a home in it using a benefit listed under subsection 1. |
|  | b. | The member's relationship status changes. |
| 33 | Paragraph 7.2.9.c  |
|  | Repeal the paragraph, substitute: |
|  | c. | All of the following circumstances apply. |
|  |  | i. | The member buys a new home in their housing benefit location. |
|  |  | ii. | The location will no longer be the member’s housing benefit location within 3 months of buying the home. |
|  | **Note:** If the member lived in a Service residence or residence that the member receives rent allowance for before buying their new home, the member can remain in that residence until their removal to the new housing benefit location. |
| 34 | Subsection 7.2.11.2 |
|  | Omit “posting location” substitute “housing benefit location”. |
| 35 | Subsection 7.2.11.3  |
|  | Delete the subsection, substitute: |
| 3. | The member may live in their own home in the housing benefit location if the CDF is satisfied it is reasonable.  |
| 36 | Paragraph 7.2.12.b  |
|  | Omit “or a dependant” substitute “, their resident family or a recognised other person”. |
| 37 | Paragraph 7.2.12.d  |
|  | Omit “dependants, or their adult children” wherever occurring, substitute “resident family or a recognised other person”. |
| 38 | Subparagraph 7.2.12.f.i  |
|  | Omit “posting location” substitute “housing benefit location”. |
| 39 | Section 7.2.13 |
|  | Repeal the section, substitute: |

##### 7.2.13    Member’s home is outside the housing benefit location

|  |  |
| --- | --- |
|  | A member’s own home is not a suitable own home if it is outside the housing benefit location or family benefit location. |
| 40 | Subsection 7.2.15.2  |
|  | Repeal the section, substitute: |
| 2. | A member who leases their own home for longer than 12 months and chooses not to include a release clause in the lease is not eligible for housing assistance if that own home is in the member’s housing benefit location or family benefit location. **Note 1:** Housing assistance may be provided under 7.2.17 to a member in these circumstances. **Note 2:** In some jurisdictions a member may not be able to include a release clause. |
| 41 | Paragraph 7.2.16.a  |
|  | Repeal the paragraph, substitute: |
|  | a. | They rented the house to a tenant before they knew the location where the house is would become their housing benefit location or their family benefit location on their next posting. |
| 42 | Paragraph 7.2.16.b  |
|  | Repeal the paragraph, substitute: |
|  | b. | Notice to terminate the tenancy has been given in time to allow the member to occupy the house on commencement of the member’s next posting in the location becomes their housing benefit location or their family benefit location.  |
| 43 | Section 7.2.18 |
|  | Repeal the section, substitute: |

##### 7.2.18    Home leased for commercial purposes

|  |  |
| --- | --- |
|  | A member is not eligible for housing assistance if they have leased their suitable own home for commercial purposes. |
| 44 | Subsection 7.3.1.1  |
|  | Omit “dependants when they are”, substitute “resident family when the member is”. |
| 45 | Paragraph 7.3.1.1.a  |
|  | Omit “posting location”, substitute “housing benefit location or family benefit location”. |
| 46 | Paragraph 7.3.2  |

##### 7.3.2    Member this Part applies to

|  |  |
| --- | --- |
|  | This Part applies to a member who meets all of the following. |
|  | a. | They are on continuous full-time service. |
|  | b. | They purchased a home in a location that is expected to be their housing benefit location or family benefit location for at least 12 months after the date the contract for purchase is signed. |
| 47 | Section 7.3.3 |
|  | Repeal the section, substitute: |

##### 7.3.3    Member this Part does not apply to

|  |  |
| --- | --- |
|  | This Part does not apply to a member on any of the following. |
|  | a. | Reserve service. |
|  | b. | Continuous full-time service for less than 12 months.  |
|  | c. | A transition location (general) agreement. |
|  | d. | A transition location (medical) agreement. |
| 48 | Section 7.3.4 (definition of Eligible person) |
|  | Omit "dependant", substitute "resident family". |
| 49 | Section 7.3.8  |
|  | Repeal the section, substitute: |

##### 7.3.8    Purpose

|  |  |
| --- | --- |
|  | The purpose of this Division is to provide assistance to a member for an initial home purchase. |
| 50 | Paragraph 7.3.10 |
|  | Repeal the section, substitute: |

##### 7.3.10    Conditions of eligibility

|  |  |
| --- | --- |
| 1. | A member is eligible for HPAS if all of the following are met. |
|  | a. | The home is in the member’s current or next housing benefit location or family benefit location. |
|  | b. | An eligible person will live in the home within the period specified in section 7.3.13. |
|  | **Note:** Section 7.3.2 provides that to be eligible to benefits under Chapter 7 Part 3 the member must be on continuous full-time service, and the location where they have purchased the home will continue to be their housing benefit location or family benefit location for at least 12 months. |
| 2. | If the member’s partner is also a member, only one of member is eligible for HPAS. |
| 3. | Despite subsection 2, the other member may be eligible for HPAS in a future housing benefit location or family benefit location. |
| 51 | Paragraph 7.3.13 (item 3) |
|  | Repeal the table item, substitute: |

|  |  |  |
| --- | --- | --- |
| 3. | They purchase a home in the new location after one of the following and before they begin duty there.1. Official written notice of the posting is issued.
2. Entering into an alternate located work agreement.
 | Within one month after the earlier of the following days.a. The day the member begins duty in the new location.b. The date of settlement of the contract to purchase the home. |

|  |  |
| --- | --- |
| 52 | Paragraph 7.3.16.1  |
|  | Repeal the subsection, substitute: |
| 1. | This purpose of this Division is to provide assistances to a member associated with either of the following. |
|  | a. | Selling a home they or their resident family had been living in at the time the member is posted to a new primary service location. |
|  | b. | Purchasing and occupying a home in a new housing benefit location or family benefit location within four years from the day that they start duty in a new primary service location. |
| 53 | Subsection 7.3.17.2 |
|  | Repeal the subsection, substitute: |
| 2. | To qualify for reimbursement of costs, a member who has made an eligible purchase and is subsequently posted to another primary service location has 2 years to sell the home.  |
| 3. | For the purpose of subsection 2, the 2 year period begins on the date official written notice of the posting is issued or alternate located work agreement is made. |
| 54 | Paragraph 7.3.19.a  |
|  | After “notice of a posting is issued” insert “or alternate located work agreement is made”. |
| 55 | Paragraph 7.3.19 (note)  |
|  | Omit “their adult dependant”, substitute “an adult who is resident family”. |
| 55 | Paragraph 7.3.20  |
|  | Repeal the section, substitute: |

##### 7.3.20    Conditions of eligibility – purchase

|  |  |
| --- | --- |
|  | A member is eligible for the reimbursement of the costs of purchasing a home in their housing benefit location or family benefit location if all of the following apply. |
|  | a. | An eligible person lives in the home. |
|  | b. | The purchase costs are a result of the member changing primary service locations. |
|  | c. | The member’s last reimbursement under this Part was for the costs of selling a home. |
|  | d. | The member purchases the home in the period between the follow dates. |
|  |  | i. | The date official written notice of the posting is issued or alternate located work agreement is made. |
|  |  | ii. | Four years after they begin duty at the new primary service location. |
|  | e. | It is expected that the member will serve for a further 12 months in the location where they have purchased the home.  |
|  | f. | If the member meets all of the following it is expected that they will continue to do so for 12-months from the date they purchase the home.  |
|  |  | i. | They have unaccompanied resident family. |
|  |  | ii. | They have no accompanied resident family. |
|  | **Note:** Section 1.6.1 applies to this section and may affect the assistance provided if a member and an adult who is resident family are both eligible for HPAS for the same home purchase. |
| 56 | Subsection 7.3.23.1 |
|  | Repeal the subsection, substitute: |
| 1. | A member will qualify for reimbursement of the costs of sale of a home if they sign a contract for sale within 2 years of the date official written notice of a posting or alternate location work agreement to another location is issued. |
| 1A. | Despite subsection 1, a member ceasing continuous full-time service will qualify if they sign a contract for sale within 12 months before or after the date they cease continuous full-time service. |
| 56A | Paragraph 7.3.23.5.b |
|  | Omit “posting location”, substitute “primary service location”. |
| 57 | Subsection 7.3.23.6 |
|  | Repeal the subsection, substitute: |
| 6. | Subsection 7 applies to a member who meets all of the following. |
|  | a. | They have unaccompanied resident family. |
|  | b. | They have no accompanied resident family. |
| 7. | If the member’s unaccompanied resident family join the member at a new housing benefit location, all of the following apply.  |
|  | a. | The eligibility for reimbursement of purchase costs transfers to the new housing benefit location. |
|  | b. | The 2 year period for selling a home in the old location and the 4 year period for purchasing one in the new housing benefit location starts from the date the unaccompanied resident family become accompanied resident family. |
| 58 | Paragraph 7.3.27.2.a |
|  | Repeal the paragraph, substitute: |
|  | a. | They purchase land at in their next housing benefit location or family benefit location before official written notice of posting is issued or alternate located work agreement to that location is made. |
| 59 | Subsection 7.3.29 |
|  | Repeal the section, substitute: |

**7.3.29    Member returning to previous location**

|  |  |
| --- | --- |
| 1. | This section applies if all of the following conditions are met. |
|  | a. | A member is eligible for the reimbursement of the costs of purchasing a home in a housing benefit location or family benefit location (first location). |
|  | b. | At their next housing benefit location or family benefit location (second location), an eligible person purchases a home.  |
|  | c. | The eligible person intends to sell the home in the first location. |
|  | d. | The member is posted back to the first location within the 2 year time limit for selling the home. |
|  | **Note:** Reimbursement of the costs of selling a home in the first location is provided under section 7.3.19  |
| 2. | If subsection 1 applies, the member is to be reimbursed for a cost listed in section 7.3.31 in relation to any of the following. |
|  | a. | Selling the home in the second location. |
|  | b. | Subject to subsection 3, selling the home in the first location and purchasing the home in the second location. |
| 3. | For the purpose of paragraph 2.b the member is not eligible for the reimbursement if they do any of the following after they receive written notice they are posting back, or are approved an alternate located work agreement, to the first location. |
|  | a. | The member signs the contract for selling or purchasing. |
|  | b. | The member incurs costs as a consequence of signing the contract for selling or purchasing the home. |
| 60 | Subsection 7.3.30.1 |
|  | Omit “dependants live at their final posting location”, substitute “resident family live at their final housing benefit location”. |
| 61 | Paragraph 7.3.30.1.b |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 62 | Section 7.3.30.3 (note) |
|  | Omit “their adult dependant”, substitute “an adult who is resident family”. |
| 63 | Subsection 7.3.31.3 |
|  | Omit “a dependant”, substitute “resident family or a recognised other person”. |
| 64 | At the end of section 7.4.1  |
|  | Add:  |

##### 7.4.1A    Member this Part does not apply to

|  |  |
| --- | --- |
|  | This Part does not apply to a member who is in the housing benefit location and on any of the following. |
|  | a. | A transition location (general) agreement. |
|  | b. | A transition location (medical) agreement. |
| 65 | Paragraph 7.4.9.2.a  |
|  | Repeal the paragraph, substitute:  |
|  | a. | A member who has no resident family or recognised other persons who does not have either of the following in their housing benefit location. |
|  |  | i. | A suitable own home. |
|  |  | ii. | Suitable accommodation. |
| 66 | Paragraph 7.4.9.2.b  |
|  | Repeal the paragraph, substitute:  |
|  | b. | A member who meets all of the following. |
|  |  | i. | They have unaccompanied resident family. |
|  |  | ii. | They have no accompanied resident family. |
| 67 | Paragraph 7.4.9.2.d  |
|  | Repeal the paragraph, substitute: |
|  | d. | A member who meets all of the following.  |
|  |  | i. | They are a member who has accompanied resident family and no unaccompanied resident family or a member with no resident family who has recognised other persons.  |
|  |  | ii. | They are travelling to a new housing benefit location before their resident family or recognised other persons and the member’s permanent accommodation is not available. |
| 68 | Paragraph 7.4.10.1.b  |
|  | Repeal the paragraph, substitute: |
|  | b. | The member has no unaccompanied resident family. |
| 69 | Paragraph 7.4.10.1.c  |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 70 | Subsection 7.4.10.3  |
|  | Repeal the subsection, substitute: |
| 3. | A member who meets all of the following may choose to live in under section 7.4.9 regardless of any other accommodation they own in the housing benefit location. |
|  | a. | They have unaccompanied resident family. |
|  | b. | They have no accompanied resident family. |
| 71 | Paragraph 7.4.15.1.a  |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 72 | Paragraph 7.4.23.1.b  |
|  | Repeal the paragraph. |
| 73 | Paragraph 7.4.27A.1.b  |
|  | Repeal the paragraph, substitute: |
|  | b. | The member has no unaccompanied resident family. |
| 74 | Section 7.4.27B (heading)  |
|  | Omit “with dependants (unaccompanied)”, substitute “who has unaccompanied resident family and no accompanied resident family”. |
| 75 | Paragraph 7.4.27B.1.a  |
|  | Repeal the paragraph, substitute: |
|  | a. | The member meets all of the following. |
|  |  | i. | They have unaccompanied resident family. |
|  |  | ii. | They have no accompanied resident family. |
| 76 | Subsection 7.4.27B.3 (formula)  |
|  | Omit “the member if they were categorised as a member without dependants”, substitute “a member who has no recognised family or other recognised persons”. |
| 77 | Subparagraph 7.4.27C.1.a.ii  |
|  | Omit “with dependants (unaccompanied)”, substitute “who has unaccompanied resident family and no accompanied resident family”. |
| 78 | Paragraph 7.4.32.1.a  |
|  | Repeal the paragraph, substitute: |
|  | a. | A member who lives in temporarily for Service reasons and meets one of the following.  |
|  |  | i. | They have accompanied resident family and no unaccompanied resident family. |
|  |  | ii. | They have no resident family but have recognised other persons.  |
| 79 | Paragraph 7.4.32.1.b  |
|  | Repeal the paragraph, substitute: |
|  | b. | A member who meets all of the following. |
|  |  | i. | They have unaccompanied resident family. |
|  |  | ii. | They have no accompanied resident family. |
|  |  | iii. | They are not on a flexible service determination. |
| 80 | Section 7.4.33 (heading) |
|  | Omit “without dependants”, substitute “who has no resident family or recognised other persons”. |
| 81 | Section 7.4.34 (heading) |
|  | Omit “without dependants”, substitute “who has no resident family or recognised other persons”. |
| 82 | Section 7.4.34  |
|  | Omit “without dependants”, substitute “who has no resident family or recognised other persons”. |
| 83 | Section 7.4.35 (heading) |
|  | Omit “without dependants”, substitute “who has no resident family or recognised other persons”. |
| 84 | Section 7.4.35  |
|  | Omit “without dependants”, substitute “who has no resident family or recognised other persons”. |
| 85 | Section 7.4.35.c |
|  | Omit “normal place of duty”, substitute “housing benefit location”. |
| 86 | Subsection 7.4.36.3  |
|  | Omit “without dependants”, substitute “who has no resident family or recognised other persons”. |
| 87 | Subsection 7.4.43.1 |
|  | Repeal the subsection, substitute: |
| 1. | A member who meets any of the following may live on board when posted to a seagoing ship and the ship is in the ship’s home port. |
|  | a. | A member who has no resident family or recognised other persons. |
|  | b. | A member who meets all of the following. |
|  |  | i. | They have unaccompanied resident family. |
|  |  | ii. | They have no accompanied resident family. |
| 1A. | Despite paragraph 1.a, this section does not apply to a member who has no resident family or recognised other persons if they have a suitable own home in the ship’s home port. |
| 88 | Subsection 7.4.44.1 |
|  | Repeal the subsection, substitute: |
| 1. | A member who meets any of the following and is posted to a seagoing ship may apply to be granted a licence to occupy living-in accommodation at the ship’s home port. |
|  | a. | A member who has no resident family or recognised other persons. |
|  | b. | A member who meets all of the following. |
|  |  | i. | They have unaccompanied resident family. |
|  |  | ii. | They have no accompanied resident family. |
| 1A. | Despite paragraph 1.a, this section does not apply to a member who has no resident family or recognised other persons if they have a suitable own home in the ship’s home port. |
| 89 | Section 7.4.45 (heading) |
|  | Omit “without dependants”, substitute “who has no resident family or recognised other persons”. |
| 90 | Section 7.4.45  |
|  | Omit “without dependants”, substitute “who has no resident family or recognised other persons”. |
| 91 | Section 7.4.46.2 |
|  | Repeal the exception. |
| 92 | At the end of section 7.4.46 |
|  | Add: |
| 3. | Despite subsection 2, the contribution rate for a member who meets all of the following is $0. |
|  | a. | They have unaccompanied resident family. |
|  | b. | They have no accompanied resident family. |
| 93 | Section 7.4.A.17 |
|  | Repeal the section, substitute: |

##### 7.4.A.17    Conduct – visitors

|  |  |
| --- | --- |
| 1. | A member is not permitted to have a visitor stay overnight in the living-in accommodation unless subsection 2 applies. |
| 2. | The Commanding Officer or accommodation manager may permit any of the following. |
|  | a. | Grant permission for a visitor to stay overnight. |
|  | b. | In exceptional circumstances, grant permission for a person recognised as one of the following to live with them in the living-in accommodation. |
|  |  | i. | Resident family. |
|  |  | ii. | A recognised other person.  |
|  |  | **Note:** The person must comply with the conditions set out in this Annex. |
| 94 | Subsection 7.5.2 (definition of suitable accommodation)  |
|  | Omit “any dependants”, substitute “their resident family and recognised other persons”. |
| 95 | Section 7.5.6  |
|  | Omit “posting location” wherever occurring, substitute “housing benefit location or family benefit location”. |
| 96 | Subsection 7.5.6.1 |
|  | Omit “any dependants”, substitute “their resident family and recognised other persons”. |
| 97 | Paragraph 7.5.6.1.e |
|  | Omit “dependant’s”, substitute “resident family’s and recognised other person’s”. |
| 98 | Subsection 7.5.6.2 |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 99 | Paragraph 7.5.6.3.c  |
|  | Omit the paragraph, substitute: |
|  | c. | The member’s resident family. |
|  | d. | The member’s recognised other person. |
| 100 | Section 7.5.8  |
|  | Repeal the section, substitute: |

##### 7.5.8    Member not eligible

|  |  |
| --- | --- |
|  | A member is not eligible for temporary accommodation if the CDF is satisfied that the member, their resident family, or a recognised other person of the member caused any of the following to occur.  |
|  | a. | The furniture and effects not to arrive at the location until one or more days after the member and any resident family or a recognised other persons got there. |
|  | b. | The member and their resident family and recognised other persons do not have suitable accommodation.  |
| 101 | Subsection 7.5.9.2  |
|  | Omit “any dependants”, substitute “their resident family or recognised other persons”. |
| 102 | Section 7.5.10 |
|  | Repeal the section, substitute: |

##### 7.5.10    Eligibility of resident family on death of member

|  |  |
| --- | --- |
| 1. | This section applies to any the following who are granted a removal within Australia after the member’s death. |
|  | a. | The member’s resident family. |
|  | b. | A recognised other person. |
| 2. | The member’s resident family and recognised other persons are eligible for temporary accommodation allowance if they must move into temporary accommodation because of the removal. |
| 3. | If subsection 2 applies, all of the following apply.  |
|  | a. | The amount of allowance is worked out under section 7.5.21 or 7.5.25. |
|  | b. | The contribution the resident family and recognised other persons must pay is what would have applied to the member under section 7.5.29 immediately before their death. |
|  | c. | The period of eligibility is limited to the following. |
|  |  | i. | At the location from which they are being removed — 3 nights. |
|  |  | ii. | At the location to which they are being removed — 2 weeks.  |
| 103 | Paragraph 7.5.11.1.b |
|  | Omit “dependant”, substitute “resident family and recognised other persons”. |
| 104 | Subsection 7.5.11.2 |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 105 | Section 7.5.12 |
|  | Omit “dependants” wherever occurring, substitute “resident family and recognised other persons”. |
| 106 | At the end of paragraph 7.5.13.1.a |
|  | Add “under section 7.5.14”. |
| 107 | Paragraph 7.5.13.1.c |
|  | Omit “dependant”, substitute “resident family”. |
| 108 | Section 7.5.13A |
|  | Omit “dependant”, substitute “member’s resident family and recognised other persons”. |
| 109 | Subsection 7.5.14.1 |
|  | Omit the subsection, substitute: |
| 1. | This section applies to a member who is required to occupy temporary accommodation and meets any of the following. |
|  | a. | They are a member with no resident family or recognised other persons. |
|  | b. | They are a member who has unaccompanied resident family and no accompanied resident family.  |
|  | c. | They meet all of the following. |
|  |  | i. | They have accompanied resident family. |
|  |  | ii. | They their accompanied resident family have not travelled with them to the gaining location. |
| 110 | Subsection 7.5.15.2 |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 111 | Subsection 7.5.16.3 |
|  | Repeal the subsection, substitute: |
| 3. | A member’s eligibility at their new housing benefit location or family benefit location begins on the first day the location becomes their housing benefit location or family benefit location unless subsection 4 applies.  |
| 112 | Subsection 7.5.16.4 |
|  | Omit the subsection, substitute: |
| 4. | If a member and their resident family and recognised other persons arrive at the new housing benefit location on different days, the period of eligibility includes all of the following.  |
|  | a. | A period at the former housing benefit location or family benefit location that lets the member’s resident family and recognised other persons start the journey and arrive on the same day as the member. |
|  | b. | A period at the new housing benefit location that lets the member complete the journey and reunite with their resident family and recognised other persons. |
| 113 | Section 7.5.17 |
|  | Repeal the section, substitute: |

