

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO. 20 OF 2002

SPECIALIST OPERATIONS ALLOWANCE - REPEAL AND CONSEQUENTIAL AMENDMENTS

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 the date of signature.

PART B – Amendment of Determination No. 4 of 1992

Amendment

2. Determination No. 4 of 1992, Flight Duties Allowance, as amended, is amended as set out in this Part.

Clause 6 (Allowance not payable)

3.1 Paragraph 6.2 (a):

Omit “item 1 or 2”, substitute “item 1, 2 or 5”.

3.2 Subclause 6.3:

Omit “Determination No. 12 of 2002, Specialist Operations Allowance”, substitute “Determination No. 19 of 2002, Specialist Operations Allowance”.

3.3 Paragraph 6.3 (a):

Omit “item 1, 2 or 3”, substitute “item 1, 2, 3 or 23”.

PART C – Repeal of Determination No. 3 of 1993

Repeal

4. Determination No. 3 of 1993, Unpredictable Explosives Allowance, as amended, is repealed.

PART D – Amendment of Determination No. 9 of 1995

Amendment

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

Clause 9 (Allowance not payable)

6.1 Paragraph 9.2 (a):

Omit “item 1 or 2”, substitute “item 1, 2 or 5”.

6.2 Subclause 9.2A:

Omit “Determination No. 12 of 2002, Specialist Operations Allowance”, substitute “Determination No. 19 of 2002, Specialist Operations Allowance”.

6.3 Paragraph 9.2A (a):

Omit “item 1, 2 or 3”, substitute “item 1, 2, 3 or 23”.

PART E – Amendment of Determination No. 14 of 1995

Amendment

7. Determination No. 14 of 1995, Field Allowance, as amended, is amended as set out in this Part.

Clause 7 (Allowance not payable)

8.1 Paragraph 7.2 (a):

Omit “item 1 or 2”, substitute “item 1, 2 or 5”.

8.2 Subclause 7.3:

Omit “Determination No. 12 of 2002, Specialist Operations Allowance”, substitute “Determination No. 19 of 2002, Specialist Operations Allowance”.

8.3 Paragraph 7.3 (a):

Omit “item 1, 2 or 3”, substitute “item 1, 2, 3 or 23”.

PART F – Amendment of Determination No. 1 of 1996

Amendment

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

Clause 5 (Allowance not payable)

10.1 Paragraph 5.2 (a):

Omit “item 1 or 2”, substitute “item 1, 2 or 5”.

10.2 Subclause 5.3:

Omit “Determination No. 12 of 2002, Specialist Operations Allowance”, substitute “Determination No. 19 of 2002, Specialist Operations Allowance”.

10.3 Paragraph 5.3 (a):

Omit “item 1, 2 or 3”, substitute “item 1, 2, 3 or 23”.

PART G – Amendment of Determination No. 10 of 1996

Amendment

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

Clause 5 (Allowance not payable)

12.1 Paragraph 5.2 (a):

Omit “item 1 or 2”, substitute “item 1, 2 or 5”.

12.2 Subclause 5.3:

Omit “Determination No. 12 of 2002, Specialist Operations Allowance”, substitute “Determination No. 19 of 2002, Specialist Operations Allowance”.

12.3 Paragraph 5.3 (a):

Omit “item 1, 2 or 3”, substitute “item 1, 2, 3 or 23”.

PART H – Amendment of Determination No. 7 of 1997

Amendment

13. Determination No. 7 of 1997, Flying Allowance, as amended, is amended as set out in this Part.

Clause 11 (Allowance not payable)

14.1 Subclause 11.1:

Omit the subclause.

14.2 Paragraph 11.3 (a):

Omit “item 1 or 2”, substitute “item 1, 2 or 5”.

14.3 Subclause 11.4:

Omit “Determination No. 12 of 2002, Specialist Operations Allowance”, substitute “Determination No. 19 of 2002, Specialist Operations Allowance”.

