

# DEFENCE FORCE REMUNERATION TRIBUNAL

## DETERMINATION NO. 14 OF 2001

### SUBMARINE SERVICE ALLOWANCE, SEAGOING ALLOWANCE AND HARD LYING ALLOWANCE – AMENDMENT

The Defence Force Remuneration Tribunal makes the following Determination under section 58H of the *Defence Act 1903*:

#### PART A - Preliminary

##### Commencement

1. This Determination commences on 16 August 2001.

#### PART B – Amendment of Determination No. 9 of 1995

##### Amendment

2. Determination No. 9 of 1995, Submarine Service Allowance, as amended, is amended as set out in this Part.

##### Clause 2 (Definitions)

3. Omit:

“cumulative sea service’, ‘Fleet Supply Team’, ‘seagoing ship’ and ‘Sea Training Group’ have the same meanings as in Determination No 1 of 1996, Seagoing Allowance.”,

Substitute:

“cumulative sea service’, ‘sea day’ and ‘seagoing ship’ have the same meanings as in Determination No 1 of 1996, Seagoing Allowance.

##### Clause 4 (Application)

4. Substitute:

“4. This Determination applies to a member who is entitled to salary and:

- (a) is posted to a seagoing submarine; or
- (b) is posted to a shore establishment for service in a seagoing submarine; or
- (c) is posted as a member of the submarine Sea Training Group, if the CDF is satisfied that the member is liable to undertake at least 100 sea days a year; or

- (d) is available for posting, but not posted to a seagoing submarine and posted to a position in the Submarine Arm; or
- (e) is classified as permanently medically unfit for submarine sea service but posted to a position in the Submarine Arm; or
- (f) is undertaking training to become a qualified submariner.”.

**Clause 5 (Seagoing Rate)**

5. Substitute:

**Submarine Service Allowance (Qualification and Skill)**

“5. A qualified submariner to whom any of paragraphs (a) to (e) of clause 4 applies in relation to a seagoing submarine is entitled to Submarine Service Allowance (Qualification and Skill) at the rate of \$7,000 a year.”.

**Clause 6 (Shore Rate)**

6. Substitute:

**Submarine Service Allowance (Disability)**

“6.1 If a member is posted to a seagoing submarine, the member is entitled to Submarine Service Allowance (Disability) at the rate mentioned in:

- (a) for a member who is undertaking a period of training to become a qualified submariner — subclause 6.2; and
- (b) otherwise — column 2 of the table opposite the member’s period of cumulative sea service.

<b>Column 1</b>	<b>Column 2</b>
<b>Period of cumulative sea service</b>	<b>Seagoing submarine \$ a year</b>
Completed less than 3 years	11,625
Completed 3 but less than 6 years	16,217
Completed 6 but less than 11 years	19,460
Completed 11 or more years	21,447

“6.2 For paragraph 6.1(a), the trainee is entitled until the end of the period of training to Submarine Service Allowance (Disability) at a rate equal to the greater of:

- (a) the minimum rate that would be payable under paragraph 6.1(b); or
- (b) the rate of Seagoing Allowance (if any) to which the member was entitled immediately before the beginning of the period of training.”.

### **Clause 7 (Trainees)**

7. Omit the clause.

### **Clause 8 (Allowance payable in certain circumstances)**

8. Subclause 8.1:

Omit “the shore rate of Submarine Service Allowance”, substitute “Submarine Service Allowance (Qualification and Skill)”.

### **Clause 9 (Allowance not payable)**

- 9.1 Subclause 9.2:

Omit “the seagoing rate of Submarine Service Allowance”, substitute “Submarine Service Allowance (Disability)”.

- 9.2 Subclause 9.3:

Omit “the shore rate of Submarine Service Allowance”, substitute “Submarine Service Allowance (Qualification and Skill)”.

- 9.3 Subclause 9.4:

Omit “the seagoing rate or the trainee rate of Submarine Service Allowance”, substitute “Submarine Service Allowance (Disability)”.

### **Clause 10 (Reserve Members)**

- 10.1 Omit “the shore rate or seagoing rate, as appropriate, of Submarine Service Allowance”,

Substitute “Submarine Service Allowance (Qualification and Skill)”.

- 10.2 Add at the end:

“Note: If a member of the Reserve Forces performs duty on a seagoing submarine while rendering reserve service, Hard Lying Allowance may be payable if the conditions set out in Determination No. 10 of 1996, Hard Lying Allowance, are satisfied.”.