##### 7.5.17    Period of eligibility

|  |  |
| --- | --- |
| 1. | A member in a situation in Column A of the following table is eligible to be paid temporary accommodation allowance up to the maximum period in Column B of the same item.  |

|  |  |  |
| --- | --- | --- |
| Item | Column AMember’s situation | Column BMaximum period of eligibility |
| 1. | They are leaving a location to go to another location with a least one of their resident family or recognised other persons.  | Three nights at the losing location. |
| 2. | They are arriving at the gaining location with at least one of their resident family or recognised other persons.  | Six weeks at the gaining location. |
| 3. | They and their resident family and recognised other persons are being removed within the same housing benefit location. | Three nights. |
| 4. | They have been granted assistance under section 7.5.7 (the SAFE scheme). | Five nights. |
| 5. | All of the following applies.a. they are in transit from a long-term posting overseas to a housing benefit location in Australiab. they are on temporary duty at a location in Australia.  | The number of nights in the period of temporary duty. |
| 6. | They are going overseas on long-term duty or deployment. | Two weeks. **Note:** The period can be spent at either: a. the losing location, or  b. a combination of the losing location and the place of embarkation. |
| 7. | They rejected a reasonable offer of a Service residence at the housing benefit location. | The number of nights from the first day the member meets the criteria in column A of this item to the day that the CDF is satisfied that they could have completed their removal to the Service residence if they had accepted the offer. |
| 8. | They are vacating a Service residence. | Two nights. |
| 9. | All of the following apply. a. they have been granted a removal on a posting that is more than 6 months.b. they rejected or did not apply for suitable accommodation that was available at the new housing benefit location.  | The number of nights from the first day the member meets the criteria in column A of this item to the first day they could have occupied suitable accommodation if they had applied for it. |
| 10. | All of the following applies.a. they are required to isolate in a place specified by State or Territory authorities that is not the their usual residenceb. they are not eligible for a greater period of temporary accommodation allowance | The number of nights from the first day the member meets the criteria in column A of this item to the last day the member is required to isolate. |

|  |  |
| --- | --- |
| 2. | Despite subsection 1, if a suitable Service residence or other long-term accommodation is not available, the member continues to be eligible for temporary accommodation allowance if they are taking all reasonable steps to find suitable accommodation. |
| 114 | Subsection 7.5.18.1 |
|  | Repeal the subsection, substitute: |
| 1. | This section applies to a member who seeks to buy a home in their new housing benefit location.  |
| 1A. | The member is eligible for temporary accommodation allowance for up to 6 weeks.  |
| 115 | Section 7.5.20 |
|  | Repeal the section, substitute:  |

##### 7.5.20    Extension of period of eligibility

|  |  |
| --- | --- |
|  | A member’s eligibility to temporary accommodation allowance can be extended by the CDF after considering all of the following.  |
|  | a. | The member and their resident family and recognised other persons’ circumstances. |
|  | b. | The member and their resident family and recognised other persons’ accommodation needs.  |
|  | c. | Whether or not there is suitable accommodation available at the location. |
|  | d. | Action taken by the member and Defence to accommodate the member and any resident family. |
|  | e. | The efficient operation of the ADF. |
|  | f. | The cost of extending the period. |
|  | g. | Any other factor relevant to the member and their resident family and recognised other persons. |
| 116 | Paragraph 7.5.21.1.b |
|  | Omit “and their dependants”, substitute “, their resident family and recognised other persons”.  |
| 117 | Subsection 7.5.21.3 |
|  | Repeal the subsection, substitute:  |
| 3. | In this section the following apply. |
|  | **Accommodation cost** means the cost of temporary accommodation for the member and their resident family and recognised other persons.  |
|  | **Laundry costs** means following costs of the member and their resident family. |
|  | a. | If the member’s accommodation has no free laundry facilities — laundromat costs. |
|  | b. | If a laundromat is not reasonably available — commercial dry cleaning costs. |
|  | **Meals amount** means the amount set out in 7.5.24 for a member occupying a hotel or serviced apartment. |
| 118 | Subsection 7.5.21A.2 |
|  | Omit “dependant”, substitute “resident family and recognised other persons”.  |
| 119 | Paragraph 7.5.23.2.b |
|  | Omit “dependants”, substitute “resident family and recognised other persons”.  |
| 120 | Subsection 7.5.24.1A |
|  | Omit the subsection, substitute: |
| 1A. | Subsection 1 does not apply to a member if all of the following apply. |
|  | a. | The member and their resident family and recognised other persons are required to isolate in a place specified by State or Territory authorities that is not the member’s usual residence. |
|  | b. | The member is provided a meal for themselves and their resident family and recognised other persons at no charge to the member or the resident family. |
| 121 | Subsection 7.5.24.2 |
|  | Omit “dependant”, substitute “of their resident family and recognised other persons”. |
| 122 | Subsection 7.5.24.3 |
|  | Omit “dependant”, substitute “of their resident family and recognised other persons”. |
| 123 | Subsection 7.5.24.4 |
|  | Omit “any dependant”, substitute “their resident family and recognised other persons”. |
| 124 | Subsection 7.5.24.6 |
|  | Omit “any dependant”, substitute “at least one of their resident family or recognised other persons”. |
| 125 | Subsection 7.5.24.6.b |
|  | Omit “each dependant”, substitute “each of their resident family or recognised other persons”. |
| 126 | Subsection 7.5.24.7 |
|  | Omit “dependant”, substitute “resident family and recognised other persons”. |
| 127 | Paragraph 7.5.25.3.a |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 128 | Paragraph 7.5.25.4.b |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 129 | Paragraph 7.5.26.1.b |
|  | Omit “dependants”, substitute “their resident family and recognised other persons”. |
| 130 | Paragraph 7.5.28A.b |
|  | Omit the paragraph, substitute: |
|  | b. | A member who has unaccompanied resident family and no accompanied resident family. |
| 131 | Section 7.5.29 (table item 1 column A) |
|  | Omit “A member with dependants”, substitute “A member who has accompanied resident family and no unaccompanied resident family”. |
| 132 | Section 7.5.29 (table item 1 column C) |
|  | Omit “number of dependants”, substitute “number of resident family and recognised other persons”. |
| 133 | Section 7.5.30 |
|  | Omit “adult dependant”, substitute “resident family includes an adult who”. |
| 134 | At the end of section 7.6.1 |
|  | Add: |

##### 7.6.2    Member this Part does not apply to

|  |  |
| --- | --- |
|  | This Part does not apply to a member who is on any of the following. |
|  | a. | A transition location (general) agreement. |
|  | b. | A transition location (medical) agreement. |
| 135 | Section 7.6.3 (definition of Surplus Service residence)  |
|  | Repeal the definition, substitute: |
|  | **Surplus Service residence** means those Service residences that are surplus to Defence Housing Australia's needs and meet both the following. |
|  | a. | No member who is eligible under section 7.6.28 requires the residence. |
|  | b. | There is no plan for a member who is eligible under Section 7.6.28 to use the residence in the next 12 months. |
| 136 | Section 7.6.4 |
|  | Omit “posting location” wherever occurring, substitute “housing benefit location or family benefit location”. |
| 137 | Paragraph 7.6.4.1.a (note)  |
|  | Repeal the note. |
| 138 | Paragraph 7.6.4.1.b  |
|  | Omit “dependants and adult children”, substitute “resident family and recognised other persons”. |
| 139 | Subsection 7.6.6 (heading) |
|  | Omit “dependants”, substitute “resident family or recognised other persons”. |
| 140 | Subsection 7.6.6.1  |
|  | Omit “a dependant with special needs”, substitute “resident family, or recognised other persons, with special needs”. |
| 141 | Subsection 7.6.6.2  |
|  | Omit “dependants”, substitute “resident family or recognised other persons”. |
| 142 | Section 7.6.7  |
|  | Repeal the section, substitute: |

##### 7.6.7    Member with large number of accompanied resident family

|  |  |
| --- | --- |
| 1. | A member with a large number of accompanied resident family and recognised other persons may be eligible for 2 Service residences to house all of their accompanied resident family and recognised other persons. |
| 2. | The member only has to make their contribution. |
| 143 | Paragraph 7.6.27.1.a  |
|  | Repeal the paragraph, substitute: |
|  | a. | A member who has unaccompanied resident family and no accompanied resident family. |
| 144 | Paragraph 7.6.27.1.b  |
|  | Repeal the paragraph, substitute: |
|  | b. | A member who has no resident family but has recognised other persons.  |
| 145 | Subsection 7.6.28.1 |
|  | Repeal the subsection, substitute: |
| 1. | A member is eligible for a Service residence at their housing benefit location if they meet all of the following.  |
|  | a. | They meet one of the following. |
|  |  | i. | They have accompanied resident family and no unaccompanied resident family. |
|  |  | ii. | They have no resident family but have recognised other persons. |
|  | b. | They do not own a suitable home in their housing benefit location. |
| 146 | Paragraph 7.6.28.2.a  |
|  | Omit “dependants and adult children”, substitute “accompanied resident family and recognised other persons”. |
| 147 | Subsection 7.6.28.3  |
|  | Repeal the subsection. |
| 148 | Subsection 7.6.28.4  |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 149 | At the end of section 7.6.28  |
|  | Add: |

##### 7.6.28A    Member to become a member with accompanied resident family eligible for a Service residence

|  |  |
| --- | --- |
|  | A member who has no resident family is eligible for a Service residence if any of the following apply. |
|  | a. | They plan to marry within a month. |
|  | b. | They expect to give birth within 3 months. |
| 150 | Section 7.6.29  |
|  | Repeal the section, substitute: |

##### 7.6.29    Member with unaccompanied resident family eligibility in two locations

|  |  |
| --- | --- |
| 1. | A member with unaccompanied resident family and no accompanied resident family is eligible for a Service residence for their unaccompanied resident family to occupy if all of the following apply. |
|   | a. | The location where the unaccompanied resident family are is a family benefit location. |
|  | b. | The member does not own a suitable own home in the family benefit location. |
| 2. | A member with unaccompanied resident family and no accompanied resident family is not eligible for a Service residence for their unaccompanied resident family to occupy if any of the following apply. |
|   | a. | The member was not granted a removal for their unaccompanied resident family to a location under this Determination. |
|   | b. | All of the following apply. |
|   |   | i. | A deployed member's resident family are granted a removal to a family benefit location for family support. |
|   |   | ii. | On the member's return from the deployment the member resident family elect to remain in the location which they were removed to under subparagraph i. |
|   |   | iii. | The member has 6 months or more to serve in their primary service location after their return from the deployment. |
|   | c. | All of the following apply. |
|   |   | i. | A deployed member's resident family are granted a removal to a family benefit location for family support. |
|   |   | ii. | The member had less than 6 months to serve in their primary service location on their return from the deployment. |
|   |   | iii. | The member has a new primary service location. |
|   |   | iv. | On the member's relocation to their new primary service location the member’s resident family elect to remain in the location which they were removed to under subparagraph i. |
|   | d. | All of the following apply. |
|   |   | i. | A deployed member's resident family are granted a removal to a location for family support. |
|   |   | ii. | The member keeps their Service residence in their pre-deployment housing benefit location. |
|  | e. | Their partner was recognised under section 1.3.37. |
| 3. | A member who has unaccompanied resident family and no accompanied resident family who is eligible for rent allowance under Part 8 may choose to occupy a surplus Service residence in the housing benefit location. |
| 4. | Members who occupy a surplus Service residence can only share the residence with other members who are eligible under this section or section 7.6.30.  |
| 5. | Despite subsection 4, a member who has a recognised live-in carer may occupy a surplus service residence under this section. |
| 6. | A member with unaccompanied resident family and no accompanied resident family may be eligible to live in an appointment, tied or assigned Service residence under Division 2, Appointment, tied and assigned residences. |
| 151 | Section 7.6.30 |
|  | Repeal the section, substitute: |

##### 7.6.30    Member with no resident family eligible for a Service residence

|  |  |
| --- | --- |
| 1. | A member with no resident family or recognised other persons who is eligible for rent allowance under Part 8 may choose to live in a surplus Service residence. |
| 2. | A member who occupies a surplus Service residence can only share the residence with other members who are eligible under this section or section 7.6.29. |
| 3. | A member with no resident family or recognised other persons may be eligible to live in an appointment, tied or assigned Service residence under Division 2, Appointment, tied and assigned residences. |
| 152 | Section 7.6.32 |
|  | Repeal the section. |
| 153 | Paragraph 7.6.35.1.a |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 154 | Subsection 7.6.37.1 |
|  | Omit “member without dependants”, substitute “member who has no resident family or recognised other persons”. |
| 155 | Paragraph 7.6.38.1.b |
|  | Repeal the paragraph, substitute: |
|  | b. | The member is one of the following.  |
|  |  | i. | A member with no resident family or recognised other persons. |
|  |  | ii. | A member with unaccompanied resident family and no accompanied resident family. |
| 156 | Subsection 7.6.39 (heading)  |
|  | Omit “personal location”, substitute “family benefit location”. |
| 157 | Paragraph 7.6.39.1.b |
|  | Repeal the paragraph, substitute: |
|  | b. | The member’s accompanied resident family and recognised other persons are approved to move to a family benefit location before the member’s deployment for family support. |
| 158 | Subsection 7.6.39.2  |
|  | Repeal the subsection, substitute: |
| 2. | The member is eligible for a Service residence for their resident family and recognised other persons in the family benefit location. |
| 159 | Section 7.6.41 |
|  | Repeal the section, substitute: |

##### 7.6.41    Contribution for Service residence or rent band choice home

|  |  |
| --- | --- |
| 1. | A member under Column A who meets a condition in Column B must pay the fortnightly contribution as provided in Column C of the same item of the following table. |

|  |  |  |  |
| --- | --- | --- | --- |
| Item | Column AMember | Column BCondition | Column CContribution |
| 1. | A member meets one of the following. 1. The have accompanied resident family and no unaccompanied resident family.
2. They have no resident family but have recognised other persons.
 | living in a 2-bedroom Service residence with an amenity-based classification | Annex 7.A Part 1 column D for their rank group and the amenity group the Service residence is classified in. |
| living in a 3 or more bedroom Service residence  | Annex 7.A Part 1 column C for their rank group and the amenity group or rent band the Service residence is classified in. |
| living in a Service residence or rent band choice home above the rent band for their rank, by choice, not allocation | Annex 7.A Part 2 for their rank group and the rent band of the home. |
| 2. | A member with no resident family or recognised other persons who is approved to occupy a surplus Service residence | living in a 2-bedroom Service residence, but not sharing  | Annex 7.A Part 3 Column 3, for the amenity group the Service residence is classified in. |
| living in a 3-bedroom Service residence, but not sharing  | Annex 7.A Part 3, Column 4 for the amenity group or rent band the Service residence is classified in. |
| sharing with one other person | Annex 7.A Part 4 Column 3, for their rank group and living arrangement. |
| sharing with 2 or more people | Annex 7.A Part 4 Column 4, for their rank group and living arrangement. |
| 3. | A member with no resident family or recognised other persons in an appointment, tied or assigned residence | not sharing | Annex 7.A Part 3 Column 3 for the amenity group or rent band the Service residence is classified in. |
| sharing with one other member | Annex 7.A Part 4 Column 3 for their rank group. |
| sharing with 2 or more members | Annex 7.A Part 4 Column 4 for their rank group. |
| 4. | A member who is living at Woomera | in any living arrangement (and not a member with unaccompanied resident family) | $200 each fortnight. |
| 5. | A member who meets both of the following.1. They have unaccompanied resident family.
2. They have no accompanied resident family
 | living in the primary service location and their unaccompanied resident family are living in a Service residence or a rent band choice home | Item 1 of this table for the Service residence or a rent band choice home occupied by the member's unaccompanied resident family.**Note:** The member does not pay a contribution if they occupy a surplus Service residence in the primary service location. |
| 6. | A member who meets all of the following.1. They have unaccompanied resident family.
2. They have no accompanied resident family.
3. They are on a flexible service determination.
 | living in the primary service location and their unaccompanied resident family are living in a Service residence or a rent band choice home | Both of the following.1. Item 1 of this table for the Service residence or a rent band choice home occupied by the member's unaccompanied resident family.
2. Section 7.6.55B, Member with unaccompanied resident family on a flexible service determination.

**Note:** The member does not pay a contribution if they occupy a surplus Service residence in the primary service location. |

|  |  |
| --- | --- |
| 2. | A member’s contribution under subsection 1 may be waived or reduced for a fixed period if the CDF is satisfied that both of the following are met. |
|  | a. | There is a significant loss of amenity or function in the Service residence. |
|  | b. | The member did not cause the loss of amenity or function. |
| 3. | If the member has a resident child carer the contribution the member pays for the Service residence does not change. |
| 4. | Despite subsection 1, a member whose eligibility at a rank group applicable to a previous non-commissioned rank is preserved under subsection 7.6.48.6 must contribute at the level that applies to their preserved rank group eligibility (if applicable). |
| 160 | Section 7.6.42 (heading) |
|  | Omit “without dependants”, substitute “who has no resident family or recognised other persons”. |
| 161 | Section 7.6.42 |
|  | Omit “without dependants who does not have an adult child”, substitute “who has no resident family or recognised other persons”. |
| 162 | Section 7.6.52 |
|  | Omit “A member with dependants’ contribution for their Service residence”, substitute “The contribution for a Service residence for a member who has accompanied resident family or recognised other persons”. |
| 163 | Section 7.6.54 (heading) |
|  | Omit “member dependants”, substitute “a partner who is also a member”. |
| 164 | Subsection 7.6.54.1 |
|  | Omit “adult dependant”, substitute “partner”. |
| 165 | Subsection 7.6.54.2 |
|  | Omit “adult dependant”, substitute “partner who is also a member”. |
| 166 | Paragraph 7.6.54.2.b |
|  | Omit “with dependants (unaccompanied) under subsection 8.3.6.4”, substitute “who has unaccompanied resident family and no accompanied resident family”. |
| 167 | Paragraph 7.6.54.2.c |
|  | Omit “with dependants”, substitute “who has accompanied resident family and no unaccompanied resident family”. |
| 168 | Paragraph 7.6.55A.1.a (exception) |
|  | Repeal the exception. |
| 169 | Subparagraph 7.6.55A.1.b.ii |
|  | Repeal the subparagraph, substitute: |
|  |  | ii. | The member has unaccompanied resident family and no accompanied resident family and the member’s unaccompanied resident family live in a Service residence or a rent band choice home. |
| 170 | Subsection 7.6.55A.1 |
|  | After the subsection, insert: |
| 1A. | Despite subsection 1, a member on a flexible service determination who has a partner who is resident family who is also a member and that person is not on a flexible service determination must pay the contribution rate provided under section 7.6.54. |
| 171 | Section 7.6.55B (heading) |
|  | Omit “with dependants (unaccompanied)”, substitute “who has unaccompanied resident family and no accompanied resident family”. |
| 172 | Paragraph 7.6.55B.1.a |
|  | Repeal the paragraph, substitute: |
|  | a. | The member has unaccompanied resident family. |
|  | aa. | The member has no accompanied resident family. |
| 173 | Subsection 7.6.55B.3 (formula) |
|  | Omit “the member if they were categorised as a member without dependants”, substitute “a member who has no resident family”. |
| 174 | Subsection 7.6.55C.1.a.ii  |
|  | Omit “with dependants (unaccompanied)”, substitute “who has unaccompanied resident family and no accompanied resident family”. |
| 175 | Subsection 7.6.59 (heading) |
|  | Omit “Dependants or adult children”, substitute “Resident family or recognised other persons”. |
| 176 | Subsection 7.6.59.1 |
|  | Omit “dependants and adult children”, substitute “resident family and recognised other persons”. |
| 177 | Paragraph 7.6.59.2.a |
|  | Omit “dependants and adult children”, substitute “resident family and recognised other persons”. |
| 178 | Paragraph 7.6.59.2.b |
|  | Omit “dependants and adult children”, substitute “resident family and recognised other persons”. |
| 179 | Subsection 7.6.59.3 |
|  | Repeal the subsection, substitute: |
| 3. | If a person residing in the members Service residence dies and the member becomes a member with no resident family or recognised other persons, the member’s eligibility for the Service residence continues until after the earlier of the following dates. |
|  | a. | The day the member moves out of the home. |
|  | b. | Three months after the day the requirement to house resident family or recognised other persons ends. |
| 180 | Subsection 7.6.59.4 |
|  | Repeal the subsection, substitute: |
| 4. | A member who becomes a member who has no resident family or recognised other persons can remain in the Service residence if the CDF approves it after considering all of the following. |
|  | a. | Any compassionate or medical issues. |
|  | b. | Whether the Service residence is needed for a member who has resident family or recognised other persons.  |
| 181 | Subsection 7.6.59.5 |
|  | Omit “dependants or adult children, if any,”, substitute “resident family or recognised other persons”. |
| 182 | Paragraph 7.6.59.6 |
|  | Omit “without any dependants or adult children”, substitute “with no resident family or recognised other persons”. |
| 183 | Section 7.6.60.1 |
|  | Omit “or their dependants”, substitute “their resident family or recognised other persons”. |
| 184 | Section 7.6.60.2 |
|  | Omit “dependants or adult children” wherever occurring, substitute “resident family or recognised other persons”. |
| 185 | Paragraph 7.6.60.2.iv |
|  | Omit “dependants or adult children’s”, substitute “resident family’s or a recognised other person’s”. |
| 186 | Section 7.6.61 |
|  | Repeal the section, substitute: |

