

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO. 11 OF 2002

SPECIAL ACTION FORCES ALLOWANCE

The Defence Force Remuneration Tribunal, having inquired into special action forces allowance, makes the following determination under section 58H of the *Defence Act 1903*:

Commencement

1. This Determination is to be taken to have commenced on 9 May 2002.

Definitions

2. In this Determination:

“2nd TAG” means the 2nd Tactical Assault Group (counter-terrorist company) of 4RAR;

“4RAR” means the 4th Battalion, Royal Australian Regiment;

“CDF” means the Chief of the Defence Force, and includes a reference to another person that the CDF authorises for the purpose of the provision in which the reference occurs;

“designated Special Forces position” means:

- (a) a position in the SASR designated by the CDF as a Special Forces position;
or
- (b) another position outside the SASR designated by the CDF as a Special Forces position;

“designated specialist operations position” means:

- (a) a position in 4RAR designated by the CDF as a Special Forces position; or
- (b) another position outside 4RAR designated by the CDF as a Special Forces position;

“member of 152 Signals Squadron” means a member of 152 Signals Squadron who:

- (a) is posted to the SASR;
- (b) is not a qualified Special Forces member; and
- (c) has successfully completed the Special Forces signals course;

“qualified commando” means a member who is performing duty in a designated specialist operations position and who:

- (a) for an officer — holds the qualifications required to be held by a qualified commando in the Defence Force; or
- (b) for any other member — has successfully completed the training required to occupy the employment category of Commando Grade 2 in 4RAR, and any additional Special Forces training designated by the CDF;

“qualified Special Forces member” means a member who:

- (a) has successfully completed the SASR Selection Course and any additional Special Forces training designated by the CDF; and
- (b) has 1 year’s service in an operational SASR Sabre Squadron or 2 years’ service in the SASR since the member completed the SASR Selection Course (whichever occurs first);

“SASR” means the Special Air Service Regiment;

“support member” means a member who:

- (a) is required to perform duty as on-line support for SASR activities; and
- (b) is on continuous short notice to move;

“trainee Special Forces member” means a member who:

- (a) has successfully completed the SASR Selection Course and any additional Special Forces training designated by the CDF;
- (b) has not completed the period of service required of a qualified Special Forces member; and
- (c) is performing continuous full-time service in a designated Special Forces position.

Special action forces allowance – general provisions

3.1 If more than one status applies to a member for a period under column 2 of the Schedule, the member’s status is the one that produces the greatest entitlement to special action forces allowance for the period.

3.2 In spite of any other provision of this Determination, a member is not entitled to special action forces allowance (qualification and skill) if the member:

- (a) does not have a continuing liability for service in a designated Special Forces position in the SASR; or
- (b) is classified as permanently medically unfit for service in the Special Forces.

3.3 Except as provided in clause 6, a member to whom this Determination applies is not entitled to any allowance under Determination No. 12 of 2002, Specialist Operations Allowance.

Special action forces allowance – member in SASR or related unit

4.1 This clause applies to a member who performs continuous full-time service in a designated Special Forces position in the SASR or 2nd TAG.

4.2 The member is entitled to special action forces allowance at the sum of the rates mentioned in columns 3 and 4 of the Schedule for the member's status.

4.3 If a member is deployed, detached or posted from the member's unit to another designated Special Forces position for a period on exercise, operations, or related activities, either within Australia or overseas:

- (a) special action forces allowance continues to be payable for the period as if the member had not been deployed, detached or posted; and
- (b) a trainee Special Forces member is entitled to special action forces allowance for the period as if the member were a qualified Special Forces member.

Qualified Special Forces member in SASR but not in designated Special Forces position

5.1 This clause applies to a qualified Special Forces member performing continuous full-time service in the SASR, but not in a designated Special Forces position.

5.2 Continuation of the member's entitlement to special action forces allowance (qualification and skill) is subject to the conditions set out in clause 9.

5.3 If the member undertakes training (other than in a classroom environment) of members of the SASR or participates in designated Special Forces exercises, operations or related activities, the member is entitled to special action forces allowance (disability) for each day or part of a day of such duty at the daily rate worked out from item 2, column 4 of the Schedule.

Qualified member in designated Special Forces position not in SASR or related unit

6.1 This clause applies to a qualified Special Forces member who occupies a designated Special Forces position not in the SASR or 2nd TAG.

6.2 The member is entitled to special action forces allowance (qualification and skill) at the rate mentioned in item 2, column 3 of the Schedule.