## **PART C – Amendment of Determination No. 1 of 1996**

### **Amendment**

11. Determination No. 1 of 1996, Seagoing Allowance, as amended, is amended as set out in this Part.

## **Clause 2 (Definitions)**

12. Substitute:

“2. In this Determination:

‘sea day’ means a period of 24 hours beginning at midnight, during which a seagoing ship or seagoing submarine:

- (a) is under way for a period or periods totalling at least 8 hours; or
- (b) for the purpose of conducting a specific activity, is at anchor or secured to a mooring in a manner that does not allow direct pedestrian access to the shore.

‘seagoing ship’ means:

- (a) a ship in commission in the service of the Royal Australian Navy; or
- (b) a ship or other vessel approved by the Chief of the Defence Force for the purposes of this Determination, being a ship under the direction of the Commonwealth or a foreign government;

‘seagoing submarine’ has the same meaning as in Determination No 9 of 1995, Submarine Service Allowance.

### **Cumulative sea service**

“2A.1 In this Determination, a reference to a year of cumulative sea service, for a member, is a reference to each cumulative period of:

- (a) for a member who is or has been entitled to Seagoing Allowance, Hard Lying Allowance or the seagoing rate or disability element of Submarine Service Allowance — 365 days on which the member is or has been entitled to that allowance; or
- (b) for a member of the Sea Training Group to whom paragraph 3A.1(d) does not apply, or a member of the Fleet Supply Team — 100 sea days completed by the member.

“2A.2 If a member has rendered naval sea service in another Defence Force, this service may be deemed to be service with the ADF at the discretion of the Chief of the Defence Force.”.

**Clause 3A (Inclusion of previous naval sea service in cumulative sea service)**

13. Substitute:

**Application**

“3A.1 This Determination applies to a member who is entitled to salary and:

- (a) is posted to a seagoing ship; or
- (b) is posted to a shore establishment for service in a seagoing ship; or
- (c) is posted as the Commodore Flotillas; or
- (d) is posted as a member of the Sea Training Group, if the CDF is satisfied that the member is liable to undertake at least 100 sea days a year.

“3A.2 Paragraph 3A.1(b) does not apply to the Maritime Commander or a member of the Maritime Commander’s staff.”.

**Clause 4 (Seagoing Allowance)**

14. Substitute:

“4. A member to whom clause 3A applies is entitled to Seagoing Allowance at the rate mentioned in column 2 of the table opposite the member’s period of cumulative sea service.

**TABLE**

<b>Column 1</b> <b>Period of cumulative sea service</b>	<b>Column 2</b> <b>Seagoing ship</b> <b>\$ a year</b>
Completed less than 3 years	7,750
Completed 3 but less than 6 years	12,013
Completed 6 but less than 11 years	16,217
Completed 11 or more years	18,649

**Clause 5 (Allowance not payable)**

15.1 Subclause 5.1:

Omit the subclause.

15.2 Paragraph 5.2(b):

Substitute:

“(b) Submarine Service Allowance (Disability);”.

**PART D – Amendment of Determination No. 10 of 1996**

**Amendment**

16. Determination No. 10 of 1996, Hard Lying Allowance, as amended, is amended as set out in this Part.

**Clause 3 (Hard Lying Allowance)**

17. Tables 1 and 2:

Substitute:

**TABLE 1 – Member on a seagoing ship**

<b>Column 1</b>	<b>Column 2</b>
<b>Cumulative sea service</b>	<b>\$ a day</b>
Completed less than 3 years	21.23
Completed 3 but less than 6 years	32.91
Completed 6 but less than 11 years	44.43
Completed 11 or more years	51.09

**TABLE 2 – Member on a seagoing submarine**

<b>Column 1</b>	<b>Column 2</b>
<b>Cumulative sea service</b>	<b>\$ a day</b>
Completed less than 3 years	31.85
Completed 3 but less than 6 years	44.43
Completed 6 but less than 11 years	53.32
Completed 11 or more years	58.76

**PART E – Transitional**

**Trainee rate of former Submarine Service Allowance**

18.1 In this clause:

“commencement day” means the day on which this Determination commences.

“Principal Determination” means Determination No. 9 of 1995, Submarine Service Allowance.

“trainee rate” means the trainee rate of Submarine Service Allowance payable under clause 7 of the Principal Determination, as in force immediately before the commencement day.

18.2 This clause applies to a member who, on the day immediately before the commencement day, was entitled to the trainee rate.

18.3 Until the end of the member’s period of training to become a qualified submariner, the member is entitled to the trainee rate as if the Principal Determination had not been amended by this Determination.

Dated third day of September 2001

His Honour Judge F K Cawthorne  
President

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Air Vice Marshal F D Cox AO (Retd)  
Member

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