##### 7.6.61    Member keeps a Service residence at a losing location

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| --- | --- |
|  | A member who meets a condition in Column A may keep a Service residence in the losing location until the event set out in Column B of the following table occurs. |

|  |  |  |
| --- | --- | --- |
| Item | Column ACondition | Column BEvent |
| 1. | The member is delaying removal to the new primary service location for Service reasons | Until the Service reason ends. |
|
| 2. | The member is delaying removal until they can get a door-to-door removal | Until uplift and final inspection. |
| 3. | The member has unaccompanied resident family and no accompanied resident family and the members unaccompanied resident family remain in the losing location. | For the posting period, or until the member's unaccompanied resident family live with the member at the members housing benefit location. |

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| --- | --- |
| 187 | Section 7.6.64 |
|  | Repeal the section, substitute: |

##### 7.6.64     Resident family at a family benefit location for a member on a seagoing posting

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| --- | --- |
| 1. | This section applies to a member if all of the following apply. |
|  | a. | The member was granted a removal for their resident family to a family benefit location under section 6.5.21. |
|  | b. | The member’s posting to a seagoing ship, seagoing submarine or seagoing flight has ended. |
|  | c. | The member’s new posting is not a seagoing ship, seagoing submarine or seagoing flight. |
|  | d. | The new posting is for 6 months or more. |
| 2. | The member’s eligibility for a Service residence at the family benefit location ceases on the date the member is no longer posted to a seagoing ship, seagoing submarine or seagoing flight. |
| 3. | Despite subsection 2, a member’s eligibility for a Service residence at the family benefit location may be extended if all of the following apply. |
|  | a. | The member’s resident family have not vacated the Service residence. |
|  | b. | The CDF is satisfied that the resident family have taken reasonable steps to vacate the property before the member commences duty under subsection 2.  |
| 188 | Before section 7.7.1  |
|  | Add: |

#### Division 1: General provisions

|  |  |
| --- | --- |
| 189 | Section 7.7.1  |
|  | Repeal the section, substitute: |

##### 7.7.1    Purpose

|  |  |
| --- | --- |
|  | This Part provides accommodation that any of the following members may choose to occupy as an alternative benefit to living-in accommodation or rent allowance. |
|  | a. | A member who has no resident family or recognised other persons.  |
|  | b. | A member who has unaccompanied resident family and no accompanied resident family. |
| 191 | Chapter 7 Part 7 Division 1 (heading)  |
|  | Repeal the heading. |
| 191 | Paragraph 7.7.4.a  |
|  | Repeal the paragraph, substitute. |
|  | a. | The member is one of the following. |
|  |  | i. | A member who has no resident family or recognised other persons. |
|  |  | ii. | A member who has unaccompanied resident family and no accompanied resident family. |
| 192 | Paragraph 7.7.5.1 |
|  | Repeal the subsection, substitute: |
| 1. | A member is not eligible to be offered accommodation under this Part if they meet any of the following. |
|  | a. | They are not eligible for rent allowance.  |
|  | b. | They are a member who has accompanied resident family and no unaccompanied resident family. |
|  | c. | They are on one of the following. |
|  |  | i. | A transition location (general) agreement. |
|  |  | ii. | A transition location (medical) agreement. |
| 193 | Paragraph 7.7.6.b |
|  | Repeal the paragraph, substitute: |
|  | b. | A person listed in subsection 7.7.5.2 moves in with the member unless section 7.7.8 or 7.7.21 applies.  |
| 194 | Section 7.7.8 (heading)  |
|  | Omit “becomes a member with dependants”, substitute “gains accompanied resident family”. |
| 195 | Subsection 7.7.8.2  |
|  | Repeal the subsection, substitute: |
| 2. | If the member gains accompanied resident family or recognised other persons in the housing benefit location and the accommodation is suitable, the member must do any of the following. |
|  | a. | Apply to the CDF to allow the accompanied resident family or recognised other persons to live in the accommodation. |
|  | b. | Relocate to a Service residence or rent allowance property at the member’s own expense. |
| 2A. | If the member becomes a member who has accompanied resident family or recognised other persons at the housing benefit location, the member must relocate to suitable housing in the housing benefit location if any of the following applies.  |
|  | a. | The accommodation is not suitable for the member and any of the following.  |
|  |  | i. | Their accompanied resident family. |
|  |  | ii. | Their recognised other persons.  |
|  | b. | The member’s application under subparagraph 2.a. is refused. |
|  | **Note:** Removal to a suitable property is provided under section 6.5.72.  |
| 196 | Subsection 7.7.8.3  |
|  | Omit “a partner or dependants”, substitute “their accompanied resident family”. |
| 197 | Subsection 7.7.8.4 |
|  | Omit “the partner or dependants", substitute "their accompanied resident family”. |
| 198 | Subsection 7.7.13.1 (table item 3) |
|  | Omit “a partner or other dependant", substitute "their accompanied resident family”. |
| 199 | Subsection 7.7.13.1A |
|  | Repeal the subsection, substitute: |
| 1A. | For the purpose of item 4 of the table in subsection 1, the following criteria apply. |
|  | a. | The member is posted to 2 Commando Regiment. |
|  | b. | The member continues to live in the accommodation they occupied immediately before being posted to 2 Commando Regiment became. |
|  | c. | Immediately before being posted to 2 Commando Regiment all of the following applied. |
|  |  | i. | The member’s primary service location was in Sydney. |
|  |  | ii. | The member occupied accommodation provided under this Part. |
|  | d. | The member’s housing benefits location includes the location where the member lived immediately before being posted to 2 Commando Regiment. **Note:** This paragraph modifies the definition of housing benefit location in section 1.3.10. |
| 200 | Subsection 7.7.14.2  |
|  | Repeal the subsection, substitute: |
| 2. | A member under column A of the following table who meets any of the following must pay the contribution in column B of the same item. |
|  | a. | They accept accommodation which is below their rent ceiling. |
|  | b. | They accept accommodation which corresponds with their rent ceiling. |

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| --- | --- | --- |
| Item | Column AThe member | Column BFortnightly rent contribution  |
| 1. | They lives alone | The amount that applies for their rank group in Annex 7.D Part 2 column 2. |
| 2. | They are sharing the accommodation with another member | The amount that applies for their rank group in Annex 7.D Part 2 column 3. |
| 3. | They are sharing accommodation with their accompanied resident family or recognised other persons under section 7.7.8. | The amount that applies for their rank group in either of the following.1. If they live in 2 bedroom accommodation — Annex 7.D Part 1 column 3.
2. If they live in 3 or more bedroom accommodation — Annex 7.D Part 1 column 4.
 |
| 4. | They meets all of the following.1. They have unaccompanied resident family.
2. They have no accompanied resident family.
3. They are not on a flexible service determination.
 | For the accommodation they occupy in the gaining location, either of the following.a. If the member accepts accommodation above their rent ceiling, under subsection 7.7.12.1, the difference between the contribution for their rank group under Annex 7.D Part 2 and the rent ceiling that applies to the member’s circumstances. b. If the member accepts accommodation at or below their rent ceiling, under subsection 7.7.12.1, no contribution. |
| 5. | They meets all of the following.1. They have unaccompanied resident family.
2. They have no accompanied resident family.
3. They are on a flexible service determination.
 | For the accommodation they occupy in the housing benefit location, the amount required under 7.7.14B. |

|  |  |
| --- | --- |
| 201 | Paragraph 7.7.14A.1.c  |
|  | Omit the paragraph, substitute: |
|  | c. | The member meets one of the following. |
|  |  | i. | They have no resident family or recognised other persons. |
|  |  | ii. | They have accompanied resident family and no unaccompanied resident family. |
| 202 | Section 7.7.14B (heading) |
|  | Omit “with dependants (unaccompanied)", substitute "who has unaccompanied resident family”.  |
| 203 | Paragraph 7.7.14B.1.a |
|  | Omit the paragraph, substitute: |
|  | a. | The member has unaccompanied resident family and no accompanied resident family. |
| 204 | Subsection 7.7.14B.3 (formula) |
|  | Omit “the member if they were categorised as a member without dependants”, substitute “a member who has no resident family”. |
| 205 | Subparagraph 7.7.14C.1.a.ii |
|  | Omit “with dependants (unaccompanied)", substitute "who has unaccompanied resident family and no accompanied resident family”. |
| 206 | Section 7.7.18 |
|  | Omit “without dependants", substitute "who has no resident family or recognised other persons”. |
| 207 | Paragraph 7.8.3.1.a  |
|  | Omit “a dependant or an adult child”, substitute “resident family or a recognised other person”. |
| 208 | Subsection 7.8.3.1 (note)  |
|  | Repeal the note, substitute: |
|  | **Note:** This definition does not affect the calculation of rent allowance for a member living with resident family or recognised other persons. |
| 209 | Section 7.8.5 |
|  | Repeal the section, substitute: |

##### 7.8.5    Member eligible and period of eligibility

|  |  |
| --- | --- |
| 1. | A member who meets one of the following and is in a circumstance set out in Column A of the following table is eligible for rent allowance starting on the day set out in Column B and ending on the day set out in column C of the same item.  |
|  | a. | All of the following. |
|  |  | i. | They have accompanied resident family or recognised other persons. |
|  |  | ii. | They have no unaccompanied resident family. |
|  | b. | All of the following. |
|  |  | i. | They have no resident family. |
|  |  | ii. | They have recognised other persons. |

|  |  |  |  |
| --- | --- | --- | --- |
| Item | Column AMember circumstance | Column BStart date | Column CEnd date |
| 1. | The member has an own home at their housing benefit location which is unsuitable under Part 2. | The first day of the member’s posting. | The day the member gets vacant possession of the home. |
| 2. | The member does not have a suitable own home in the housing benefit location. | The day the member and their resident family and recognised other persons, if any, cannot get suitable accommodation at the location. | The earliest of these dates.* 1. The end of the member’s posting.
1. The day the member and their accompanied resident family and recognised other persons, if any, move into other suitable accommodation.
 |

|  |  |
| --- | --- |
| 2. | A member who meets one of the following and is in a circumstance set out in column A of the following table is eligible for rent allowance starting on the day set out in column B and ending on the day set out in column C of the same item.  |
|  | a. | They have no resident family. |
|  | b. | They have no recognised other persons. |

|  |  |  |  |
| --- | --- | --- | --- |
| Item | Column AMember circumstance | Column BStart date | Column CEnd date |
| 1. | The member has an own home at their housing benefit location which is only unsuitable under Part 2. | The first day of the member’s posting. | The day the member gets vacant possession of their home. |
| 2. | The member does not have a suitable own home in the housing benefit location. | The first day in the housing benefit location if they are not required to live-in. | The earliest of these dates.* 1. The end of the member’s posting.
	2. The day the member moves into other suitable accommodation.
 |

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| --- | --- |
| 3. | A member who meets one of the following and is in a circumstance set out in Column A of the following table is eligible for rent allowance starting on the day set out in Column B and ending on the day set out in column C of the same item.  |
|  | a. | They have unaccompanied resident family. |
|  | b. | They have no accompanied resident family. |

|  |  |  |  |
| --- | --- | --- | --- |
| Item | Column AMember circumstance | Column BStart date | Column CEnd date |
| 1. | The member meets all of the following.1. The member has an own home at their housing benefit location which is only unsuitable under Part 2.
2. The member does not wish to occupy the home.
 | The first day of the member’s posting | The earliest of these dates.* 1. The end of the member’s posting.
	2. The day they move into other suitable accommodation.
 |
| 2. | The member meets all of the following.1. The member has an own home at their housing benefit location which is only unsuitable under Part 2.
2. The member occupies the home.
 | The first day of the member’s posting | The day they get vacant possession of their home. |
| 3. | The member does not have a suitable own home in the housing benefit location. | The first day in their housing benefit location if they are not required to live-in. | The earliest of these dates.* 1. The end of the member’s posting.
	2. The day they move into other suitable accommodation.
 |
| 4. | The member has an own home in their family benefit location which is only unsuitable under Part 2. | The day the member’s resident family and recognised other persons cannot get suitable accommodation at the location. | The earliest of these dates.* 1. The end of the member’s posting.
	2. The day they move into other suitable accommodation.
 |
| 5. | The member meets all of the following.1. The member was deployed for 6 months or more.
2. The member's resident family and recognised other persons were approved to move to another location before the member's deployment for family support.
3. When the member returns from deployment they will have less than 6 months to serve in the primary service location.
 | The day the member’s resident family and recognised other persons cannot get suitable accommodation at the location. | The earliest of these dates.* 1. The end of the member’s posting.
	2. The day they move into other suitable accommodation.
 |
| 6. | The member meets all of the following.1. The member is posted to a seagoing ship, seagoing submarine or seagoing flight.
2. The member has been granted a removal for resident family and recognised other persons to a family benefit location under section 6.5.21.
 | The day the member’s resident family and recognised other persons cannot get suitable accommodation at the family benefit location. | The earliest of these dates.* 1. The day the resident family and recognised other persons move into other suitable accommodation.
	2. The day the member begins a new posting that meets all the following.
1. It is for more than 6 months.
2. It is not to a seagoing ship, seagoing submarine or seagoing flight.
 |

|  |  |
| --- | --- |
| 4. | If a member’s suitable accommodation becomes unsuitable during their posting, eligibility for rent allowance begins on the day it becomes unsuitable. |

##### 7.8.5A    Continued rent allowance if Service residence is rejected

|  |  |
| --- | --- |
| 1. | This section applies to a member who meets one of the following. |
|  | a. | All of the following. |
|  |  | i. | They have accompanied resident family. |
|  |  | ii. | They have no unaccompanied resident family. |
|  | b. | All of the following. |
|  |  | i. | They have no resident family. |
|  |  | ii. | They have recognised other persons. |
| 2. | The member continues to be eligible to get rent allowance if all these conditions are met. |
|  | a. | They or their accompanied resident family or recognised other persons reject an offer of a Service residence that is a suitable home from Defence Housing Australia. |
|  | b. | Within one month of that offer, the rejected Service residence can be allocated to another member as a suitable home. |

##### 7.8.5B   Rent allowance for a member who has accompanied resident family who is also member

|  |  |
| --- | --- |
| 1. | This section applies if all of the following apply. |
|  | a. | A member has accompanied resident family who is also a member. |
|  | b. | The member and the accompanied resident family occupy the same home for which rent allowance would be payable. |
| 2. | The following apply. |
|  | a. | The member who has a higher rank or seniority is eligible for rent allowance. |
|  | b. | The member who has a lower rank or seniority is not eligible for rent allowance. |
| 210 | Subsection 7.8.6.2 |
|  | Omit “posting location”, substitute “housing benefit location or family benefit location”. |
| 211 | Subsection 7.8.6.3 |
|  | Omit “posting location”, substitute “housing benefit location or family benefit location”. |
| 212 | Subsection 7.8.6.4 |
|  | Omit “dependants and adult children”, substitute “resident family or recognised other persons”. |
| 213 | Subsection 7.8.6.5 |
|  | Repeal the subsection, substitute: |
| 5. | A member is not eligible for rent allowance for accommodation for their resident family in any of the following situations. |
|  | a. | All of the following apply. |
|  |  | i. | The member and their resident family and recognised other persons, if any, lived together. |
|  |  | ii. | The member’s resident family and recognised other persons, if any, move to a location for which removal benefits are not provided.  |
|  | b. | All of the following apply. |
|  |  | i. | A deployed member’s resident family and recognised other persons, if any, are granted a removal to a family benefit location for family support. |
|  |  | ii. | On the member’s return from the deployment the member’s resident family and recognised other persons, if any, elect to remain in the location they were removed to under subparagraph i. |
|  |  | iii. | The member has 6 months or more to serve in their primary service location after their return from the deployment. |
|  | c. | All of the following apply. |
|  |  | i. | A deployed member’s resident family and recognised other persons, if any, are granted a removal to a family benefit location for family support. |
|  |  | ii. | The member had less than 6 months to serve in their primary service location after their return from the deployment. |
|  |  | iii. | The member’s housing benefit location will change on their next posting.  |
|  |  | iv. | When the member moves to their new housing benefit location their resident family and recognised other persons, if any, elect to remain in the location they were removed to under subparagraph i. |
|  | d. | All of the following apply. |
|  |  | i. | A deployed member’s resident family and recognised other persons, if any, are granted a removal to a family benefit location for family support. |
|  |  | ii. | The member keeps their rent allowance residence in their pre-deployment housing benefit location. |
|  | e. | All of the following apply. |
|  |  | i. | The member’s unaccompanied resident family is a person recognised as recognised family under section 1.3.37. |
|  |  | ii. | The member and the person under subparagraph i. have not been able to live together since the person was recognised under section 1.3.37. |
| 214 | Section 7.8.8 |
|  | Omit “in their posting location”. |
| 215 | Subsection 7.8.9.1 |
|  | Repeal the subsection, substitute: |
| 1. | This section applies to a member who meets one of the following. |
|  | a. | They meet all of the following. |
|  |  | i. | They have accompanied resident family or recognised other persons. |
|  |  | ii. | They have no unaccompanied resident family.  |
|  |  | iii. | They are occupying accommodation for which rent allowance is payable. |
|  | b. | They meet all of the following. |
|  |  | i. | They have unaccompanied resident family. |
|  |  | ii. | They have no accompanied resident family or recognised other persons.  |
|  |  | iii. | Their resident family are occupying accommodation for which rent allowance is payable. |
| 216 | Paragraph 7.8.9.3A.a (note) |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 217 | Paragraph 7.8.9.3A.c |
|  | Repeal the paragraph, substitute |
|  | c. | If the member has unaccompanied resident family and no accompanied resident family — the location in column A of the table in Annex 7.E where the member’s unaccompanied resident family lives. |
| 218 | Section 7.8.10 (heading) |
|  | Omit “without dependants”, substitute “with no resident family or recognised other persons” |
| 219 | Subsection 7.8.10.1 |
|  | Repeal the subsection, substitute: |
| 1. | This section applies to a member who meets one of the following. |
|  | a. | They are a member who has no resident family or recognised other persons. |
|  | b. | They are a member who has unaccompanied resident family and no accompanied resident family.  |
| 220 | Subsection 7.8.10.3 (note)  |
|  | Omit “posted to an overlapping posting location”, substitute “living in overlapping housing benefit locations”. |
| 221 | Section 7.8.10A |
|  | Repeal the section, substitute: |

##### 7.8.10A    Rent ceiling for overlapping housing benefit locations

|  |  |
| --- | --- |
| 1. | This section applies to a member if all of the following apply. |
|  | a. | The member's housing benefit location overlaps with their previous housing benefit location. |
|  | b. | The member continues to occupy the same rental accommodation they occupied in the previous housing benefit location. |
|  | c. | The rental accommodation is in the overlapping area of the 2 housing benefit locations. |
|  | d. | The member’s housing benefit location has a lower rent ceiling than the previous housing benefit location. |
| 2. | The member's rent ceiling is the rent ceiling of their previous housing benefit location. |
| 222 | Subsection 7.8.11.2 |
|  | Repeal the subsection, substitute: |
| 2. | A member who cannot rent a home in their housing benefit location for less than the rent ceiling in subsection 1 is eligible for a higher rent ceiling set by the CDF if the CDF approves it after considering all of the following.  |
|  | a. | Market rents at the location. |
|  | b. | Whether there are suitable homes to rent in the location. |
|  | c. | The number, age, gender and circumstances of the member’s resident family.  |
| 223 | Section 7.8.11A |
|  | Repeal the section, substitute: |