14.4 Paragraph 11.4 (a):

Omit “item 1, 2 or 3”, substitute “item 1, 2, 3 or 23”.

PART I – Amendment of Determination No. 12 of 1997

Amendment

15. Determination No. 12 of 1997, Arduous Conditions Allowance, as amended, is amended as set out in this Part.

Clause 10 (Allowance not payable)

16.1 Paragraph 10.1 (a):

Omit “item 1 or 2”, substitute “item 1, 2 or 5”.

16.2 Subclause 10.2:

Omit “Determination No. 12 of 2002, Specialist Operations Allowance”, substitute “Determination No. 19 of 2002, Specialist Operations Allowance”.

16.3 Paragraph 10.2 (a):

Omit “item 1, 2 or 3”, substitute “item 1, 2, 3 or 23”.

16.4 Subclause 10.3:

Omit the subclause.

PART J – Repeal of Determination No. 5 of 1998

Repeal

17. Determination No. 5 of 1998, Clearance Diving Allowance, as amended, is repealed.

PART K – Amendment of Determination No. 6 of 1998

Amendment

18. Determination No. 6 of 1998, Diving Allowance, as amended, is amended as set out in this Part.

Clause 5 (Allowance not payable)

19.1 Subclause 5.1:

Substitute:

“5.1 A member is not entitled to diving allowance while the member is entitled to submarine escape allowance.”.

19.2 Paragraph 5.2 (a):

Omit “item 1 or 2”, substitute “item 1, 2 or 5”.

19.3 Subclause 5.3:

Omit “Determination No. 12 of 2002, Specialist Operations Allowance”, substitute “Determination No. 19 of 2002, Specialist Operations Allowance”.

19.4 Paragraph 5.3 (a):

Omit “item 1, 2 or 3”, substitute “item 1, 2, 3 or 23”.

PART L – Amendment of Determination No. 20 of 1999

Amendment

20. Determination No. 20 of 1999, Experimental Diving Allowance, as amended, is amended as set out in this Part.

Clause 4 (Allowance not payable)

21.1 Paragraph 4.1 (a):

Omit “item 1 or 2”, substitute “item 1, 2 or 5”.

21.2 Subclause 4.2:

Omit “Determination No. 12 of 2002, Specialist Operations Allowance”, substitute “Determination No. 19 of 2002, Specialist Operations Allowance”.

21.3 Paragraph 4.2 (a):

Omit “item 1, 2 or 3”, substitute “item 1, 2, 3 or 23”.

PART M – Amendment of Determination No. 21 of 1999

Amendment

22. Determination No. 21 of 1999, Submarine Escape Allowance, as amended, is amended as set out in this Part.

Clause 4 (Allowance not payable)

23.1 Paragraph 4.2 (a):

Omit “item 1 or 2”, substitute “item 1, 2 or 5”.

23.2 Subclause 4.3:

Omit “Determination No. 12 of 2002, Specialist Operations Allowance”, substitute “Determination No. 19 of 2002, Specialist Operations Allowance”.

23.3 Paragraph 4.3 (a):

Omit “item 1, 2 or 3”, substitute “item 1, 2, 3 or 23”.

PART N – Amendment of Determination No. 2 of 2001

Amendment

24. Determination No. 2 of 2001, Paratrooper Allowance, as amended, is amended as set out in this Part.

Clause 6 (Allowance not payable)

25.1 Paragraph 6.4 (a):

Omit “item 1 or 2”, substitute “item 1, 2 or 5”.

25.2 Paragraph 6.4 (b):

Add at the end, “, except that the additional allowance for a HAPO descent under clause 5A is not payable”.

25.3 Subclause 6.5:

Omit “Determination No. 12 of 2002, Specialist Operations Allowance”, substitute “Determination No. 19 of 2002, Specialist Operations Allowance”.

25.4 Paragraph 6.5 (a):

Omit “item 1, 2 or 3”, substitute “item 1, 2, 3 or 23”.

