

EXPLANATORY STATEMENT

Defence Determination, Conditions of service (Living-in accommodation, housing contributions and allowances, and disturbance allowances) Determination (No. 7) 2025

This Determination amends Defence Determination 2016/19, Conditions of service (the Principal Determination), made under section 58B of the *Defence Act 1903* (Defence Act) and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (AI Act).

Determinations made under section 58B of the Defence Act are disallowable legislative instruments subject to the *Legislation Act 2003* (Legislation Act). These instruments are also subject to the interpretation principles in the AI Act.

This Determination amends the Principal Determination which provides benefits for members of the Australian Defence Force (ADF) and their families as part of the member's conditions of service. The Principal Determination provides a range of benefits that recognise the unique nature of military service and the obligations and limitations that military service places on members and their families. Members undertake service in both the domestic and overseas environments, including on deployments. Specific benefits are provided for each environment.

Purpose

The purpose of this Determination is to do the following:

- Amend the rates of contribution that members must make for their living-in accommodation. Living-in accommodation is a type of military accommodation that is provided for some single members, or members who do not have their families with them.
- Implement the annual review of allowances that members may receive for, and the contributions they are required to make towards, the cost of their accommodation, meals and utilities.
- Amend the rate of disturbance allowance provided to eligible members and to the additional payment resulting from their child changing schools following a removal.

Operational details

Details of the operation of the Determination are provided at annex A.

Human rights compatibility

The statement of compatibility under subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* for this Determination is at annex B.

Review options

Decisions that are made under the Principal Determination, as amended by this Determination, may be subject to inquiry under the ADF redress of grievance system provided under Part 7 of the *Defence Regulation 2016*. Also, a person may make a complaint to the Defence Force Ombudsman.

Consultation

Before this Determination was made consultation was undertaken with Defence Finance Group, Security and Estate Group and Defence Housing Australia. Further consultation is not considered necessary in the annual housing and associated rates adjustment. This is a routine change to housing contributions and allowances.

Approved by:

Sarah Kate McGregor
Acting Director General
People Policy and Employment Conditions

Authority:

Section 58B of the
Defence Act 1903

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Operational details

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

Section 2 provides that the Determination commences on 17 July 2025.

Section 3 provides that this instrument has authority under section 58B of the Defence Act.

Section 4 provides that 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—Living-in accommodation – amendments

Item 1 repeals and substitutes subsection 7.4.27.2 of the Principal Determination which provides the contribution a member must pay towards their living-in accommodation. The contribution rates have been increased by 6.7% following the increase in the rents sub-component of the Consumer Price Index over the 12-month period September 2023 to September 2024.

Item 2 amends subsection 7.4.29.2 of the Principal Determination which provides the rental contribution a member must make towards a single bedroom apartment accommodation in Homebush or North Strathfield. The fortnightly contribution is increased from \$295.33 to \$315.12 after a 6.7% increase in the rents sub-component of the Consumer Price Index over the 12-month period September 2023 to September 2024.

Items 3 and 4 amend subsection 7.4.48.2 of the Principal Determination which provides food allowance for seagoing members in temporary accommodation ashore. The daily food allowance rates reflect a 3.3% increase in the food and non-alcoholic beverages component of the Consumer Price Index over the 12-month period September 2023 to September 2024.

Item 5 repeals and substitutes Annex 7.4.B of the Principal Determination which sets out a schedule of living-in accommodation contribution rates for members. The contribution rates have increased by 6.7% following the increase in the rents sub-component of the Consumer Price Index over the 12-month period September 2023 to September 2024.

Item 6 repeals and substitutes the table under subsection 7.9.5.3 of the Principal Determination which provides the amount a member who is not on leave without pay must contribute towards breakfast, lunch and dinner when they eat in a mess on a casual basis, and do not pay the fortnightly meal contribution. The rates have been increased by 9.5%.

Items 7 and 8 amend section 7.9.7 of the Principal Determination which provides the fortnightly meal charge rate when eating in a mess. The rates for the fortnightly meal charge have increased from \$220.50 to \$241.50 and the daily reduction of the fortnightly meal charge has increased from \$15.75 to \$17.25 after a 9.5% increase.

Item 9 amends subsection 7.10.9.1 of the Principal Determination which provides the fortnightly contribution a member who occupies living-in accommodation must pay towards the cost of utilities. The fortnightly contribution has decreased from \$53.66 to \$49.58 after a 7.6% decrease.

Schedule 2—Housing contributions and allowances – amendments

Item 1 amends table item 1 of section 7.5.29 of the Principal Determination which provides the fortnightly contribution for accommodation, meals and utilities made by a member occupying temporary accommodation. The contribution rate for utilities has decreased from \$124.98 to \$115.48 after a 7.6% decrease.

Item 2 amends subparagraph 7.10.4.1.b.i of the Principal Determination which provides the fortnightly amount an eligible member may be reimbursed for the cost of utilities. The rate has decreased from \$86.64 to \$80.06 after a 7.6% decrease.