##### 7.8.11A    Rent ceiling for certain members of the Navy

|  |  |
| --- | --- |
|  | A member’s rent ceiling is the rent ceiling that applied immediately before their primary service location was 2 Commando Regiment if the member meets all of the following. |
|  | a. | They are a member of the Navy. |
|  | b. | Their primary service location is 2 Commando Regiment. |
|  | c. | Immediately before their primary service location was 2 Commando Regiment, both of the following applied. |
|  |  | i. | Their housing benefit location was in Sydney. |
|  |  | ii. | They occupied accommodation for which rent allowance was provided under this Part. |
|  | d. | They are granted an extension of their housing benefit location under section 1.3.11 to include the location where the member lived immediately before 2 Commando Regiment was their primary service location. |
|  | e. | They continue to live in the accommodation they occupied immediately before 2 Commando Regiment was their primary service location. |
| 224 | Section 7.8.12 |
|  | Repeal the section, substitute: |

##### 7.8.12    CDF may increase rent ceiling

|  |  |
| --- | --- |
| 1. | A member may have their rent ceiling increased if the CDF is satisfied that the member cannot rent a home at their housing benefit location for less than their rent ceiling for one of these reasons. |
|  | a. | Market rent at the location has increased unusually or suddenly. |
|  | b. | The member's resident family or recognised other persons have particular housing needs and the member cannot find a suitable rental home that meets those needs within their rent ceiling. |
|  | c. | The member has unaccompanied resident family and no accompanied resident family and cannot rent a home and sufficient furniture for it within the rent ceiling. |
|  | d. | The member has specific housing needs during rehabilitation or as a result of an acquired disability, which can include, but are not limited to, any of the following. |
|  |  | i. | Location of the rental home in relation to rehabilitation facilities. |
|  |  | ii. | Additional room for a live-in carer. |
|  |  | iii. | Accessibility of the accommodation. |
| 2. | For paragraph 1.b, the CDF must consider all these criteria.  |
|  | a. | The number, age, and gender of the member’s resident family. |
|  | b. | Any disability of the member's resident family. |
|  | c. | Any other factor relevant to the resident family’s housing needs. |
| 225 | Subsection 7.8.14.3 |
|  | Omit “without dependants”, substitute “who has no resident family or recognised other persons”. |
| 226 | Subsection 7.8.15.3 |
|  | Repeal the subsection. |
| 227 | Section 7.8.16 |
|  | Repeal the section, substitute: |

##### 7.8.16    Reduction in rent ceiling – effect on rent allowance

|  |  |
| --- | --- |
| 1. | A reduction in the rent ceiling for a member's housing benefit location does not apply to the member until the earlier of the following dates. |
|  | a. | The day the lease ends. |
|  | b. | The day the member, their resident family and recognised other persons, if any, move out of the home. |
| 2. | Despite subsection 1, a reduction in rent ceiling that occurs during a member's lease applies from the day specified for a member in one of the following circumstances. |
|  | a. | For a member who ceases to have resident family or recognised other persons — the day the member ceases to have any resident family or recognised other persons. |
|  | b. | For a member whose primary service location is in a housing benefit location which is adjacent to their previous housing benefit location and the home the member rents remains unchanged — the day the member's posting to the adjacent location commences. |
| 228 | Subsection 7.8.17.1A |
|  | Repeal the subsection, substitute: |
| 1A. | A member who has unaccompanied resident family and no accompanied resident family must pay a contribution towards the cost of their rent for the following. |
|  | a. | A home for which rent allowance is payable that the member's resident family live in. |
|  | b. | If the member is on a flexible service determination, for the rented home that the member lives in at their housing benefit location. |
| 229 | Subsection 7.8.17.2 (table, column A) |
|  | Omit column A of the table, substitute: |

|  |
| --- |
| Column AMembercategorisation |
| One of the following.1. Member who has accompanied resident family and no unaccompanied resident family.
2. Member who has unaccompanied resident family and no accompanied resident family.
3. Member who has no resident family but has recognised other persons.
 |
| A member who has no resident family or recognised other persons |
| A member who has no resident family or recognised other persons |

|  |  |
| --- | --- |
| 230 | At the end of section 7.8.17 |
|  | Add: |

##### 7.8.17A   Contributions for a member who has unaccompanied resident family who is also a member

|  |  |
| --- | --- |
| 1. | This section applies to a member who has resident family who is also a member. |
| 2. | One of the following applies. |
|  | a. | If both members occupy a home for which rent allowance is payable — all of the following apply. |
|  |  | i. | The rent allowance of the member with a higher rank or seniority is calculated using the contribution applicable to the member under Division 3. |
|  |  | ii. | The rent allowance of the member with a lower rank or seniority is calculated using a contribution of $0. |
|  | b. | If one member occupies a home for which rent allowance is payable and the other member occupies an own home — rent allowance is calculated using a contribution of $0. |
| 231 | Section 7.8.18 (heading) |
|  | Omit “without dependants”, substitute “who has no resident family or recognised other persons”. |
| 232 | Section 7.8.18 |
|  | Omit “without dependants who has no adult children”, substitute “who has no resident family or recognised other persons”. |
| 233 | Paragraph 7.8.18A.1.a (exception) |
|  | Repeal the exception. |
| 234 | Subsection 7.8.18A.1 |
|  | After the subsection, insert: |
| 1A. | Despite subsection 1, this section does not apply to a member on a flexible service determination if all of the following apply.  |
|  | a. | The member has resident family who is an adult.  |
|  | b. | The adult under paragraph a meets all of the following.  |
|  |  | i. | They are also a member. |
|  |  | ii. | They are not on a flexible service determination. |
| 235 | Section 7.8.18B (heading) |
|  | Omit “with dependants (unaccompanied)”, substitute “who has unaccompanied resident family and no accompanied resident family”. |
| 236 | Paragraph 7.8.18B.1.a |
|  | Repeal the paragraph, substitute: |
|  | a. | The member meets all of the following. |
|  |  | i. | They have unaccompanied resident family. |
|  |  | ii. | They have no accompanied resident family. |
| 237 | Paragraph 7.8.18B.3 |
|  | Omit “categorised as a member without dependants”, substitute “a member with no resident family or recognised other persons”. |
| 238 | Subparagraph 7.8.18C.1.a.ii |
|  | Repeal the subparagraph, substitute: |
|  |  | ii. | Section 7.8.18B, for a member who has unaccompanied resident family and no accompanied resident family on a flexible service determination. |
| 239 | Paragraph 7.8.20.1.a |
|  | Repeal the paragraph, substitute: |
|  | a. | The member meets one of the following. |
|  |  | i. | They have no resident family or recognised other persons. |
|  |  | ii. | They have unaccompanied resident family and no accompanied resident family. |
| 240 | Subsection 7.8.20.1A |
|  | Repeal the subsection, substitute: |
| 1A. | This section does not apply to a member who has no resident family but has recognised other persons. |
| 241 | Paragraph 7.8.21.1.a |
|  | Repeal the paragraph, substitute: |
|  | a. | The member meets one of the following. |
|  |  | i. | They have no resident family or recognised other persons. |
|  |  | ii. | They have unaccompanied resident family and no accompanied resident family. |
| 242 | Subsection 7.8.22.3 (note) |
|  | Omit “a dependant”, substitute “recognised family”. |
| 243 | Subsection 7.8.23.1 |
|  | Repeal the subsection, substitute: |
| 1. | This section applies to a member in either of the following situations.  |
|  | a. | The member meets all of the following. |
|  |  | i. | They have accompanied resident family and no unaccompanied resident family  |
|  |  | ii. | They have sublet part of the home that they get rent allowance for. |
|  | b. | The member meets all of the following. |
|  |  | i. | They have no resident family or recognised other persons or they have unaccompanied resident family and no accompanied resident family. |
|  |  | ii. | They are on deployment for more than 6 months. |
|  |  | iii. | They have sublet the home, or part of the home, that they get rent allowance for. |
| 244 | Section 7.8.24 |
|  | Repeal the section. |
| 245 | Subsection 7.8.25.1 |
|  | Repeal the subsection, substitute: |
| 1. | This section applies to a member who meets one of the following. |
|  | a. | They have no resident family or recognised other persons. |
|  | b. | They have unaccompanied resident family and no accompanied resident family. |
| 246 | Subsection 7.8.25.2 |
|  | Repeal the subsection, substitute: |
| 2. | Subject to subsection 2A, a member may include the cost of hiring items in the cost of rent up to their rent ceiling.  |
| 2A. | Costs that may or may not be include in the cost of rent are set out in the following table.  |
|  | a. | Column A sets out costs that can be included. |
|  | b. | Column B sets out costs that cannot be included, unless the member meets all of the following.  |
|  |  | i. | They are a member who has unaccompanied resident family and no accompanied resident family. |
|  |  | ii. | They own similar items used in their resident family’s home. |

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| --- | --- | --- |
| Item | Column AItems that can be included | Column BItems that cannot be included |
| 1. | Dining table and 4 chairs  | Television |
| 2. | Lounge suite or chairs  | DVD player |
| 3. | Bed and bedside table | Stereo  |
| 4. | Refrigerator  | Piece of office furniture |
| 5. | Microwave | Computer or laptop |
| 6. | Washing machine  | Video game console |
| 7. | Vacuum cleaner | Kitchen and linen pack |
| 8. | Clothes dryer | Bedside or desk lamp |
| 9. | Coffee table |  |
| 10. | Outdoor setting |  |

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| --- | --- |
| 247 | Section 7.8.29 (heading) |
|  | Omit “posting location”, substitute “housing benefit location or family benefit location”. |
| 248 | Subsection 7.8.29.1 |
|  | Omit “posting location”, substitute “housing benefit location or family benefit location”. |
| 249 | Subsection 7.8.30 |
|  | Repeal the section, substitute: |

##### 7.8.30    Member moves to other suitable accommodation

|  |  |
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| 1. | A member who has accompanied resident family and no unaccompanied family and meets the criteria in column A of the following table ceases to be eligible for rent allowance on earlier of the dates set out in column B of the same item.  |

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| --- | --- | --- |
| Item | Column ACriteria | Column BDate eligibility ends |
| 1. | The member has a suitable own home in their housing benefit location.  | Eligibility ends on the earlier of the following.1. Three months after the date they buy the house.
2. One week after settlement.
3. A later date that the CDF considers reasonable if satisfied that the member is unable to be removed to the home within one week after settlement, for reasons that are beyond the member's control.
 |
| 2. | The member accepts a suitable Service residence in their housing benefit location. | Eligibility ends on the earlier of the following. 1. One month after the day the member accepted the Service residence.
2. The day the member moves into the Service residence.
3. A later date that the CDF considers reasonable after considering the facts in subsection 4.
 |

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| --- | --- |
| 2. | A member who meet all of the following when they reach their housing benefit location and meets the criteria in column A of the following table ceases to be eligible for rent allowance on earlier of the dates set out in column B of the same item.  |
|  | a. | They have unaccompanied resident family. |
|  | b. | They have no accompanied resident family. |

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| --- | --- | --- |
| **Item** | **Column A****Criteria** | **Column B****Date eligibility ends** |
| 1. | The member has a suitable own home at their new housing benefit location. | The earlier of the following.1. Three months after the date they buy the house.
2. One week after settlement.
3. A later date that the CDF considers reasonable if satisfied that the member is unable to be removed to the home within one week after settlement, for reasons that are beyond the member's control.
 |
| 2. | The member accepts a surplus Service residence at their new housing benefit location. | The earlier of the following.1. One month after the day the member accepted the Service residence.
2. The day the member moves into the Service residence.
3. A later date that the CDF considers reasonable after considering the facts in subsection 4.

**Note:** Rent allowance continues for the member’s family benefit location.  |
| 3. | The member accepts suitable living-in accommodation at their new housing benefit location. | The earlier of the following.1. One month after the day the member accepted the living-in accommodation.
2. The day the member moves into the living-in accommodation.
3. A later date that the CDF considers reasonable after considering the facts in subsection 4.

**Note:** Rent allowance continues for the member's family benefit location.  |
| 4. | The member has a suitable own home in their family benefit location.  | The earlier of the following. 1. Three months after the date they buy the house.
2. One week after settlement.
3. A later date that the CDF considers reasonable if satisfied that the member’s resident family are unable to be removed to the home within one week of settlement for reasons that are beyond the member's control.
 |
| 5. | The member gets a Service residence in their family benefit location.  | The earlier of the following.1. One month after the day the member accepted the Service residence.
2. The day the resident family move into the Service residence.
3. A later date that the CDF considers reasonable after considering the facts in subsection 4.
 |

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| --- | --- |
| 3. | A member who meet all of the following and meets the criteria in column A of the following table ceases to be eligible for rent allowance on earlier of the dates set out in column B of the same item.  |
|  | a. | They have no resident family. |
|  | b. | They have no recognised other persons.  |

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| **Item** | **Column A****Criteria** | **Column B****Date eligibility ends** |
| 1. | The member has a suitable own home in their housing benefit location.  | The earlier of the following.1. Three months after the date they buy the house.
2. One week after settlement.
3. A later date that the CDF considers reasonable if satisfied that the member is unable to be removed to the home within one week of settlement, for reasons that are beyond the member's control.
 |
| 2. | The member accepts a surplus Services residence in their housing benefit location. | The earlier of the following.1. One month after the day the member accepted the Service residence.
2. The day the member moves into the Service residence.
3. A later date that the CDF considers reasonable after considering the facts in subsection 4.
 |
| 3. | The member accepts suitable living-in accommodation in the housing benefit location. | The earlier of the following.1. One month after the day the member accepted the living in accommodation.
2. The day the member moves into the living in accommodation.
 |

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| --- | --- |
| 4. | Before making a decision under this section, the CDF must consider all of the following. |
|  | a. | The amount of time the member has left in their posting to that location. |
|  | b. | The cost of a removal to the new accommodation. |
|  | c. | The amount of time the member will need to move out of the rented home, including any notice period needed under their lease. |
|  | d. | Whether the member has included a release section in the lease that allows them to end it with one month's notice. |
|  | e. | Any other fact relevant to the member’s accommodation. |
| 250 | Subsection 7.8.31.1 |
|  | Repeal the subsection, substitute: |
| 1. | This section applies to a member who meets all of the following. |
|  | a. | They are receiving rent allowance. |
|  | b. | They meet one of the following.  |
|  |  | i. | They have no resident family or recognised other persons. |
|  |  | ii. | They have unaccompanied resident family and no accompanied resident family.  |
|  | c. | They meet one of the following. |
|  |  | i. | They are deployed for 6 months or longer. |
|  |  | ii. | Their deployment of less than 6 months was extended during the deployment, and the total period of deployment is 6 months or longer.  |
| 251 | Section 7.8.32 |
|  | Repeal the section, substitute: |

##### 7.8.32    Member with less than 12 months until ceasing continuous full-time service

|  |  |
| --- | --- |
| 1. | This section applies to a member who meets all of the following. |
|  | a. | They have accompanied resident family and no unaccompanied resident family and |
|  | b. | They are eligible for rent allowance. |
|  | c. | They move to a new housing benefit location and there is less than 12 months until they cease continuous full-time service. |
|  | d. | One of the following occurs.  |
|  |  | i. | They are granted a removal of their resident family to the new location. |
|  |  | ii. | They choose to leave their resident family at their previous housing benefit location. |
| 2. | The member is eligible for rent allowance for the home their resident family live in until the earlier of the following. |
|  | a. | The day the resident family move out of the rented home. |
|  | b. | The day the member ceases continuous full-time service. |
| 252 | Section 7.8.33 |
|  | Repeal the section, substitute: |

##### 7.8.33    Resident family or recognised other persons removed before member ceases full-time service

|  |  |
| --- | --- |
| 1. | This section applies to a member who meets all of the following. |
|  | a. | They have accompanied resident family or recognised other persons and no unaccompanied resident family and meets all of the following. |
|  | b. | They will cease continuous full-time service within the next 12 months. |
|  | c. | They are given a removal for their resident family before they cease continuous full-time service. |
|  | d. | The removal under paragraph b. is to the location where the member and their resident family will live after the member ceases continuous full-time service. |
| 2. | The member is eligible for rent allowance for the home their resident family or recognised other persons live in until the earlier of the following. |
|  | a. | The day the member buys a home in that location.  |
|  | b. | The day the resident family move out of the rented home. |
|  | c. | The day the member ceases continuous full-time service. |
| 253 | Section 7.8.36 |
|  | Repeal the section, substitute: |

##### 7.8.36    Resident family not at a rented home

|  |  |
| --- | --- |
| 1. | This section applies to a member if their accompanied resident family and recognised other persons cease living with the member in the rented home the member lives in. |
| 2. | The member is eligible for rent allowance until the earlier of the following dates. |
|  | a. | The day the member, their resident family and recognised other persons move out of the home. |
|  | b. | One month after the day the member’s resident family and recognised other persons stop living at the home. |
| 3. | If a person in the member's resident family, or a recognised other person, dies and the member ceases to have any resident family or recognised other persons, the member's eligibility for rent allowance as a member who has accompanied resident family for that home continues until the earlier of these dates. |
|  | a. | The day the member moves out of the home. |
|  | b. | Three months after the day the requirement to house accompanied resident family or recognised other persons ends. |
| 4. | If subsection 2 or 3 applies, the member may become eligible for rent allowance for that rented home, or another one, as a member who has no resident family or recognised other persons. |
| 254 | Section 7.8.37 |
|  | Repeal the section, substitute: |

##### 7.8.37    Member dies

|  |  |
| --- | --- |
| 1. | This section applies if a member dies while they are eligible for rent allowance for the home that they or their resident family and recognised other persons occupy. |
| 2. | If the member's resident family and recognised other persons were living in the home, rent allowance continues to be payable in relation to the rented home until the latest of these dates. |
|  | a. | The day they move out of the home. |
|  | b. | If they continue to live in the home — 6 months after the day the member died. |
|  | c. | A day more than 6 months after the member's death that the CDF is satisfied is reasonable after considering all of the following. |
|  |  | i. | The personal circumstances of the resident family and recognised other persons. |
|  |  | ii. | The accommodation needs of the resident family and recognised other persons. |
|  |  | iii. | Availability of other rental homes in the location. |
|  |  | iv. | Any other factor relevant to the resident family and recognised other persons’ accommodation. |
| 3. | If the member has no resident family or recognised other persons, or unaccompanied resident family and no accompanied resident family, rent allowance will be paid to the person who is to pay the member's rent until one of the following.  |
|  | a. | The earlier of the following. |
|  |  | i. | 28 days after the member's death |
|  |  | ii. | The date the lease ends. |
|  | b. | A later date set by the CDF that the CDF considers reasonable. |
| 4. | The rent allowance is at the rate that applied to the member. |
| 255 | Subsection 7.8.38.2 |
|  | Omit “posting location”, substitute “housing benefit location or family benefit location”. |
| 256 | Subsection 7.8.38.2 |
|  | Omit “dependants”, substitute “resident family or recognised other persons”. |
| 257 | Subsection 7.8.38.6 |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 258 | Paragraph 7.8.45.4.a |
|  | Omit “posting location”, substitute “housing benefit location or family benefit location”. |
| 259 | Paragraph 7.8.45.4.c |
|  | Omit “dependants”, substitute “resident family or recognised other persons’”. |
| 260 | Paragraph 7.8.46.1.b |
|  | Repeal the paragraph, substitute: |
|  | b. | Repayments must be made in one of the following fortnightly instalments. |
|  |  | i. | If the member is on an alternate located work agreement, a transition location (medical) agreement or a transition location (general) agreement — in fortnightly instalments over the period of the agreement up to a maximum of 26 fortnightly instalments. |
|  |  | ii. | For all other members — 26 fortnightly instalments. |
| 261 | Subsection 7.8.46.2 |
|  | Omit “of the 26 payments”, substitute “of the period in subparagraph 1.b”. |
| 262 | Paragraph 7.8.47.1.b |
|  | Omit “dependants”, substitute “resident family or recognised other persons”. |
| 263 | Subsection 7.8.48.1 |
|  | Omit “dependants” wherever occurring, substitute “resident family or recognised other persons”. |
| 264 | After paragraph 7.8.48.1.d |
|  | Add: |
|  | e. | The member is moving to a new location because they are on one of the following.  |
|  |  | i. | Transition location (medical) agreement. |
|  |  | ii. | Transition location (general) agreement. |
| 265 | Subsection 7.9.5.2  |
|  | Repeal the subsection, substitute: |
| 2. | A member does not pay the casual meal charge if any of the following circumstances apply. |
|  | a. | They are paying the fortnightly meal charge. |
|  | b. | They meet all of the following.  |
|  |  | i. | They have unaccompanied resident family. |
|  |  | ii. | They have no accompanied resident family. |
|  |  | iii. | They are not receiving food allowance. |
|  |  | iv. | They are not on a flexible service determination.  |
|  | c. | They meet all of the following. |
|  |  | i. | They occupy living-in accommodation. |
|  |  | ii. | They are not required to pay a contribution for the living-in accommodation. |
|  | d. | They are eligible for travelling allowance or meals provided by Defence. |
|  | e. | They are living under field conditions or on a seagoing ship for any part of a day. |
|  |  | **Note:** If the meal ordinarily provided by the ship is not available, any meal provided in a mess is free of charge. For example, a ship's galley is closed down for a period. |
| 2A. | Despite subsection 2, a member who meets any of the following must pay the casual meal charge if they eat a meal in a mess. |
|  | a. | They meet all of the following.  |
|  |  | i. | They have no resident family or recognised other persons. |
|  |  | ii. | They do not have to pay a contribution for living-in accommodation because they are in a room with four or more beds. |
|  | b. | They occupy temporary living-in accommodation below the level 1 standard. |
|  | c. | They meet all of the following. |
|  |  | i. | They have no resident family or recognised other persons. |
|  |  | ii. | They are posted to a seagoing submarine.  |
|  | d. | They are eligible for part-day travelling allowance.  |
| 266 | Subsection 7.9.6.1 |
|  | Repeal the subsection, substitute: |
| 1. | This section does not apply to a member who meets any of the following circumstances. |
|  | a. | They are a member on Reserve service.  |
|  | b. | They are occupying living-in accommodation and are not required to pay a contribution for the living-in accommodation unless subsection 1A applies |
|  | c. | They are on leave without pay. |
| 1A. | Paragraph 1.a does not apply to a member who meets any of the following. |
|  | a. | They meet all of the following.  |
|  |  | i. | They have no resident family or recognised other persons. |
|  |  | ii. | They do not have to pay a contribution for living-in accommodation because they are in a room with four or more beds. |
|  | b. | They occupy temporary living-in accommodation below the level 1 standard. |
|  | c. | They have no resident family or other persons and their primary service location is a seagoing submarine. |
| 267 | Section 7.9.10  |
|  | Repeal the section, substitute: |

