

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO. 12 OF 2002

SPECIALIST OPERATIONS ALLOWANCE

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

Commencement

1.1 This Determination is to be taken to have commenced on 8 February 2002.

1.2 A member is not entitled to a benefit authorised by a provision of this Determination before the date of effect mentioned for the member's status in clause 10.

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 126 Signals Squadron” means a member who:

- (a) is posted to 4RAR;
- (b) is not a qualified Special Forces member or a qualified commando; and
- (c) has successfully completed the Special Forces signals course.

“qualified 2nd TAG member” means a member who:

- (a) has successfully completed the 2nd TAG counter-terrorist training and any additional Special Forces training designated by the CDF; and
- (b) is performing continuous full-time service and occupies a position in the 2nd TAG with the rank of:
 - (i) for an officer — Major or lower; or
 - (ii) for a member other than an officer — Warrant Officer Class 1 or lower;

“qualified clearance diver” means a member who holds the qualifications required to be held by a clearance diver in the Navy;

“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);

“support member” means a member who:

- (a) is required to perform duty as on-line support for the 2nd TAG; and
- (b) is on continuous short notice to move;

“trainee 2nd TAG member” means a qualified commando or qualified clearance diver who has begun the 2nd TAG counter-terrorist training;

“trainee commando” means a member who is undertaking training to become a qualified commando.

Specialist operations 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 specialist operations allowance for the period.

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

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

3.3 A member to whom this Determination applies is not entitled to any allowance under Determination No. 11 of 2002, Special Action Forces Allowance.

Specialist operations allowance – member in 4RAR

4.1 This clause applies to a member who performs continuous full-time service in a designated specialist operations position in 4RAR.

4.2 The member is entitled to specialist operations allowance at the sum of the rates mentioned in columns 3 and 4 of the Schedule for the member’s status.

4.3 A trainee 2nd TAG member is not entitled to the rate of specialist operations allowance (qualification and skill) mentioned in item 1, column 3 of the Schedule until the member has successfully completed close-quarter battle training.

4.4 If a member is deployed, detached or posted from 4RAR to another designated specialist operations position for a period on exercise, operations, or related activities, either within Australia or overseas:

- (a) specialist operations allowance continues to be payable for the period as if the member had not been deployed, detached or posted;
- (b) a trainee 2nd TAG member is entitled to specialist operations allowance for the period as if the member were a qualified 2nd TAG member; and
- (c) a trainee commando is entitled to specialist operations allowance for the period as if the member were a qualified commando.

Qualified member in designated specialist operations position not in 4RAR

5. Subject to clause 8, a qualified commando who performs continuous full-time service in a designated specialist operations position not in 4RAR is entitled to:

- (a) specialist operations allowance (qualification and skill) at the rate mentioned in item 3, column 3 of the Schedule; and
- (b) if the member is assigned for duty for a period with 4RAR for operations, exercises or training that are designated by the CDF — specialist operations allowance (disability) for the period at the rate mentioned in item 3, column 4 of the Schedule.

Specialist operations allowance – support member

6. A support member performing continuous full-time service is entitled to:

- (a) specialist operations allowance (qualification and skill) at the rate (if any) that would otherwise apply to the member under column 3 of the Schedule; and
- (b) specialist operations allowance (disability) at the rate mentioned in item 5, column 4 of the Schedule.

Specialist operations allowance – member of the Reserve Forces

7.1 This clause applies to a qualified commando performing reserve service in a designated specialist operations position in the Reserve Forces.

7.2 The member is entitled to specialist operations allowance (qualification and skill) at the rate mentioned in item 3, column 3 of the Schedule for each day or part of a day on which the member performs such duty.

7.3 If the member:

- (a) while a member of the Permanent Forces, occupied a designated Special Forces position or a designated specialist operations position; and
- (b) is engaged in training of other Special Forces personnel (other than in a classroom environment),

the member is entitled to 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 the 2nd TAG	Specialist operations 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

Allowance payable after completion of certain service

8.1 This clause applies to a member who ceases to occupy a position for which the member is entitled to specialist operations allowance (qualification and skill) under item 2, 3 or 4 of the Schedule.

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

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

- (a) is entitled to specialist operations allowance or special action forces allowance;
- (b) is not eligible to undertake further service in a designated specialist operations position; or
- (c) is excluded from service which would qualify for payment of the allowance by reason of incapacity or otherwise.

8.4 If at the end of the period a member is unable to return to a designated specialist operations position 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.

Specialist operations allowance – effect on entitlement to other allowances

9.1 The effect of entitlement to specialist operations 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.

9.2 For subclause 9.1, 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) special action forces allowance (disability);
- (m) submarine escape allowance;
- (n) submarine service allowance (disability);
- (o) unpredictable explosives allowance.

Date of effect

10. For subclause 1.2, the date of effect is:

- (a) for a trainee 2nd TAG member, in relation to:
 - (i) specialist operations allowance (qualification and skill) — the day on or after 8 February 2002 on which the member completes close-quarter battle training; and
 - (ii) specialist operations allowance (disability) — 9 May 2002;
- (b) for a qualified 2nd TAG member, in relation to:
 - (i) specialist operations allowance (qualification and skill) — the day on or after 15 March 2002 on which the member becomes a qualified 2nd TAG member; and
 - (ii) specialist operations allowance (disability) — 22 July 2002;
- (c) for a qualified commando — 20 June 2002;
- (d) for a member of 126 Signals Squadron, in relation to:
 - (i) specialist operations allowance (qualification and skill) — 20 June 2002; and
 - (ii) specialist operations allowance (disability) — 22 July 2002; and
- (e) for a support member — 22 July 2002.

Transitional – continuation of specialist operations allowance (disability) at the trainee rate for qualified 2nd TAG member

11.1 This clause applies to a trainee 2nd TAG member who becomes a qualified 2nd TAG member during the period beginning on 15 March 2002 and ending on 21 July 2002.

11.2 Between the date of qualification and 21 July 2002, the member continues to be entitled to specialist operations allowance (disability) at the rate mentioned for a trainee 2nd TAG member in item 1, column 4 of the Schedule.

Dated fifth September two thousand and two.

His Hon Judge F K Cawthorne
President

Air Vice Marshal F D Cox AO (Retd)
Member

Commissioner A J Dangerfield
Member

SCHEDULE

SPECIALIST OPERATIONS 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 2nd TAG member	6,000 a year	15,000 a year	other disability allowances are not payable.
2.	Qualified 2nd TAG member	8,500 a year	20,000 a year	other disability allowances are not payable.
3.	Qualified commando	3,000 a year	8,000 a year	other disability allowances are not payable.
4.	Member of 126 Signals Squadron	1,500 a year	5,000 a year	other disability allowances may apply if member is eligible.
5.	Support member	As applicable under other items of the Schedule	5,000 a year	other disability allowances may apply if member is eligible.