6.3 The member is entitled to a disability allowance as follows:

- (a) if the member is performing duty as a qualified commando — specialist operations allowance (disability) at the annual rate mentioned in item 3, column 4 of the Schedule to Determination No. 12 of 2002, Specialist Operations Allowance; or

- (b) if the member is engaged in training of other Special Forces personnel (other than in a classroom environment), or is deployed or detached on a Special Forces exercise, operation or related activity designated by the CDF for the purpose of this clause — a disability allowance for each day or part of a day of such duty at the daily rate worked out from the relevant item in column 2 of the following table:

Type of duty	Disability allowance for each day or part of a day
Training of members of SASR or 2nd TAG	Special action forces allowance (disability) worked out from item 2, column 4 of the Schedule
Deployed or detached on a Special Forces exercise, operation or related activity	Special action forces allowance (disability) worked out from item 2, column 4 of the Schedule
Training of commandos	Specialist operations allowance (disability) worked out from item 3, column 4 of the Schedule to Determination No. 12 of 2002, Specialist Operations Allowance

Special action forces allowance – support member

7. A support member performing continuous full-time service is entitled to:
- (a) special action forces allowance (qualification and skill) at the rate (if any) that would otherwise apply to the member under column 3 of the Schedule; and
 - (b) special action forces allowance (disability) at the rate mentioned in item 3, column 4 of the Schedule.

Special action forces allowance – member of the Reserve Forces

8.1 A qualified Special Forces member performing reserve service in the Reserve Forces is entitled to special action forces allowance for each day or part of a day on which the member undertakes training of members of the SASR or 2nd TAG, or participates in designated Special Forces exercises, operations or related activities.

8.2 A member to whom this clause applies who undertakes training in a classroom environment, or a staff function related to such training, for a period is not entitled to special action forces allowance (disability) for that period.

Allowance payable after completion of certain service

9.1 This clause applies to a member who ceases to occupy a position for which the member is entitled to special action forces allowance (qualification and skill) under item 2 or 4 of the Schedule.

9.2 The member is entitled, for the period of 3 years beginning on the day on which the member ceases duty in the position, to special action forces allowance (qualification and skill) at the rate mentioned in item 2 or 4 of the Schedule.

9.3 A member is not entitled under this clause during the period if the member:

- (a) is not eligible to undertake further service in:
 - (i) for a member with the rank of Lieutenant Colonel or a higher rank — a designated Special Forces position; and
 - (ii) otherwise — a designated Special Forces position in the SASR or 2nd TAG;
or
- (b) is excluded from service which would qualify for payment of the allowance by reason of incapacity or otherwise.

9.4 If at the end of the period a member is unable to return to a designated Special Forces position in the SASR because of:

- (a) the requirements of the Service;
- (b) an illness or injury to the member; or
- (c) the family obligations of the member,

the CDF may extend the period by a further period that is reasonable in the circumstances.

Special action forces allowance – effect on entitlement to other allowances

10.1 The effect of entitlement to special action forces allowance (disability) on entitlement to other disability allowances determined under section 58H of the *Defence Act 1903* is as provided in column 5 of the Schedule.

10.2 For subclause 10.1, the disability allowances are:

- (a) adventurous training instructor allowance;
- (b) arduous conditions allowance;
- (c) clearance diving allowance (disability);
- (d) diving allowance;
- (e) experimental diving allowance;
- (f) field allowance;
- (g) flight duties allowance;
- (h) flying allowance (disability);
- (i) hard lying allowance;
- (j) paratrooper allowance;

- (k) seagoing allowance;
- (l) specialist operations allowance (disability);
- (m) submarine escape allowance;
- (n) submarine service allowance (disability);
- (o) unpredictable explosives allowance.

Dated fifth September two thousand and two.

His Hon Judge F K Cawthorne
President

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Air Vice Marshal F D Cox AO (Retd)
Member

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Commissioner A J Dangerfield
Member

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SCHEDULE

SPECIAL ACTION FORCES ALLOWANCE – RATES AND CONDITIONS

Column 1 Item	Column 2 Member's status	Column 3 Qualification & skill rate \$	Column 4 Disability rate \$	Column 5 Effect of disability rate on other s.58H disability allowances
1.	Trainee Special Forces member	8,500 a year	15,000 a year	other disability allowances are not payable.
2.	Qualified Special Forces member	15,000 a year	20,000 a year	other disability allowances are not payable.
3.	Support member	As applicable under other items of the Schedule	5,000 a year	other disability allowances may apply if member is eligible.
4.	Member of 152 Signals Squadron	1,500 a year	5,000 a year	other disability allowances may apply if member is eligible.