##### 7.9.10    Eligibility and rate of food allowance

|  |  |
| --- | --- |
| 1. | This section applies to a member who meets all of the following. |
|  | a. | They have unaccompanied resident family.  |
|  | b. | They have no accompanied resident family.  |
| 2. | This section does not apply to a member who is paying the fortnightly meal charge under section 7.9.6. |
| 3. | A member who lives out is eligible for one of the following.  |
|  | a. | If they are not a flexible service determination — $214.79 a fortnight. |
|  | b. | If they are on a flexible service determination — $21.48 for each day in the member's pattern of service up to the rate specified in paragraph a. |
| 268 | Paragraph 7.9.11.1.b  |
|  | Repeal the paragraph, substitute. |
|  | b. | A period of leave that exceeds one week, other than any of the following. |
|  |  | i. | Medical absence granted under Chapter 5 Part 3 during which the member remains in their housing benefit location.  |
|  |  | ii. | Short absence from duty granted under section 5.11.14 for a member who has unaccompanied resident family and no accompanied resident family who is isolating in their residence within their housing benefit location.  |
| 269 | Subparagraph 7.9.11.1.e.ii  |
|  | Repeal the subparagraph, substitute. |
|  |  | ii. | The day the member returns to their housing benefit location. |
| 270 | Section 7.10.3 |
|  | Repeal the section, substitute: |

##### 7.10.3    Members this Division applies to

|  |  |
| --- | --- |
|  | This Division applies to a member who meets one of the following. |
|  | a. | They have unaccompanied resident family and no accompanied resident family and lives in one of the following types of accommodation in their housing benefit location. |
|  |  | i. | A Service residence. |
|  |  | ii. | A home for which they get rent allowance. |
|  |  | iii. | Their own home and they would otherwise be eligible for rent allowance.  |
|  |  | iv. | Member choice accommodation. |
|  | b. | They have member with no resident family or recognised other persons and they are posted to a seagoing submarine and live in one of these homes in their housing benefit location. |
|  |  | i. | A Service residence. |
|  |  | ii. | A home for which they get rent allowance. |
|  |  | iii. | Their own home and they would otherwise be eligible for rent allowance.  |
|  |  | iv. | Member choice accommodation. |
| 271 | Subsection 7.10.7.1 |
|  | Repeal the subsection, substitute: |
| 1. | A member who lives in a Service residence must pay a contribution towards the cost of the water they use unless they meet all of the following. |
|  | a. | They have unaccompanied resident family.  |
|  | b. | They have no accompanied resident family.  |
|  | c. | They are living in a surplus Service residence. |
| 272 | Subsection 7.10.8.1 |
|  | Repeal the subsection, substitute: |
| 1. | This section applies to a member who meets all of the following. |
|  | a. | They meet one of the following.  |
|  |  | i. | They have accompanied resident family and no unaccompanied resident family.  |
|  |  | ii. | They have no resident family or recognised other persons.  |
|  | b. | They live in any of the following Service residences. |
|  |  | i. | 1 Parnell Road, Royal Military College, Duntroon. |
|  |  | ii. | 2 Parnell Road, Royal Military College, Duntroon. |
|  |  | iii. | 3 Parnell Road, Royal Military College, Duntroon. |
|  |  | iv. | 4 Parnell Road, Royal Military College, Duntroon. |
|  |  | v. | 6 Robert Campbell Road (Bridges House), Royal Military College, Duntroon. |
|  |  | vi. | The Commander’s Residence, Davey Street, Anglesea Barracks, Hobart. |
| 273 | Paragraph 7.10.9.4.b  |
|  | Repeal the paragraph, substitute: |
|  | b. | The member has no resident family or recognised other persons and lives in a room with four or more beds. |
| 274 | Paragraph 7.10.9A.1.a  |
|  | Repeal the paragraph, substitute: |
|  | a. | The member has unaccompanied resident family and no accompanied resident family.  |
| 275 | Annex 7.A Part 1 (heading)  |
|  | Omit “member with dependants”, substitute “accompanied resident family and no unaccompanied resident family”. |
| 276 | Annex 7.A Part 2 (heading) |
|  | Omit “with dependants”. |
| 277 | Annex 7.A Part 2  |
|  | Omit “The fortnightly contribution for a member with dependants holding a rank in column A of the following table is the amount for their rent band or amenity group in columns B to E of the same item.” substitute: |
|  | The fortnightly contribution for a member who meets one of the following and holds a rank in column A of the following table is the amount for their rent band in columns B to E of the same item. |
|  | a. | They are a member who has accompanied resident family and no unaccompanied resident family. |
|  | b. | They are a member who has no resident family but has recognised other persons. |
| 278 | Annex 7.A Part 3 (heading) |
|  | Omit “without dependants”, substitute “with no resident family or recognised other persons and is”. |
| 279 | Annex 7.A Part 4 (heading) |
|  | Omit “without dependants”, substitute “with no resident family or recognised other persons and is”. |
| 280 | Annex 7.A Part 4  |
|  | Omit “without dependants”, substitute “with no resident family or recognised other persons”. |
| 281 | Annex 7.D Part 1 (heading)  |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 282 | Annex 7.D Part 2 (heading)  |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 283 | Annex 7.E Part 1 (heading)  |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 284 | Annex 7.E Part 1.1 (heading)  |
|  | Omit “member with dependants”, substitute “who has accompanied resident family and no unaccompanied resident family” |
| 285 | Annex 7.E Part 1.2 (heading)  |
|  | Omit “with dependants who”, substitute “who has accompanied resident family and no unaccompanied resident family and”. |
| 286 | Annex 7.E Part 2 (heading)  |
|  | Omit “dependants”, substitute “resident family or recognised other persons”. |
| 287 | Annex 7.E Part 2.1 (heading)  |
|  | Omit “without dependants or member with dependants (unaccompanied)”. |
| 288 | Annex 7.E Part 2.1 |
|  | Omit “The rent ceiling for a member without dependants or a member with dependants (unaccompanied) who lives alone in rental accommodation in the member's posting location is the rate for their location in column A that corresponds with their rank in columns B to F of the following table.”, substitute: |
|  | The rent ceiling for a member who meets one of the following is the rate for their location in column A that corresponds with their rank in columns B to F of the following table. |
|  | a. | They are a member with no resident family or recognised other persons.  |
|  | b. | They meet all of the following.  |
|  |  | i. | They have unaccompanied resident family. |
|  |  | ii. | They have no accompanied resident family.  |
|  |  | iii. | They live alone in rental accommodation in their housing benefit location.  |
| 289 | Annex 7.E Part 2.2 (heading)  |
|  | Omit “without dependants or member with dependants (unaccompanied)”. |
| 290 | Annex 7.E Part 2.2 |
|  | Omit “The rent ceiling for a member without dependants or a member with dependants (unaccompanied) who shares rental accommodation in the member's posting location with one other person is the rate for their location in column A that corresponds with their rank in columns B to F of the following table.”, substitute: |
|  | The rent ceiling for a member who meets one of the following is the rate for their location in column A that corresponds with their rank in columns B to F of the following table. |
|  | a. | They are a member with no resident family or recognised other persons.  |
|  | b. | They meet all of the following.  |
|  |  | i. | They have unaccompanied resident family. |
|  |  | ii. | They have no accompanied resident family.  |
|  |  | iii. | They share rental accommodation in their housing benefit location with one other person who is not resident family.  |
| 291 | Annex 7.E Part 2.3 (heading)  |
|  | Omit “without dependants or member with dependants (unaccompanied)”. |
| 292 | Annex 7.E Part 2.3 |
|  | Omit “The rent ceiling for a member without dependants or a member with dependants (unaccompanied) who shares rental accommodation in the member's posting location with 2 other people is the rate for their location in column A that corresponds with their rank in columns B to F of the following table.” substitute: |
|  | The rent ceiling for a member who meets one of the following is the rate for their location in column A that corresponds with their rank in columns B to F of the following table. |
|  | a. | They are a member with no resident family or recognised other persons.  |
|  | b. | They meet all of the following.  |
|  |  | i. | They have unaccompanied resident family. |
|  |  | ii. | They have no accompanied resident family.  |
|  |  | iii. | They share rental accommodation in their housing benefit location with 2 other people who are not resident family or recognised other persons.  |
| 293 | Annex 7.E Part 2.4 (heading)  |
|  | Omit “without dependants or member with dependants (unaccompanied)”. |
| 294 | Annex 7.E Part 2.4 |
|  | Omit “The rent ceiling for a member without dependants or a member with dependants (unaccompanied) who shares rental accommodation in the member's posting location with 3 other people is the rate for their location in column A that corresponds with their rank in columns B to F of the following table”, substitute: |
|  | The rent ceiling for a member who meets one of the following is the rate for their location in column A that corresponds with their rank in columns B to F of the following table. |
|  | a. | They are a member with no resident family or recognised other persons.  |
|  | b. | They meet all of the following.  |
|  |  | i. | They have unaccompanied resident family. |
|  |  | ii. | They have no accompanied resident family.  |
|  |  | iii. | They share rental accommodation in their housing benefit location with 3 other people who are not resident family or recognised other persons.  |
| 295 | Annex 7.F (header row of table) |
|  | Omit the header row of the table, substitute: |

|  |  |  |  |
| --- | --- | --- | --- |
| **Column AMember’s salary$ a year** | **Column BAmount for member, resident family who is not a child, or recognised other persons(per person)** | **Column CAmount for first resident family child** | **Column DAmount for each subsequent resident family child** |

|  |  |
| --- | --- |
| 296 | Section 7.11.1  |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 297 | Paragraph 7.11.4.1.c  |
|  | Omit “or their dependant”, substitute “, their accompanied resident family or recognised other persons”. |
| 298 | Paragraph 7.11.4.2.b  |
|  | Repeal the paragraph, substitute: |
|  | b. | Each of their resident family and recognised other person who was occupying the Service residence with the member immediately before the evacuation order was issued. |
| 299 | Subsection 7.11.5.2 |
|  | Repeal the subsection, substitute: |
| 2. | For each occurrence of a meal in an item in column A of the table in section 7.5.24 during the evacuation period, the member is eligible for the costs of meals up to the following amount. |
|  | a. | If the member is in a Capital city or high-cost country centre, the sum of the following. |
|  |  | i. | For the member and any resident family and recognised other persons who are 10 years old or older and occupying the accommodation with the member — the amount specified in column B of the same item for each person. |
|  |  | ii. | For any resident family who are less than 10 years old and occupying the accommodation with the member — 50% of the amount specified in column B of the same item. |
|  | b. | If the member is in another location, the sum of the following. |
|  |  | i. | For the member and any resident family and recognised other persons who are 10 years old or older and occupying the accommodation with the member — the amount specified in column C of the same item for each person. |
|  |  | ii. | For any resident family who are less than 10 years old and occupying the accommodation with the member — 50% of the amount specified in column C of the same item. |

Schedule 6—Chapter 8

Defence Determination 2016/19, Conditions of service

|  |  |
| --- | --- |
| 1 | Chapter 8 (heading) |
|  | Omit “dependants”, substitute “resident family”. |
| 2 | Paragraph 8.1.2.1.c  |
|  | Omit “dependant”, substitute “resident family”. |
| 3 | Chapter 8 Part 3  |
|  | Repeal the Part. |
| 4 | Paragraph 8.4.6.f  |
|  | Omit “dependants”, substitute “resident family”. |
| 5 | Paragraph 8.4.9.a  |
|  | Repeal the paragraph, substitute: |
|  | a. | The member is granted a removal to a new housing benefit location. |
| 6 | Paragraph 8.4.9.b  |
|  | Omit “gaining location”, substitute “new housing benefit location or family benefit location”. |
| 7 | Subparagraph 8.4.9.b.ii  |
|  | Omit “adult dependant”, substitute “an adult who is resident family of the member”. |
| 8 | Subparagraph 8.4.9.c.iv  |
|  | Omit “gaining location”, substitute “new housing benefit location or family benefit location”. |
| 9 | Section 8.4.9 (note) |
|  | Omit “their adult dependant”, substitute “their partner, who is also a member,”. |
| 10 | Subsection 8.4.10.1 |
|  | Omit “is a dependant”, substitute “is resident family”. |
| 11 | Section 8.4.14 |
|  | Omit “who is a dependant” wherever occurring. |
| 12 | Paragraph 8.4.14.7.f  |
|  | Omit “dependants”, substitute “resident family”. |
| 13 | Section 8.4.17 (note) |
|  | Omit “their adult dependant”, substitute “their partner, who is also a member,”. |
| 14 | Chapter 8 Part 4 Division 4 (heading)  |
|  | Omit “posting location”, substitute “housing benefit location or family benefit location”. |
| 15 | Paragraph 8.4.20.1.a  |
|  | Repeal the paragraph, substitute:  |
|  | a. | Any of the following applies. |
|  |  | i. | The member is granted a removal to a housing benefit location within Australia. |
|  |  | ii.  | If the member is posted to a new location, the member is granted a removal for their resident family to a family benefit location within Australia. |
| 16 | Subparagraph 8.4.20.1.b.ii  |
|  | Omit “adult dependant”, substitute “an adult who is resident family of the member”. |
| 17 | Subparagraph 8.4.20.1.c.ii  |
|  | Repeal the subparagraph, substitute: |
|  |  | ii.  | A location where benefits are not provided which has been approved by the CDF. |
| 18 | Paragraph 8.4.20.2.f  |
|  | Omit “dependants with”, substitute “resident family who has”. |
| 19 | Subsection 8.4.20.3 |
|  | Omit “personal”. |
| 20 | Subsection 8.4.22.6  |
|  | Omit “adult dependant”, substitute “adult who is resident family of the member”. |
| 21 | Paragraph 8.4.22.7.a  |
|  | Omit “personal location”, substitute “location where the child will attend school”. |
| 21 | Paragraph 8.4.22.7.e  |
|  | Omit “dependants with”, substitute “resident family who has”. |
| 22 | Chapter 8 Part 4 Division 5 (heading)  |
|  | Omit “member’s posting location or dependant’s personal location”, substitute “the housing benefit location or the family benefit location”. |
| 23 | Subparagraph 8.4.24.1.a.iii  |
|  | Omit “member’s posting location or dependant’s personal location”, substitute “housing benefit location or the family benefit location”. |
| 24 | Paragraph 8.4.24.2.a  |
|  | Omit “member’s posting location or dependant’s personal location”, substitute “housing benefit location or the family benefit location”. |
| 25 | Paragraph 8.4.24.3.e  |
|  | Omit “dependants with”, substitute “resident family who has”. |
| 26 | Paragraph 8.4.25.3.b  |
|  | Omit “an adult dependant”, substitute “resident family”. |
| 27 | Paragraph 8.4.25.4.d  |
|  | Omit “dependants with”, substitute “resident family who has”. |
| 28 | Section 8.5.1  |
|  | Repeal the section, substitute: |

##### 8.5.1    Purpose

|  |  |
| --- | --- |
|  | The purpose of this section is to support the well-being of a member’s resident family while the member is absent on duty and during an emergency situation. |
| 29 | Section 8.5.3  |
|  | Repeal the section, substitute: |

##### 8.5.3    Emergency support

|  |  |
| --- | --- |
|  | A member is eligible for emergency support for their resident family in an emergency situation if all of the following apply. |
|  | a. | The member is in one of the following situations. |
|  |  | i. | They are absent from home for Service reasons. |
|  |  | ii. | They are required to perform duty outside their working hours with less than 48 hours’ notice. |
|  |  | iii. | They are in hospital or unable to provide care to their resident family for a medical reason. |
|  | b. | An application for emergency support has been made through one of the following. |
|  |  | i. | The Defence Member and Family Helpline. |
|  |  | ii. | The member's local Defence Member and Family Support office. |
|  | c. | The CDF is satisfied that the grant of emergency support is appropriate, having regard to the following. |
|  |  | i. | Whether the member's resident family have insufficient immediate family or local support. |
|  |  | ii. | The recommendations made by a Defence Member and Family Support social worker. |
|  |  | iii. | The needs of the member's resident family. |
|  |  | iv. | Whether the member's resident family have experienced an emergency situation. |
| 30 | Section 8.5.4  |
|  | Repeal the section, substitute: |

##### 8.5.4    Emergency support

|  |  |
| --- | --- |
|  | For the purpose of section 8.5.3, any of the following persons may apply for emergency support. |
|  | a. | The member. |
|  | b. | The member’s resident family. |
|  | c. | The member’s recognised other persons. |
|  | d. | The unit commander if any of the following agree to receive the support. |
|  |  | i. | The member. |
|  |  | ii. | The member’s resident family. |
|  |  | iii. | The resident family’s authorised representative.  |
| 31 | Section 8.5.6  |
|  | Repeal the section, substitute: |

##### 8.5.6    Types of services available

|  |  |
| --- | --- |
| 1. | A member is eligible for any of the following emergency services for their resident family up to a combined maximum cost of $3,000 for each emergency. |
|  | a. | The following service provided by professional providers. |
|  |  | i. | Care of the member’s resident family. |
|  |  | ii. | Specialist care of the member’s resident family. |
|  |  | iii. | Housekeeping. |
|  |  | iv. | Child care.  |
|  |  | v. | Respite care.  |
|   | b. | Travel for immediate family to provide support to the member's resident family.  |
| 2. | Despite subsection 1, if a service under subsection 1 is not available in the resident family's location, the CDF may approve payment of travel and associated costs to a provider sourced from another location.  |
|  | **Note:** The service provider’s travel and associated costs are taken into account as part of the cap on assistance payments under subsection 1. |
| 3. | Assistance under this section is only provided to a member's resident family for emergency services recommended in the social worker's support plan. |
| 4. | The assistance under this section can be paid by the following means, up to the maximum cost for the emergency. |
|  | a. | If the service is paid by the member or their resident family — by reimbursement of the cost of the services on presentation of receipts to Defence Member and Family Support. |
|  | b. | If the service is provided and an invoice is issued by the service provider — by payment to the service provider on presentation of the invoice. |
| 32 | Chapter 8 Part 6 (heading) |
|  | Omit “Dependants with”, substitute “Resident family who have”. |
| 33 | Chapter 8 Part 6 Division 1 (heading) |
|  | Omit “Posting assistance”, substitute “Assistance on removal”. |
| 34 | Section 8.6.1 |
|  | Omit “a dependants”, substitute “resident family”. |
| 35 | Paragraph 8.6.2.a  |
|  | Repeal the paragraph, substitute: |
|  | a. | They have resident family who has special needs. |
| 36 | Paragraph 8.6.2.b  |
|  | Omit “as a result of a posting”. |
| 37 | Section 8.6.5 |
|  | Omit “dependant with” wherever occurring, substitute “resident family who has”. |
| 38 | Section 8.6.5 |
|  | Omit “new posting location” wherever occurring, substitute “new housing benefit location or family benefit location”. |
| 39 | Subsection 8.6.6.1 |
|  | Omit “dependant with”, substitute “resident family who has”. |
| 40 | Subsection 8.6.6.1.b |
|  | Repeal the paragraph, substitute: |
|  | b. | The resident family is on a government waiting list for the therapy and respite services in the new location. |
| 41 | Section 8.6.7 |
|  | Repeal the section, substitute: |