Item 3 amends subsection 7.10.7.2 of the Principal Determination which provides the fortnightly contribution a member living in a Service residence makes towards the cost of water. The rate has increased from \$19.74 to \$21.66 after a 9.7% increase.

Item 4 amends subsection 7.10.8.2 of the Principal Determination which provides the fortnightly contribution a member must make toward energy costs while they are living in a specified tied (tied to an appointment) or Service residence at Royal Military College, Duntroon and Anglesea Barracks, Hobart. The rate has decreased from \$166.26 to \$153.62 after a 7.6% decrease.

Item 5 repeals and substitutes Annex 7.A of the Principal Determination which provides the contribution a member must make towards the cost of occupying a Service residence or rent band choice accommodation. The contribution rates have been increased by 9%.

- Part 1 of Annex 7.A sets out the contribution for a member with accompanied resident family and no unaccompanied resident family.
- Part 2 of Annex 7.A sets out the contribution for a member who chooses a property above the standard eligibility provided for members in their rank group.
- Part 3 of Annex 7.A sets out the contribution for a member with no resident family or recognised other persons and is not sharing.
- Part 4 of Annex 7.A sets out the contribution for a member with no resident family or recognised other persons and is sharing.

Item 6 repeals and substitutes Annex 7.D of the Principal Determination which provides the contribution a member must make towards the cost of rent if they receive rent allowance. The contribution rates have been increased by a rate of 9%.

- Part 1 of Annex 7.D sets out the contribution for a member with resident family and recognised other persons.
- Part 2 of Annex 7.D sets out the contribution for a member without resident family and recognised other persons.

Item 7 repeals and substitutes Annex 7.E of the Principal Determination which provides rent ceilings used to calculate rent allowance entitlements for members. The rent ceilings are adjusted in line with the market rent paid by Defence for Service residences in various locations. The Annex consists of the following Parts.

- Part 1.1 sets out the rent ceiling rate for a member who has accompanied resident family and no unaccompanied resident family in a 3-bedroom home.
- Part 1.2 sets out the rent ceiling rate for a member who has accompanied resident family and no unaccompanied resident family who chooses a 2-bedroom rent ceiling.
- Part 2.1 sets out the rent ceiling rates for a member who lives alone.
- Part 2.2 sets out the rent ceiling rates for a member who shares with 1 other person.
- Part 2.3 sets out the rent ceiling rates for a member who shares with 2 other people.
- Part 2.4 sets out the rent ceiling rates for a member who shares with 3 other people.

Item 8 repeals and substitutes Annex 7.F of the Principal Determination which provides the fortnightly rate of contribution a member must make toward their food costs when they are receiving temporary accommodation allowance. The rates have been increased by a rate of 3.3%. The Annex has also been amended to remove salary levels that were below 50,000 per year, which are below the minimum salary payable to a member, to contemporise the rates provided in the Annex.

Schedule 3—Disturbance allowances – amendments

Items 1 and 2 repeal and substitute the tables under subsection 6.1.6 of the Principal Determination which sets out the rates of disturbance allowance that may be payable to members. The rates of disturbance allowance have been increased in line with the annual movement in the Consumer Price Index group to the end of the September 2024 quarter.

Item 3 amends section 6.1.12 of the Principal Determination which provides a payment of an amount to a member when their child is a full-time primary or secondary student and is required to change schools because of a removal. Subsection 6.1.12.1 has been amended to increase the rate of the payment to the member from \$280 for each child to \$288. This adjustment reflects the annual movement in the relevant Consumer Price Index group to the end of the September 2024 quarter.

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Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Overview of the Determination

The purpose of this Determination is to do the following:

- Amend the rates of contribution that members must make for their living-in accommodation. Living-in accommodation is a type of military accommodation that is provided for some single members, or members who do not have their families with them.
- Implement the annual review of allowances that members may receive for, and the contributions they are required to make towards, the cost of their accommodation, meals and utilities.
- Amend the rate of disturbance allowance provided to eligible members and to the additional payment resulting from their child changing schools following a removal.

Human rights implications

Right to an adequate standard of living

The protection of a person's right to an adequate standard of living engages Article 11 of the International Covenant on Economic, Social and Cultural Rights. Article 11 recognises the right of everyone to an adequate standard of living for them and their family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

Right of a child to an adequate standard of living

The recognition of the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development engages Article 27 of the Convention on the Rights of a Child. Article 27 states Parties shall take appropriate action to assist parents and others responsible for a child, to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Right of the child to education

The protection of a child's right to education engages Article 28 of the Convention on the Rights of a Child. Article 28 requires States to provide access to different types of education.

Assessment of compatibility

Schedules 1 and 2 of this Determination are compatible with human rights as they provide assistance with the cost of housing and housing related allowances for members and their family. The increase in contribution rates payable by members for accommodation is in line with increases in the national rental market and average rent for Defence Housing Australia managed properties.

Schedule 3 of this Determination is compatible with human rights as it increases rates of disturbance allowance payable to members as a result of a removal. The rate of an additional payment that is provided as a result of a child changing schools following a removal has also been increased. The annual adjustments are made to ensure that the rates of allowances remain current.

Conclusion

This Determination is compatible with human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.