##### 8.6.7    Assistance with equipment hire

|  |  |
| --- | --- |
| 1. | Subject to subsection 2, a member is eligible for financial assistance to hire specialist equipment in their housing benefit location or family benefit location if all the following apply. |
|  | a. | One of the following applies. |
|  |  | i. | The equipment used at their former housing or family benefit location was provided by a local Government funded service and cannot be transported to their housing or family benefit location. |
|  |  | ii. | The resident family with special needs was on a waiting list for the equipment at the former housing or family benefit location. |
|  | b. | The resident family with special needs is on a waiting list for the equipment at the housing or family benefit location. |
|  | c. | The member has provided the following to Defence Member and Family Support. |
|  |  | i. | Evidence of an approved application for placement on waiting lists for Government funded services at the housing or family benefit location. |
|  |  | ii. | Evidence that the type of equipment applied for was provided at the former housing or family benefit location or that the resident family was on a waiting list in that location. |
|  |  | iii. | Evidence that equipment is not transportable or was provided by local Government funded services at the former housing or family benefit location. |
|  | d. | The member applies using the approved form. |
| 2. | The amount of assistance in subsection 1 cannot exceed the cost of hiring the equipment that the member had in the former housing or family benefit location. |
| 42 | Section 8.6.8 |
|  | Repeal the section, substitute: |

##### 8.6.8    Special housing needs

|  |  |
| --- | --- |
| 1. | A member is eligible for the following at their housing or family benefit location. |
|  | a. | Subject to subsection 2, any of the following housing modifications. |
|  |  | i. | Modifications that are similar to those at the member's residence in the former housing or family benefit location. |
|  |  | ii. | If there is not a split-system air conditioner — installation or removal of window mounted air conditioners and heaters that are portable and have been purchased by the member. |
|  |  | iii. | If carpet is a trigger for a severe allergic reaction in the resident family with special needs, as confirmed by specialist medical advice based on appropriate allergy testing — removal of carpets. |
|  |  | iv. | Modifications that improve accessibility for the resident family with special needs. |
|  | b. | A Service residence in a higher rent band if the CDF is satisfied it is reasonable after considering the needs of the resident family with special needs.  |
|  | c. | Housing located close to the school of the resident family with special needs. |
| 2. | The CDF must be satisfied that house modifications under paragraph 1.a are appropriate and will not significantly alter the structure of the house. |
| 43 | Subsection 8.6.9.1 |
|  | Omit “posting location”, substitute “housing benefit location or family benefit location”. |
| 44 | Paragraph 8.6.9.1.b |
|  | Repeal the paragraph, substitute: |
|  | b. | The CDF is satisfied of one the following after considering any medical evidence provided. |
|  |  | i. | If the resident family with special needs is an adult — that the resident family has a severe medical issue that will limit their ability to assist with unpacking. |
|  |  | ii. | If the resident family with special needs is not an adult — that the resident family has a severe medical issue that will limit the member or their partner’s ability to assist with unpacking. |
|  | c. | The member is eligible for a removal under Chapter 6 Part 5. |
| 45 | Chapter 8 Part 6 Division 2 (heading) |
|  | Omit “posting location”, substitute “housing benefit location or family benefit location”. |
| 46 | Section 8.6.10 |
|  | Omit “a dependant”, substitute “resident family”. |
| 47 | Section 8.6.10 |
|  | Omit “posting location”, substitute “housing benefit location or family benefit location”. |
| 48 | Paragraph 8.6.11.a |
|  | Repeal the paragraph, substitute: |
|  | a. | They have accompanied resident family with special needs. |
| 49 | Paragraph 8.6.12.1.a |
|  | Repeal the paragraph, substitute: |
|  | a. | After considering the needs of the person recognised as resident family with special needs, a Service residence in a higher rent band than their rank group is eligible for under subsection 7.6.13.1. |
| 50 | Paragraph 8.7.3.1.e |
|  | Omit “A dependant”, substitute “Resident family”. |
| 51 | Section 8.7.10 |
|  | Repeal the section, substitute: |

##### 8.7.10    Assistance with resident family or child care

|  |  |
| --- | --- |
| 1. | A member is eligible for the reasonable cost of assistance to care for their resident family if the CDF is satisfied it is reasonable. |
| 2. | Assistance under subsection 1 includes any of the following. |
|  | a. | Defence arranged travel for extended family to provide support to the member's resident family. |
|  | b. | Any of the following provided by family members or professional providers. |
|  |  | i. | Care for the member’s resident family. |
|  |  | ii. | Specialist care for the member’s resident family. |
|  |  | iii. | Child minding. |
|  |  | iv. | Respite care. |
| 3. | Travel for extended family arranged under paragraph 1.a may be to either the home of the member's resident family or the location of the Court of Inquiry. |
| 4. | If it is not reasonably practicable for the extended family to travel to the home location of the member's resident family or the location of the Court of Inquiry, travel may be provided for the member's resident family to travel to the home location of the extended family. |
| 52 | Section 8.9.1  |
|  | Omit “a dependant”, substitute “recognised family” |
| 53 | Section 8.9.2 (definition of eligible dependant) |
|  | Repeal the definition, substitute: |
|  | **Eligible dependant** means a person recognised as the member's resident family who meets all of the following. |
|  | a. | They are listed on PMKeyS as resident family. |
|  | b. | They are registered for the family health program. |
|  | c. | They are not a member. |
| 54 | Paragraph 8.10.2.b |
|  | Repeal the paragraph, substitute: |
|  | b. | A person who would be recognised as a member’s resident family if the member was on continuous full-time service. |

Schedule 7—Chapter 9

Defence Determination 2016/19, Conditions of service

|  |  |
| --- | --- |
| 1 | Section 9.0.3 (Definition of allowable travel time) |
|  | Omit “or their dependant”, substitute “, resident family or recognised other person”. |
| 2 | Section 9.0.3 (Definition of normal departmental liability) |
|  | Omit “and any dependants”, substitute “, their resident family and recognised other persons”. |
| 3 | Paragraph 9.1.3.2.b |
|  | Omit “and any dependants”, substitute “, their resident family and recognised other persons”. |
| 4 | Paragraph 9.1.3.4 |
|  | Omit “or their dependants”, substitute “, their resident family or recognised other persons”. |
| 5 | Paragraph 9.1.4.1.f |
|  | Omit “dependants”, substitute “resident family or recognised other persons”. |
| 6 | Paragraph 9.1.4.1.g |
|  | Omit “dependants”, substitute “resident family or recognised other persons”. |
| 7 | Subsection 9.1.7.1 |
|  | Omit “and any dependants”, substitute “, their resident family and recognised other persons”. |
| 8 | Paragraph 9.1.8.1.b |
|  | Omit “and any dependants”, substitute “, their resident family and recognised other persons”. |
| 9 | Subsection 9.1.9.1A |
|  | Repeal the subsection, substitute: |
| 1A. | If resident family or recognised other persons are approved to travel by air, the class of travel is the same as the member. |
| 10 | Subsection 9.1.9.2 |
|  | Omit “and their dependants”, substitute “, their resident family and recognised other persons”. |
| 11 | Subsection 9.1.9.2 (table item 2) |
|  | Omit “and dependants” wherever occurring, substitute “, their resident family and recognised other persons”. |
| 12 | Subsection 9.1.9.4 |
|  | Omit “A dependant of the member”, substitute “A member’s resident family or recognised other persons”. |
| 13 | Subsection 9.1.10.6 |
|  | Omit “adult dependant”, substitute “partner”. |
| 14 | Subsection 9.1.11.3 |
|  | Repeal the subsection, substitute: |
| 3. | Extra baggage does not include transportation of a pet.  |
| 15 | Paragraph 9.2.8.b |
|  | Omit “dependants”, substitute “resident family and recognised other persons, if any,”. |
| 16 | Subsection 9.2.10.1 |
|  | Repeal the subsection, substitute: |
| 1. | Subject to subsection 2, a member is eligible for travel if the CDF is satisfied that the member meets all of the following. |
|  | a. | They are eligible for a removal. |
|  | b. | They have moved on posting before their resident family or recognised other persons. |
|  | c. | They have been granted short absence for removal purposes under section 5.11.9 to return to where their resident family are. |
| 17 | Paragraph 9.2.10.2.b |
|  | Repeal the paragraph, substitute: |
|  | b. | To travel with their resident family or recognised other persons to the new location because it would be unreasonable for the resident family or recognised other person to move the family by themselves. |
| 18 | Section 9.2.11 |
|  | Repeal the section, substitute: |

##### 9.2.11    Resident family or recognised other persons move before member's posting date

|  |  |
| --- | --- |
| 1. | Subject to subsection 2, a member is eligible for travel if the CDF is satisfied that the member meets all of the following. |
|  | a. | They are eligible for a removal. |
|  | b. | They have approval to move their resident family or recognised other persons before the effective date of their posting order. |
|  | c. | They have been granted short absence for removal purposes under section 5.11.9. |
| 2. | The member must make the journey for one of these purposes. |
|  | a. | To arrange accommodation and unpacking of furniture. |
|  | b. | Due to the health or age of their resident family or recognised other persons, it is unreasonable to expect them to move the family to the new location by themselves. |
| 19 | Section 9.2.12 |
|  | Repeal the section, substitute: |

##### 9.2.12    Members who has no resident family or recognised other persons – away from their primary service location

|  |  |
| --- | --- |
| 1. | Subject to subsection 2, a member is eligible for travel if the CDF is satisfied that the member meets all of the following.  |
|  | a. | They are posted to another location while on attachment or temporary duty away from their primary service location. |
|  | b. | They are eligible for a removal. |
|  | c. | They have no resident family and no recognised other persons. |
|  | d. | They have been granted short absence for removal purposes under section 5.11.9. |
| 2. | The journey must be to the member's primary service location to supervise the packing of their furniture or effects. |
| 3. | The CDF must consider operational commitments before making a decision under subsection 1 and if operational reasons delay leave and travel, the member may choose to appoint an agent to act on their behalf. |
| 20 | Section 9.2.14 (table item 1) |
|  | Omit “and any dependants”, substitute “, their resident family and recognised other persons”. |
| 21 | Section 9.2.14 (table item 3) |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 22 | Section 9.2.15 (table item 1) |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 23 | Section 9.2.15 (table item 1) |
|  | Omit “dependant”, substitute “who is resident family or as a recognised other person”. |
| 24 | Section 9.2.15 (table item 1) |
|  | Omit “for themselves and any dependants’ accommodation and meals”, substitute “, for accommodation and meals for themselves and their resident family and recognised other persons”. |
| 25 | Section 9.2.15 (table item 2) |
|  | Omit “by air as the most economical means without dependants”, substitute “alone by air as the most economical means”. |
| 26 | Section 9.2.15 (table item 3) |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 27 | Section 9.2.16 (table item 1) |
|  | Omit “for themselves and any dependants’ accommodation and meals”, substitute “, for accommodation and meals for themselves and their resident family and recognised other persons”. |
| 28 | Section 9.2.16 (table item 2) |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 29 | Section 9.2.18 |
|  | Repeal the section, substitute: |

##### 9.2.18    Members travelling without resident family or recognised other persons

|  |  |
| --- | --- |
|  | A member who has resident family or recognised other persons but travels on posting without them has the same benefits as a member on temporary duty under Division 2. |
| 30 | Section 9.2.19 (heading) |
|  | Omit “posting”. |
| 31 | Paragraph 9.2.19.1.a |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 32 | Subsection 9.2.19.2 |
|  | Omit “and their dependants’”, substitute “, their resident family and recognised other persons”. |
| 33 | Paragraph 9.2.19A.1.a |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 34 | Subsection 9.2.19A.3 |
|  | Omit “and a dependant’”, substitute “, their resident family and recognised other persons”. |
| 35 | Subsection 9.2.19A.3 |
|  | Omit “posting location’” wherever occurring, substitute “housing benefit location”. |
| 36 | Section 9.2.20 |
|  | Repeal the section, substitute: |

##### 9.2.20    Dual benefit

|  |  |
| --- | --- |
|  | If a member’s partner is also a member, the family unit has only one benefit on each occasion of a posting. |
| 37 | Subsection 9.2.24.1 |
|  | Omit “normal place of duty”, substitute “primary service location”. |
| 38 | Section 9.2.26 |
|  | Repeal the section, substitute: |

##### 9.2.26    Specialist medical or dental treatment for resident family in remote locations

|  |  |
| --- | --- |
| 1. | A member is eligible for travel for their accompanied resident family from their housing benefit location to the location of a registered specialist medical or dental practitioner if all of the following are met. |
|  | a. | The member is performing duty in a remote location listed in Annex 4.4.A. |
|  | b. | A doctor or dentist has certified on both these matters. |
|  |  | i. | Specialist treatment is necessary. |
|  |  | ii. | The necessary treatment cannot be provided in the housing benefit location or the family benefit location. |
| 2. | The travel benefit is limited to travel by the most economical means as defined in section 9.0.3. |
| 3. | A member’s resident family may be approved to travel by private vehicle, unless a doctor has provided a certificate to state that they are not fit for travel by this means.  |
| 4. | For the purpose of subsection 3, vehicle allowance may be payable up to the cost of travel by the most economical means. |
| 5. | The baggage benefit is limited to what is included for free as part of the travel fare. |
| 6. | The member or another person is eligible for travel if the CDF is satisfied that the member’s resident family needs to be accompanied. |
| 7. | If the resident family needs to stay overnight at the treatment location, they are eligible for the reimbursement of the cost of the accommodation and meals up to the maximum amount that would be payable for that location if they were eligible for travelling allowance for the journey under Part 5. |
| 39 | Section 9.2.28 |
|  | Omit “and their dependants”, substitute “, their resident family and recognised other persons”. |
| 40 | Section 9.2.29 |
|  | Repeal the section, substitute: |

##### 9.2.29    Members this Division does not apply to

|  |  |
| --- | --- |
|  | This Division does not apply to members, their resident family or recognised other persons if they are eligible for any of the following benefits. |
|  | a. | Travel for candidates for election. |
|  | b. | Travel on death of a member under Part 3 Division 10. |
| 41 | Subsection 9.2.30.1 |
|  | Omit “dependants”, substitute “resident family or recognised other persons”. |
| 42 | Subsection 9.2.30.2 |
|  | Omit “and dependants”, substitute “, their resident family and recognised other persons”. |
| 43 | Subsection 9.2.30.2 |
|  | Omit “dependant” wherever occurring, substitute “who is resident family or a recognised other person”. |
| 44 | Section 9.2.31 |
|  | Repeal the section, substitute: |

##### 9.2.31    Meals and accommodation

|  |  |
| --- | --- |
| 1. | A member, their resident family and recognised other persons will be reimbursed the cost of their meals and accommodation during their journey up to the maximum amount that they would have received if they were eligible for travel costs under Annex 9.5.A. |
| 2. | For the purpose of section 1, if the journey includes an isolation period the member, their resident family or recognised other persons are required to complete before they arrive at the location where they receive a removal to. |
| 3. | If the member, their resident family and recognised other persons choose not to travel by the most economical means, they will be reimbursed only up to the amount payable under subsection 1 for travel by the most economical means. |
| 4. | If the member, their resident family or recognised other persons are required to isolate in a place that is not their residence, subsection 3 does not apply to the isolation period. |
| 5. | If the member, their resident family or recognised other persons are eligible for travelling allowance for the journey, they are not eligible for the reimbursement of their costs. |
| 45 | Paragraph 9.2.32.1.a |
|  | Repeal the paragraph, substitute: |
|  | a. | From one of the following. |
|  |  | i. | Their housing benefit location. |
|  |  | ii. | Their family benefit location. |
|  |  | iii. | Their transition centre. |
| 46 | Subparagraph 9.2.32.2.b.iii |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 47 | Paragraph 9.2.32.2.d |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 48 | Subsection 9.2.32.3 |
|  | Omit “dependants”, substitute “resident family and recognised other persons”. |
| 49 | Subsection 9.2.32.3A |
|  | Omit “or their dependant is”, substitute “, their resident family or recognised other persons are”. |
| 50 | Paragraph 9.2.32.4.a |
|  | Omit “or dependant”, substitute “, their resident family or recognised other persons”. |
| 51 | Subsection 9.2.32.5 |
|  | Omit “dependant”, substitute “person recognised as resident family or as a recognised other person”. |
| 52 | Section 9.2.33 |
|  | Repeal the section, substitute: |

##### 9.2.33    Dual benefit

|  |  |
| --- | --- |
|  | If a member’s partner is also a member, the family unit has only one benefit on each occasion of a posting. |
| 53 | Section 9.2.35 |
|  | Repeal the section, substitute: |

##### 9.2.35    Limits to travel on leaving a family benefit location

|  |  |
| --- | --- |
| 1. | This section applies to a member who meets both the following. |
|  | a. | The member was granted a removal for their resident family or recognised other persons under Chapter 6 Part 5 Division 3. |
|  | b. | The member is ceasing continuous full-time service. |
| 2. | If there are cost limits on the removal to the family benefit location, the travel benefit for travel from the family benefit location is also limited. |
| 3. | The member is eligible to receive an amount up to the cost of their travel between the following locations. |
|  | a. | The current housing benefit location or ship's home port (whichever is applicable). |
|  | b. | The location to which the member is eligible for a removal to on ceasing continuous full-time service under section 6.5.46. |
| 54 | Section 9.2.36 |
|  | Repeal the section, substitute: |

##### 9.2.36    Service terminated through member's fault

|  |  |
| --- | --- |
| 1. | This section applies to a member who ceased continuous full-time service for one of the following reasons and is not eligible for a removal.  |
|  | a. | Medical unfitness through their own fault. |
|  | b. | Disciplinary reasons. |
| 2. | The member is eligible for travel to one of the following locations. |
|  | a. | For a member who has accompanied resident family and no unaccompanied resident family — the place where their resident family live in Australia. |
|  | b. | For a member who has no resident family — the location where they were last provided a permanent home. |
| 3. | The member is not eligible for assistance for travel by private vehicle. |
| 55 | Section 9.2.38 |
|  | Repeal the section, substitute: |

##### 9.2.38    Deferral of travel benefit

|  |  |
| --- | --- |
| 1. | This section applies to a member who has deferred their removal on ceasing continuous full-time service. |
| 2. | The member and their resident family’s eligibility for travel on ceasing continuous full-time service is deferred for the same period as the removal. |
| 56 | Subsection 9.2.39.3 |
|  | Omit “dependants”, substitute “resident family”.  |
| 57 | Chapter 9 Part 3 (heading) |
|  | Omit “dependants”, substitute “resident family”.  |
| 58 | Section 9.3.3 |
|  | Omit “marry or have a partnership recognised under section 1.3.88”, substitute “have a partner recognised under section 1.3.38”.  |
| 59 | Subsection 9.3.4.2 |
|  | Omit “spouse or partner and any other dependants”, substitute “partner and any other resident family”.  |
| 60 | Paragraph 9.3.4.2.b |
|  | Omit “posting location”, substitute “housing benefit location”.  |
| 61 | Subsection 9.3.4.3 |
|  | Repeal the subsection, substitute:  |
| 3. | If a member’s resident family travel, their travel benefit is one of the following. |
|  | a. | If travel is by the most economical means — a one-way ticket. |
|  | b. | If travel is by private vehicle — vehicle allowance for the trip up to the amount of the normal departmental liability.  |
|  |  | **Note:** The increased rate for passengers is not payable under Part 6 Division 5 section 9.6.26. |
|  | **Note:** Any allowances for the resident family’s travel are paid to the member. |
| 62 | Section 9.3.5 |
|  | Omit “dependants” wherever occurring, substitute “resident family”.  |
| 63 | Subsection 9.3.6.3 |
|  | Omit “dependants”, substitute “their resident family”.  |
| 64 | Subsection 9.3.8.3 |
|  | Omit “posting location”, substitute “housing benefit location”.  |
| 65 | Subparagraph 9.3.9.1 |
|  | Repeal the subsection, substitute:  |
| 1. | This section applies to a member if all the following apply. |
|   | a. | The person became the member’s partner in Australia.  |
|  | b. | At the time the event in paragraph a. occurs, one of the following applies. |
|  |  | i. | They are away from their housing benefit location. |
|  |  | ii. | Their primary service location was a seagoing ship or seagoing submarine. |
|  | c. | The marriage or the application for recognition or registration of the partner was not arranged before the start of the member's posting period. |
|  | d. | They have at least 12 months left to serve on continuous full-time service when the benefit under this section is approved. |
|  | e. | They would have been eligible for travel benefits if they had a partner before they commenced their posting period. |
| 66 | Subsection 9.3.9.2 |
|  | Repeal the subsection, substitute:  |
| 2. | The member is eligible for their resident family to travel from the place where the partner lived when they became the member’s resident family to the member's housing benefit location.  |
| 67 | Section 9.3.11 |
|  | Omit “dependants”, substitute “resident family”.  |
| 68 | Paragraph 9.3.11.b |
|  | Omit “dependant’s”, substitute “person’s”.  |
| 69 | Section 9.3.12 |
|  | Repeal the section, substitute:  |

##### 9.3.12    Travel for a child

|  |  |
| --- | --- |
|  | If the member’s partner has a child at the time the relationship is recognised, and the child is resident family for travel purposes, the member is eligible for the cost of a fare for the child. |
| 70 | Section 9.3.13 |
|  | Omit “a spouse or partner (and any of their dependants)”, substitute “their partner and any other resident family”.  |
| 71 | Section 9.3.13 |
|  | Omit “posting location”, substitute “housing benefit location”.  |
| 72 | Subsection 9.3.14.1 |
|  | Omit “with dependants”, substitute “who has resident family”.  |
| 73 | Subsection 9.3.14.2 |
|  | Omit “dependants”, substitute “resident family”.  |
| 74 | Paragraph 9.3.14.2.b |
|  | Omit “posting location”, substitute “housing benefit location”.  |
| 75 | Subsection 9.3.14.3.b |
|  | Repeal the paragraph, substitute:  |
|   | b. | The cost of a travel from the member's housing benefit location or ship's home port at the time the person was recognised as resident family. |
| 76 | Subsection 9.3.17.1 |
|  | Omit “be a member with dependants”, substitute “have any resident family or recognised other persons”.  |
| 77 | Subsection 9.3.17.2 |
|  | Omit “a dependant”, substitute “resident family or recognised other persons”.  |
| 78 | Subsection 9.3.18.1 |
|  | Omit “spouse or partner and their dependants”, substitute “partner and their resident family”.  |
| 79 | After subsection 9.3.18.1 |
|  | Add: |
| 1A. | A recognised other person is eligible for travel to the same location for which they are eligible for a removal under Chapter 6 Part 5 Division 10 if the CDF approves it after considering the individual circumstances of the recognised other person.  |
| 80 | Section 9.3.19 |
|  | Omit “a dependant of a non-Service spouse” wherever occurring, substitute “resident family or a recognised other person of a non-Service”.  |
| 81 | Section 9.3.19 (table item 4) |
|  | Omit “other dependants of the non-Service spouse or partner who share a separate room with a dependant described in item 2”, substitute “other resident family or recognised other persons of the non-Service partner who share a separate room with a person described in item 2”.  |
| 82 | Subsection 9.3.20.1 |
|  | Repeal the subsection, substitute:  |
| 1. | A non-Service partner who is recognised family of a member is eligible to be reimbursed the cost of meals for themselves and the member’s resident family or recognised other persons travelling with them during travel up to the following amounts. |
|  | a. | If the person is aged 10 or more — the amount payable for meals under Part 5, Payment of travel costs. |
|  | b. | If the person is aged under 10 — 50% of the amount payable for meals under Part 5, Payment of travel costs. |
| 83 | Section 9.3.21 |
|  | Omit “and dependants” wherever occurring, substitute “, resident family and recognised other persons”.  |
| 84 | Subsection 9.3.22.2 |
|  | Omit “their adult dependants.” wherever occurring, substitute “any adults who are recognised as resident family or as a recognised other person”.  |
| 85 | Subsection 9.3.25.1 |
|  | Omit “without dependants”, substitute “who has no resident family”.  |
| 86 | Subsection 9.3.25.2 |
|  | Repeal the subsection, substitute.  |
| 2. | For the purpose of the return trip, this Division continues to apply to the member after the pregnancy ends. |
| 87 | Subsection 9.3.27.1 |
|  | Omit “the location where the member serves”, substitute “the member’s housing benefit location”.  |
| 88 | Chapter 9 Part 3 Division 5 |
|  | Omit “posting location” wherever occurring, substitute “housing benefit location”. |
| 89 | Section 9.3.38 |
|  | Omit “posting”. |
| 90 | Section 9.3.41 (table item 2) |
|  | Omit the table item, substitute:  |

|  |  |  |
| --- | --- | --- |
| 2. | does not accompany the member to the remote location  | The later of:1. the day the member departs for the remote location, or
2. the day the member’s resident family depart for the remote location.
 |

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| --- | --- |
| 91 | Subsection 9.3.46.1 |
|  | Omit “posting location”, substitute “housing benefit location”.  |
| 92 | Subsection 9.3.52.1 (table) |
|  | Repeal the table, substitute: |

|  |  |  |
| --- | --- | --- |
| Item | Column APerson | Column BCondition |
| 1. | A person who is recognised family. | The person is seriously ill. |
| 2. | A person who is any of the following.1. The member's brother or sister.
2. The member's parent or guardian.
3. Resident family.
4. A recognised other person.
 | Both the following are met.1. The person is seriously ill.
2. The member has to be there because no-one else in the family is available and able to help.
 |
| 3. | A person who is any of the following.1. Recognised family.
2. The member's brother or sister.
3. The member's parent or guardian.
4. Resident family.
5. A recognised other person.
 | One of the following is met.1. The person is very seriously ill.
2. The person has recently died.
 |

|  |  |
| --- | --- |
| 93 | Section 9.3.55 (note) |
|  | Omit “spouse, partner or dependants”, substitute “resident family”.  |
| 94 | Section 9.3.57 |
|  | Omit “, partner and any dependants”, substitute “and any resident family”.  |
| 95 | Subparagraph 9.3.65.b.iii |
|  | Omit “posting location”, substitute “housing benefit location”.  |
| 96 | Paragraph 9.3.67.1.b |
|  | Repeal the paragraph, substitute:  |
|  | b. | Recognised family of the member. |
| 97 | Paragraph 9.3.67.1.c |
|  | Repeal the paragraph, substitute:  |
|  | c. | Resident family of the member. |
| 98 | Paragraph 9.3.67.1.d |
|  | Omit “dependants under section 1.3.83”, substitute “resident family”.  |
| 99 | Paragraph 9.3.67.1.e |
|  | Repeal the paragraph. |
| 100 | Paragraph 9.3.67.2.a |
|  | Omit “normally”. |
| 101 | Chapter 9 Part 3 Division 10 (heading) |
|  | Omit “of dependants”, substitute “for resident family”.  |
| 102 | Section 9.3.76 |
|  | Omit “dependants”, substitute “resident family”.  |
| 103 | Section 9.3.77 |
|  | Omit “dependants” wherever occurring, substitute “resident family”.  |
| 104 | At the end of section 9.3.77 |
|  | Add: |

##### 9.3.77A    Recognised other persons

|  |  |
| --- | --- |
|  | A recognised other person is eligible for the travel benefits under this Division that would apply if they were resident family if the CDF approves it after considering the individual circumstances of the recognised other person.  |
| 105 | Section 9.3.78 |
|  | Repeal the section, substitute: |

##### 9.3.78    Member not living with their resident family at time of death

|  |  |
| --- | --- |
|  | If a member is not living with their resident family at the time of death, the basic travel benefits in Part 1 of this Chapter apply to the resident family. |
| 106 | Subsection 9.3.80.1 |
|  | Omit “Dependants”, substitute “Resident family”.  |
| 107 | Subsection 9.3.80.2 |
|  | Omit “dependants”, substitute “resident family”.  |
| 108 | Section 9.3.81 |
|  | Omit “dependants” wherever occurring, substitute “resident family”.  |
| 109 | Section 9.3.82 |
|  | Omit “Dependants”, substitute “Resident family”.  |
| 110 | Section 9.3.84 |
|  | Repeal the section, substitute:  |

##### 9.3.84    Deferral of a resident family's travel

|  |  |
| --- | --- |
|  | Resident family may defer travel for no more than 12 months from the date of the member’s death. |
| 111 | Section 9.4.2  |
|  | Repeal the section. |
| 112 | Subsection 9.4.3.2 (table item 2) |
|  | Omit the table item, substitute: |

|  |  |  |
| --- | --- | --- |
| 2. | has no partner but has children who are resident family living with them | the member is not eligible for recreation leave travel. |

|  |  |
| --- | --- |
| 113 | Subsection 9.4.3.2 (table item 4) |
|  | Omit the table item, substitute: |

|  |  |  |
| --- | --- | --- |
| 4. | has a partner, but has no resident family because the couple do not live together | their nominated family is their partner. |

|  |  |
| --- | --- |
| 114 | Section 9.4.5 |
|  | Repeal the section, substitute: |

##### 9.4.5    Purpose

|  |  |
| --- | --- |
|  | This Division enables a member who has no resident family, including a trainee, to travel away from their housing benefit location while on leave or during course breaks to visit their nominated family, or in limited circumstances, another location. |
| 115 | Paragraph 9.4.5A.a |
|  | Omit “without dependants”, substitute “who has no resident family”. |
| 116 | Subparagraph 9.4.6.1.a.ii |
|  | Omit “place of duty”, substitute “housing benefit location”. |
| 117 | Subsection 9.4.6.2 |
|  | Omit “place of duty”, substitute “housing benefit location”. |
| 118 | Subsection 9.4.7.1 |
|  | Omit “place of duty”, substitute “housing benefit location”. |
| 119 | Paragraph 9.4.11.1.b |
|  | Omit “place of duty”, substitute “housing benefit location”. |
| 120 | Subsection 9.4.14.2 |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 121 | Subsection 9.4.17.1 |
|  | Omit “place of duty” wherever occurring, substitute “housing benefit location”. |
| 122 | Subsection 9.4.18 |
|  | After “must”, insert “be”. |
| 123 | Section 9.4.19 |
|  | Omit “home location”, substitute “housing benefit location or family benefit location”. |
| 124 | Subsection 9.4.21.1 |
|  | Omit “place of duty” wherever occurring, substitute “housing benefit location”. |
| 125 | Section 9.4.23 |
|  | Omit “dependants” wherever occurring, substitute “resident family”. |
| 126 | Section 9.4.26 (heading) |
|  | Omit “member without dependants”, substitute “who has no resident family”. |
| 127 | Section 9.4.26 |
|  | Omit “without dependants” wherever occurring, substitute “who has no resident family”. |
| 128 | Paragraph 9.4.26.2A.a |
|  | Omit “posting location” wherever occurring, substitute “housing benefit location”. |
| 129 | Paragraph 9.4.26.2A.b |
|  | Omit “member is posted to a location”, substitute “member’s housing benefit location is”. |
| 130 | Subsection 9.4.26.5 |
|  | Repeal the subsection, substitute: |
| 5. | Remote location leave travel may only be taken in the following period. |
|  | a. | The period begins on the day the remote location becomes the member’s primary service location. |
|  | b. | The period ends on the day immediately before the remote location ceases to be the member’s primary service location. |
| 131 | Subparagraph 9.4.26.6.a.i |
|  | Omit “at the posting location”, substitute “in their housing benefit location”. |
| 132 | Section 9.4.27 (heading) |
|  | Omit “with dependants (unaccompanied)”, substitute “who has unaccompanied resident family”. |
| 133 | Section 9.4.27 |
|  | Omit “with dependants (unaccompanied)” wherever occurring, substitute “who has unaccompanied resident family and no accompanied resident family”. |
| 134 | Paragraph 9.4.27.2A.a |
|  | Omit “posting location” wherever occurring, substitute “housing benefit location”. |
| 135 | Paragraph 9.4.27.2A.b |
|  | Omit “member is posted to a location”, substitute “member’s housing benefit location is”. |
| 136 | Subsection 9.4.27.5 |
|  | Repeal the subsection, substitute: |
| 5. | Remote location leave travel may only be taken in the following period. |
|  | a. | The period begins on the day the remote location becomes the member’s primary service location. |
|  | b. | The period ends on the day immediately before the remote location ceases to be the member’s primary service location. |
| 137 | Paragraph 9.4.27.6.b |
|  | Omit “the posting location”, substitute “their housing benefit location”. |
| 138 | Section 9.4.28 (heading) |
|  | Omit “dependants of a member with dependants (unaccompanied)”, substitute “travel for unaccompanied resident family”. |
| 139 | Subsection 9.4.28.1 |
|  | Repeal the subsection, substitute: |
| 1. | This section applies if the following conditions are met. |
|  | a. | A member’s primary service location was a remote location, but they left because relocated to another remote location or a non-remote location. |
|  | b. | The member has unaccompanied resident family and no accompanied resident family. |
|  | c. | The member's resident family stay in the remote location. |
| 140 | Paragraph 9.4.28.2A |
|  | Omit “posting location” wherever occurring, substitute “family benefit location”. |
| 141 | Subsection 9.4.28.3 |
|  | Repeal the subsection, substitute: |
| 3. | A member who meets one of the following accrues remote location leave travel benefits for their unaccompanied resident family at the rate that would apply if the member had accompanied resident family and no unaccompanied resident family at the resident family’s remote location. |
|  | a. | The member is in a remote location and their unaccompanied resident family are in another remote location. |
|  | b. | The member is in a non-remote location and their unaccompanied family are in a remote location.  |
| 142 | Subsection 9.4.28.4 |
|  | Omit “dependants”, substitute “unaccompanied resident family”. |
| 143 | Subsection 9.4.28.5 |
|  | Repeal the subsection, substitute: |
| 5. | The unaccompanied resident family’s remote location leave travel benefits do not lapse until they leave the remote location. |
| 144 | Paragraph 9.4.28.6.a |
|  | Repeal the paragraph, substitute: |
|  | a. | The benefit is transferred to a close family member or to the member. |
|  | aa. | The decision to transfer must be made in writing. |
| 145 | Subparagraph 9.4.28.6.b.i |
|  | Omit “the posting location”, substitute “their housing benefit location”. |
| 146 | Subparagraph 9.4.28.6.b.ii |
|  | Omit “the member’s dependants”, substitute “their unaccompanied resident family”. |
| 147 | Section 9.4.29 |
|  | Repeal the section, substitute: |

##### 9.4.29    Basic benefit – accompanied resident family

|  |  |
| --- | --- |
| 1. | This section applies to a member who meets all of the following.  |
|  | a. | They have accompanied resident family and no unaccompanied resident family. |
|  | b.  | Their primary service location is in a remote location. |
| 2. | A member is eligible for remote location leave travel benefits for themselves and their accompanied resident family if the CDF is satisfied that the member is reasonably likely to serve in the location for 12 months. |
| 3. | The member accrues remote location leave travel at the start of every 12 month period at the following rate. |
|  | a. | If the member or their resident family have a Scheme A remote location leave travel benefit — one of the following.  |
|  |  | i. | If the member is serving in a location that attracts ADF District allowance at the Grade A rate — one travel benefit per person. |
|  |  | ii. | If the member is serving in any other remote location — 2 travel benefits per person. |
|  | b. | If the member or their resident family have a Scheme B remote location leave travel benefit — one travel benefit per person. |
| 4. | For a person who is resident family of 2 members, all the following apply. |
|  | a. | The person can only claim remote location leave travel benefits in respect to one member.  |
|  | b. | The members may choose which member the resident family's eligibility is to be calculated in relation to. |
|  | c. | The choice must be made in writing. |
| 148 | Section 9.4.30 (heading) |
|  | Omit “member with dependants” substitute “accompanied resident family and no unaccompanied resident family”. |
| 149 | Subsection 9.4.30.1 |
|  | Omit “dependants” substitute “their accompanied resident family”. |
| 150 | Paragraph 9.4.30.2A.a |
|  | Omit “posting location” wherever occurring, substitute “housing benefit location”. |
| 151 | Paragraph 9.4.30.2A.b |
|  | Omit “member is posted to a location”, substitute “member’s primary service location is”. |
| 152 | Subsection 9.4.30.3 |
|  | Omit “dependants” substitute “accompanied resident family”. |
| 153 | Subsection 9.4.30.4 |
|  | Repeal the subsection, substitute: |
| 4. | Remote location leave travel may only be taken in the following period. |
|  | a. | The period begins on the day the remote location becomes the member’s primary service location. |
|  | b. | The period ends on the day immediately before the remote location ceases to be the member’s primary service location. |
| 154 | Paragraph 9.4.30.5.b |
|  | Omit “the posting location” substitute “their housing benefit location”. |
| 155 | Subsection 9.4.30.7 |
|  | Omit “dependants” substitute “accompanied resident family”. |
| 156 | Section 9.4.31 (heading) |
|  | Omit “member with dependants” substitute “accompanied resident family”. |
| 157 | Subsection 9.4.31.1 |
|  | Omit “dependants” substitute “their accompanied resident family”. |
| 158 | Paragraph 9.4.31.2.b |
|  | Omit “member is posted to”, substitute “member’s primary service location is in”. |
| 159 | Paragraph 9.4.31.2A.a |
|  | Omit “posting location” wherever occurring, substitute “housing benefit location”. |
| 160 | Subsection 9.4.31.2B |
|  | Omit “dependant” substitute “accompanied resident family”. |
| 161 | Subsection 9.4.31.3 |
|  | Repeal the subsection, substitute: |
| 3. | The CDF may approve vehicle allowance up to the cost of the travel benefit if any of the following apply to the member’s resident family.  |
|  | a. | They have a disability that prohibits flying and they have been classified under one of the following.  |
|  |  | i. | *Social Security Act 1991*. |
|  |  | ii. | This Determination as having a special need. |
|  | b. | They have a medical condition that prohibits flying and a medical certificate has been provided.  |
| 162 | Subsection 9.4.31.4 |
|  | Omit “dependants”, substitute “resident family”. |
| 163 | Subsection 9.4.31.5 |
|  | Repeal the subsection, substitute: |
| 5. | Remote location leave travel may only be taken in the following period. |
|  | a. | The period begins on the day the remote location becomes the member’s primary service location. |
|  | b. | The period ends on the day immediately before the remote location ceases to be the member’s primary service location. |
| 164 | Paragraph 9.4.31.6.a |
|  | Repeal the paragraph, substitute: |
|  | a. | A member or their partner may transfer their remote location leave travel benefit to a close family member. |
|  | aa. | The decision to transfer must be made in writing. |
| 165 | Paragraph 9.4.31.6.b |
|  | Omit “the posting location” substitute “their housing benefit location”. |
| 166 | Subsection 9.4.31.8 |
|  | Omit “dependants”, substitute “resident family”. |
| 167 | Subsection 9.4.32.2 |
|  | Omit “dependants”, substitute “their resident family”. |
| 168 | Subsection 9.4.32.2 (note) |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 169 | Subsection 9.4.32.3 |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 170 | Subsection 9.4.32.3A |
|  | Omit “member is posted to”, substitute “member’s primary service location is”. |
| 171 | Paragraph 9.4.32.3A.a |
|  | Omit “For a member posted to”. |
| 172 | Paragraph 9.4.32.3A.b |
|  | Omit “For a member posted to”. |
| 173 | Paragraph 9.4.32.3A.c |
|  | Omit “For a member posted to a”, substitute “A” |
| 174 | Subparagraph 9.4.32.3A.c.i |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 175 | Subsection 9.4.32.4 |
|  | Omit “dependant”, substitute “their resident family”. |
| 176 | Subsection 9.4.32.5 |
|  | Omit “dependants”, substitute “their resident family”. |
| 177 | Paragraph 9.4.32.5.b |
|  | Repeal the paragraph, substitute: |
|  | b. | The cost of the return fare for travel between the member's housing benefit location and one of the following. |
|  |  | i. | For a location in the Northern Territory — Adelaide. |
|  |  | ii. | Anywhere else — the nearest capital city. |
| 178 | Paragraph 9.4.32.5.c |
|  | Omit “dependant”, substitute “resident family”. |
| 179 | Subsection 9.4.33.2 |
|  | Repeal the subsection, substitute: |
| 2. | A member or their resident family may be granted an advance of one remote location leave travel benefit if the CDF approves having regard to all of the following. |
|  | a. | The operational requirements relevant to the member. |
|  | b. | The likelihood that the benefit will accrue.  |
| 180 | Subsection 9.4.33.3 |
|  | Omit “dependants”, substitute “their resident family”. |
| 181 | Paragraph 9.4.34.2.a.ii |
|  | Repeal the subparagraph, substitute: |
|  |  | ii. | The last day of the remote location is the member’s primary service location. |
| 182 | Paragraph 9.4.34.2.b |
|  | Repeal the paragraph, substitute: |
|  | b. | If the benefit a member has accrued is for their resident family — the earlier of the following.  |
|  |  | i. | The day before the member accrues the next remote location leave travel benefit for their resident family. |
|  |  | ii. | The day before the person recognised as resident family leaves the remote location. |
|  |  | iii. | The day the person ceases to be recognised as resident family of the member.  |
| 183 | Section 9.4.36 |
|  | Repeal the section, substitute: |

##### 9.4.36    Schemes A and B – change in family circumstance

|  |  |
| --- | --- |
|  | Changes to a member’s resident family has the following effects on remote location leave travel benefits. |
|  | a. | On the date of the change, all outstanding remote location leave travel benefits for the member and their resident family lapse. |
|  | b. | On the date of the change, the member and resident family (if any) do not have to repay any advances of remote location leave travel benefits. |
|  | c. | The member and resident family, if any, accrue new remote location leave travel benefits on the date of the change, as provided for under sections 9.4.26, 9.4.27 or 9.4.29. |
|  | d. | The member's and resident family’s (if any) next accrual of remote location leave travel is on the anniversary of the member's commencement in the remote location, unless section 9.4.37 applies. |
| 184 | Paragraph 9.4.37.1.a |
|  | Omit “spouse or”. |
| 185 | Paragraph 9.4.37.1.b |
|  | Omit “dependant in paragraph a.”, substitute “member’s partner”.  |
| 186 | Paragraph 9.4.37.1.c |
|  | Omit “spouse or”. |
| 187 | Subsection 9.4.37.3 |
|  | Omit “dependant” wherever occurring, substitute “resident family”. |
| 188 | Section 9.4.38 |
|  | Repeal the section, substitute: |

##### 9.4.38    Schemes A and B – partner is a Defence APS employee

|  |  |
| --- | --- |
| 1. | This section applies to a member whose resident family meets all of the following. |
|  | b. | They have a remote location leave travel benefit that either Scheme A or Scheme B conditions apply to. |
|  | c. | They are an APS employee of the Department of Defence, who performs duty in the remote location. |
|  | d. | They are eligible for assisted leave fares allowance, as an APS employed by the Department of Defence. |
| 2. | A member accrues one less remote location leave travel for their partner than is provided for in section 9.4.29. |
| 189 | Subsection 9.4.40.1 |
|  | Omit “dependants”, substitute “resident family”. |
| 190 | Subsection 9.4.40A.1 |
|  | Omit “dependants”, substitute “resident family”. |
| 191 | Subsection 9.4.40A.1 |
|  | Omit “the posting location”, substitute “their housing benefit location”. |
| 192 | Paragraph 9.4.40A.2.a |
|  | Omit “member is posted to”, substitute “member’s primary service location is in”. |
| 193 | Subsection 9.4.40A.3 |
|  | Repeal the subsection, substitute: |
| 3. | If the member’s primary service location is a location other than Woomera or Tindal, the member is eligible for the lesser of the following for return travel between the housing benefit location and the closest airport. |
|  | a. | If the member or their resident family travel by private vehicle — vehicle allowance. |
|  | b. | The cost of travel by public transport for each eligible person travelling. |
|  | **Note:** The closest airport is the one closest by travel time to the remote location. |
| 194 | Section 9.4.41 |
|  | Repeal the section, substitute: |

##### 9.4.41    Schemes A and B – resident family under the age of 18

|  |  |
| --- | --- |
| 1. | Resident family under the age of 18 may not make choices under this Division. |
| 2. | A choice in relation to a remote location leave travel benefit for a person under the age of 18 must be made by the member.  |
| 195 | Section 9.5.4 |
|  | Repeal the section, substitute: |

##### 9.5.4    Member this Part applies to

|  |  |
| --- | --- |
| 1. | This Part applies to a member who is required to travel in one of these situations. |
|  | a. | On Defence business for an overnight travel period. |
|  |  | **Note:** A member on part-day travel can get limited benefits under this Part. |
|  | b. | Subject to subsection 2, when travelling to their new housing benefit location. |
|  | c. | In preparation or immediately following the end of their continuous full-time service. |
| 2. | This Part only applies to a member who has been approved an alternate located work agreement if, under the agreement, travel would be provided to their new housing benefit location. |
| 196 | Section 9.5.8 (definition of private vehicle) |
|  | Repeal the definition, substitute: |

|  |  |
| --- | --- |
| Private vehicle | a. For travel on removal by a member, their resident family or recognised other person — a motor vehicle owned by the member, their resident family or recognised other person that is to be removed.b. For other travel by a member — a motor vehicle they own, hire or borrow. |

|  |  |
| --- | --- |
| 197 | Paragraph 9.5.9.1.b |
|  | Omit “normal place of duty”, substitute “primary service location”. |
| 198 | Subsection 9.5.9.2  |
|  | Omit “normal place of duty or residence” wherever occurring, substitute “housing benefit location”. |
| 199 | Subsection 9.5.9.2 (note) |
|  | Omit “normal place of duty or their residence”, substitute “housing benefit location”. |
| 200 | Subsection 9.5.10.1 |
|  | Repeal the subsection, substitute: |
| 1. | A member who meets all of the following conditions is eligible for part-day travelling allowance. |
|  | a. | The member is required to travel outside their housing benefit location on Defence business. |
|  | b. | The member holds the rank of Colonel or lower. |
|  | c. | The member is absent from their housing benefit location for 10 hours or more. |
|  | d. | The member is not absent from their housing benefit location overnight. |
| 1A. | Despite subsection 1, a member who is eligible for part-day travelling allowance under section 13.3.15 for travel overseas is not eligible for payment under this section. |
| 201 | Section 9.5.11 (heading) |
|  | Omit “posting travel”, substitute “in connection with change in primary service location” |
| 202 | Subsection 9.5.11.1 |
|  | Repeal the subsection, substitute:  |
| 1. | In this Part, a **travel period** for a member travelling in connection with a change in their primary service location is the period when all of the following apply to the member. |
|  | a. | The member changes from one primary service location in Australia to another. |
|  | b. | The member must travel to get to their new housing benefit location. |
|  | c. | The travel extends overnight. |
| 203 | Subsection 9.5.11.2 (table) |
|  | Omit “normal place of duty or residence” wherever occurring, substitute “housing benefit location”. |
| 204 | Subsection 9.5.11.2 (table) |
|  | Omit “posting location” wherever occurring, substitute “housing benefit location”. |
| 205 | Subsection 9.5.11.3 |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 206 | Subsection 9.5.12.2  |
|  | Omit “For this Part”, substitute “In this section”. |
| 207 | Paragraph 9.5.12.2.a |
|  | Omit “place of duty”, substitute “primary service location”. |
| 208 | Subsection 9.5.12.3 (Column B of the table) |
|  | Omit “place of duty” wherever occurring, substitute “housing benefit location”. |
| 209 | Subsection 9.5.12.3 (Column C of table item 2) |
|  | Omit “normal place of duty or residence”, substitute “housing benefit location”. |
| 210 | Paragraph 9.5.19.g |
|  | Omit “at the member’s posting location”, substitute “in the member’s housing benefit location”. |
| 211 | Subsection 9.5.20.1 |
|  | Omit “normal place of duty”, substitute “housing benefit location”. |
| 212 | Section 9.5.21 |
|  | Omit “normal place of duty” wherever occurring, substitute “housing benefit location”. |
| 213 | Subsection 9.5.21.1 |
|  | Omit “without dependants”, substitute “who has no resident family”. |
| 214 | Paragraph 9.5.22.2.c (note) |
|  | Omit “posting location”, substitute “primary service location”. |
| 215 | Subsection 9.5.22.4 (table) |
|  | Omit “normal place of duty”, substitute “housing benefit location”. |
| 216 | Subsection 9.5.22.5 |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 217 | Section 9.5.24 |
|  | Repeal the section, substitute: |

##### 9.5.24    Accommodation and meals for resident family

|  |  |
| --- | --- |
| 1. | This section applies to a member who has been directed to take resident family with them on a journey for representational purposes.  |
| 2. | The member is eligible for the following for their resident family during the travel period. |
|  | a. | For accommodation — one of the following. |
|  |  | i. | If the member’s resident family occupies a room as the sole or first occupant — normal accommodation stock. |
|  |  | ii. | If the member’s resident family occupies a room on a shared basis — the member not eligible for an additional payment for the resident family’s accommodation. |
|  | b. | For meals — the sum of rates for each meal period specified for the location in Annex 9.5.A Part 4, columns B, C and D for each day. |
| 218 | Section 9.5.26 |
|  | Omit “place of duty” wherever occurring, substitute “primary service location”. |
| 219 | Paragraph 9.5.33.b |
|  | Omit “on posting travel”, substitute “in connection with a change in their primary service location”. |
| 220 | Paragraph 9.5.37.g |
|  | Omit “posting location”, substitute “primary service location”. |
| 221 | Subsection 9.5.39.1 |
|  | Omit “normal place of duty”, substitute “housing benefit location”. |
| 222 | Section 9.5.40 |
|  | Omit “at their normal place of duty” wherever occurring, substitute “in their housing benefit location”. |
| 223 | Subsection 9.5.40.1 |
|  | Omit “without dependants”, substitute “who has no resident family”. |
| 224 | Subsection 9.5.40.1.b |
|  | Omit “their normal place of duty”, substitute “their housing benefit location”. |
| 225 | Subsection 9.5.41.2 (table item 3) |
|  | Omit “posting location”, substitute “primary service location”. |
| 226 | Subsection 9.5.41.4 (table) |
|  | Omit “normal place of duty”, substitute “housing benefit location”. |
| 227 | Section 9.5.43 |
|  | Repeal the section, substitute: |

##### 9.5.43    Accommodation and meals for resident family

|  |  |
| --- | --- |
| 1. | This section applies to a member who has been directed to take resident family with them on a journey for representational purposes.  |
| 2. | The member is eligible for the following for their resident family during the travel period. |
|  | a. | For accommodation — one of the following. |
|  |  | i. | If the member’s resident family occupies a room as the sole or first occupant — travelling allowance at the rate that applies to the member under section 9.5.35. |
|  |  | ii. | If the member’s resident family occupies a room on a shared basis — travelling allowance at 20% of the rate that applies to the member under section 9.5.35. |
|  |  | iii. | If the member’s resident family is a child under 6 years old — travelling allowance at 10% of the rate that applies to the member under section 9.5.35 for accommodation. |
|  | b. | For meals during the travel period — one of the following.  |
|  |  | i. | For resident family under 10 years old — travelling allowance at half the rate that applies to the member under section 9.5.35 for the meals. |
|  |  | ii. | For any other resident family — travelling allowance at the rate that applies to the member under section 9.5.35 for the meals. |
| 228 | Subsection 9.5.44.1.a |
|  | Omit “place of duty”, substitute “primary service location”. |
| 229 | Subsection 9.5.44.1.b |
|  | Omit “at their place of duty “. |
| 230 | Subsection 9.5.44.2.a |
|  | Omit “place of duty”, substitute “service location”. |
| 231 | Subsection 9.5.44.2.b |
|  | Omit “place of duty”, substitute “location”. |
| 232 | Paragraph 9.5.47.2.d |
|  | Omit “dependants”, substitute “resident family or recognised other persons”. |
| 233 | Section 9.5.50 (definition of person) |
|  | Omit “or their dependant”, substitute “, their resident family or recognised other persons”. |
| 234 | Annex 9.5.B Part 1 |
|  | Repeal the Part, substitute: |

##### Part 1: Amounts for travel after 21 days – accommodation

|  |  |
| --- | --- |
|  | This table outlines the maximum accommodation rates after 21 days.  |

|  |  |  |
| --- | --- | --- |
| Item | If, at their primary service location, the member has… | and during the travel period they are… |
| boarding (in a boarding house /hotel/motel with all-inclusive tariff), then their maximum benefit is… | renting, then their maximum benefit is… |
| 1. | accompanied resident family and no unaccompanied resident family and living in an own home, receiving housing assistance or living-in accommodation and paying no contribution for accommodation and meals | the cost of board | rent plus any additional charge for utilities. |
| 2. | accompanied resident family and no unaccompanied resident family and boarding | the cost of board less any reduction in boarding costs at the service location | rent plus any additional charge for utilities less any reduction in boarding costs at the service location. |
| 3. | no resident family or has accompanied resident family and no unaccompanied resident family and living in (contribution for accommodation and meals) | the cost of board less amount equal to appropriate contribution for accommodation and meals under Chapter 7 Parts 4 and 9. | rent plus any additional charge for utilities less amount equal to appropriate contribution for rent and meals under Chapter 7 Parts 8 and 9. |

|  |  |
| --- | --- |
| 235 | Section 9.6.7 (definition of private vehicle) |
|  | Omit the definition, substitute: |

|  |  |
| --- | --- |
| Private vehicle | a. For travel on removal by a member, their resident family or recognised other person — a motor vehicle owned by the member, their resident family or recognised other person which is to be removed.b. For other travel by a member — a motor vehicle they own, hire or borrow. |

|  |  |
| --- | --- |
| 236 | Subsection 9.6.11.3 |
|  | Omit “normal place of residence” wherever occurring, substitute “residence in their housing benefit location”. |
| 237 | Paragraph 9.6.11.3.b |
|  | Omit “normal place of duty”, substitute “primary service location”. |
| 238 | Paragraph 9.6.13.2.b |
|  | Omit “normal place of duty”, substitute “primary service location”. |
| 239 | Subsection 9.6.13.3 |
|  | Omit “normal place of residence and normal place of duty”, substitute “residence in their housing benefit location and primary service location”. |
| 240 | Subsection 9.6.18.b |
|  | Omit “normal place of duty”, substitute “primary service location”. |
| 241 | Subsection 9.6.19.1 |
|  | Omit “normal place of residence and their normal place of duty”, substitute “residence in their housing benefit location and their primary service location”. |
| 242 | Section 9.6.20 |
|  | Omit “normal place of duty” wherever occurring, substitute “primary service location”. |
| 243 | Paragraph 9.6.21.a |
|  | Omit “posting location”, substitute “housing benefit location”. |
| 244 | Subparagraph 9.6.28.b.i |
|  | Omit “dependants”, substitute “resident family, recognised other persons” |
| 245 | Subparagraph 9.7.1.1.b |
|  | After “posting”, insert “, commencing an approved alternate located work agreement”. |

Schedule 8—Chapters 10 and 11

Defence Determination 2016/19, Conditions of service

|  |  |
| --- | --- |
| 1 | Subparagraph 10.2.3.1.b.ii |
|  | Omit “posting location”, substitute “primary service location”. |
| 2 | Paragraph 11.2.4A.1.a |
|  | Omit “section 1.3.81”, substitute “section 1.3.35”. |
| 3 | Paragraph 11.2.4A.1.a (note) |
|  | Repeal the note. |
| 4 | Section 11.2.6  |
|  | Repeal the section, substitute: |

##### 11.2.6    Damages or compensation recovered or received for the benefit of a member’s resident family

|  |  |
| --- | --- |
| 1. | A reference in this Division to SIA, ADB, compensation or damages paid or payable to a member’s resident family includes a reference to SIA, ADB, compensation or damages paid or payable to a person other than the member’s resident family for the benefit of the resident family. |
| 2. | A reference in this Division to compensation or damages received or recovered by a member’s resident family includes a reference to compensation or damages received or recovered by a person other than the resident family for the benefit of the resident family. |
| 5 | Paragraph 11.2.14.1.c |
|  | Omit “or a dependant”, substitute “or their resident family”. |
| 6 | Subsection 11.2.14.2 |
|  | Omit “dependant” wherever occurring, substitute “their resident family”. |
| 7 | Section 11.2.15 |
|  | Repeal the section, substitute: |

##### 11.2.15    SIA or ADB not payable if damages are recovered

|  |  |
| --- | --- |
| 1. | This section applies if both these conditions are met. |
|  | a.  | But for this section, SIA or ADB would be payable to a member or their resident family in respect of an injury suffered by the member. |
|  | b.  | The member or their resident family recovered, or recovers, damages in respect of the injury. |
| 2. | If the member or their resident family recovers damages on or after 9 February 1998, the member or their resident family, as the case requires, must notify the Secretary in writing, within 28 days after the day the damages are recovered, of the recovery of the damages and the amount of damages. |
| 3. | If SIA or ADB was paid to the member or their resident family before the damages are recovered, the member or their resident family, as the case requires, must repay an amount equal to the amount (if any) of SIA or ADB that, when added to the amount of SRC compensation (if any) paid to the member or their resident family, does not exceed the amount of the damages. |
| 4. | SIA or ADB is not payable to the member or their resident family after the day the member or their resident family recovered, or recovers, the damages. |
| 5. | Subsection 3 does not apply if the damages were recovered in proceedings instituted by the member under section 45 of the SRC Act, or by way of a settlement of the proceedings. |
| 6. | Subsection 4 does not apply if the damages were recovered in any of these ways. |
|  | a.  | As a result of proceedings begun by the member after making an election under section 45 of the SRC Act. |
|  | b.  | As a result of proceedings begun or taken over by the Commonwealth against a person (other than the Commonwealth, a Commonwealth authority or an employee of the Commonwealth). |
|  | c. | In a settlement of those proceedings. |
| 7. | If a member or their resident family satisfies the Secretary that a part of the damages recovered by the member or their resident family was not in respect of death, permanent impairment or non-economic loss as a result of the injury, this section has effect in relation to that member or their resident family, as the case requires, as if the amount of the damages recovered by the member or their resident family were an amount equal to so much (if any) of the damages as was in respect of death, permanent impairment or non-economic loss as a result of the injury. |
| 8. | In this section, damages does not include an amount of damages paid under section 76 of the *Veterans’ Entitlements Act 1986*. |
| 8 | Section 11.2.16 |
|  | Omit “dependant” wherever occurring, substitute “their resident family”. |
| 9 | Section 11.2.17 |
|  | Omit “dependant” wherever occurring, substitute “their resident family”. |
| 10 | Section 11.2.18 |
|  | Omit “dependant” wherever occurring, substitute “their resident family”. |
| 11 | Subsection 11.2.22.2 |
|  | Omit “dependants”, substitute “resident family”. |
| 12 | Subsection 11.3.3.1 (note) |
|  | Repeal the note. |
| 13 | Section 11.4.1 |
|  | Repeal the section, substitute: |

##### 11.4.1    Purpose

|  |  |
| --- | --- |
|  | The purpose of this Part is to provide assistance to a member, former member or their resident family when a death occurs. |
| 14 | Section 11.4.3 |
|  | Repeal the section, substitute: |

##### 11.4.2    Dual entitlement

|  |  |
| --- | --- |
|  | If a deceased member was also recognised as a member’s resident family, the conditions and benefits set out in Division 1 apply.  |
| 15 | Section 11.4.5 |
|  | Omit “dependant”, substitute “resident family”. |
| 16 | Paragraph 11.4.9.4.a |
|  | Omit “dependant”, substitute “resident family”. |
| 17 | Section 11.4.10A (definition of beneficiary) |
|  | Omit “A dependant”, substitute “Resident family”. |
| 18 | Paragraph 11.4.11.1A.a |
|  | Omit “A dependant”, substitute “Resident family”. |
| 19 | Paragraph 11.4.11.1A.b |
|  | Repeal the paragraph, substitute: |
|  | b.  | A person accompanying the resident family if the resident family is very young, aged, have an illness or are severely distressed. |
| 20 | Chapter 11 Part 4 Division 2 |
|  | Repeal the Division, substitute: |

#### Division 2: Assistance on death of resident family in Australia

##### 11.4.13    Purpose

|  |  |
| --- | --- |
|  | The purpose of this Division is to provide financial assistance to a member when a person recognised as resident family dies. |

##### 11.4.14    Member this Division applies to

|  |  |
| --- | --- |
|  | This Division applies to a member if all of the following conditions apply. |
|  | a.  | The member has resident family. |
|  | b.  | A person who is recognised as resident family of the member dies in Australia. |
|  | c.  | The person under paragraph b is not in the location where the funeral is to take place. |

##### 11.4.15    Assistance provided when resident family dies

|  |  |
| --- | --- |
| 1. | The Director General Defence Member and Family Support may approve assistance with the following costs. |
|  | a.  | The reasonable cost of the preparation of the deceased person’s remains. |
|  | b.  | Reasonable transport costs of the deceased to either of the following locations. |
|  |  | i. | To the location in Australia where the funeral will be held. |
|  |  | ii. | To the nearest Australian departure point when the funeral will be held outside of Australia. |
| 2. | Despite subparagraph 1.b.ii, no transport costs are paid if the deceased person is at the Australian departure point. |
| 3. | The member may elect that the assistance under this section be paid to any of the following people. |
|  | a.  | The deceased person's legal personal representative. |
|  | b.  | The service provider. |
|  | c.  | The person who paid for the preparation or transportation of the deceased person. |