25.5 Paragraph 6.5 (b):

Add at the end, “, except that the additional allowance for a HAPO descent under clause 5A is not payable”.

PART O – Amendment of Determination No. 11 of 2002

Amendment

26. Determination No. 11 of 2002, Special Action Forces Allowance, is amended as set out in this Part.

Clause 2 (Definitions)

27. After the definition of “member of 152 Signals Squadron”, insert:

“‘member on designated special duty’ means a member who is posted or assigned for duty for a period on a special operation designated by the CDF, if the CDF is satisfied that the threat level and hazards of the operation are not comprehended in any other allowance, including special action forces allowance (disability), to which the member is or would be entitled for that period;”.

Clause 3 (Special action forces allowance – general provisions)

28. Subclause 3.3:

Omit “Determination No. 12 of 2002, Specialist Operations Allowance”, substitute “Determination No. 19 of 2002, Specialist Operations Allowance”.

Clause 4 (Special action forces allowance – member in SASR or related unit)

29. Subclause 4.3:

Substitute:

“4.3 If a qualified Special Forces member is deployed, detached or posted from the member’s unit to another designated Special Forces position for a period on exercise, operations or other operational activities, either within Australia or overseas, special action forces allowance continues to be payable for the period as if the member had not been deployed, detached or posted.

“4.4 If a trainee Special Forces member is deployed, detached or posted from the SASR to another designated specialist operations position for a period on operations or other operational activities, either within Australia or overseas, the member is entitled to special action forces allowance for the period as if the member were a qualified Special Forces member.”.

Clause 5 (Qualified Special Forces member in SASR but not in designated Special Forces position)

30. Subclause 5.3:

Omit “operations or related activities”, substitute “operations or other operational activities”.

Clause 6 (Qualified member in designated Special Forces position not in SASR or related unit)

31.1 Paragraph 6.3 (a):

Omit “of the Schedule to Determination No. 12 of 2002, Specialist Operations Allowance”, substitute “of Part 1 of the Schedule to Determination No. 19 of 2002, Specialist Operations Allowance”.

31.2 Paragraph 6.3 (b):

Omit “operation or related activity”, substitute “operation or other operational activity”.

31.3 Paragraph 6.3 (b) – Table, item 2, column 1:

Omit “operation or related activity”, substitute “operation or other operational activity”.

31.4 Paragraph 6.3 (b) – Table, item 3:

Substitute:

Training of 4RAR commandos	Specialist operations allowance (disability) worked out from item 3, column 4 of Part 1 of the Schedule to Determination No. 19 of 2002, Specialist Operations Allowance
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Clause 7 (Special action forces allowance – support member)

32.1 Omit “A support member performing continuous full-time service”, substitute “A support member (including a member rendering Reserve service)”.

32.2 Paragraph 7 (b):

Substitute:

“(b) special action forces allowance (disability):

- (i) for a member rendering continuous full-time service — at the rate mentioned in item 3, column 4 of the Schedule; and
- (ii) for a member rendering Reserve service — at the rate mentioned in item 3, column 4 of the Schedule for each day or part of a day on which the member renders such service.”.

Clause 8 (Special action forces allowance – member of the Reserve Forces)

33. Subclause 8.1:

Omit “operations or related activities”, substitute “operations or other operational activities”.

New clause 8A

34. After clause 8, insert:

Special action forces allowance – designated special duty

“8A.1 This clause applies to a member on designated special duty, unless the member is or becomes entitled to any allowance or other entitlement authorised under Part 2, 3, 4 or 5 of Chapter 9 of Defence Determination 2000/1, Conditions of Service.

“8A.2 The member is entitled to special action forces allowance at the daily rate mentioned in item 5, column 4 of the Schedule.

“8A.3 While the member is entitled to special action forces allowance under this clause, the member is not entitled to:

- (a) special action forces allowance (disability) under any other provision of this Determination; or

(b) any other disability allowance mentioned in subclause 10.2.”.

Clause 10 (Special action forces allowance – effect on entitlement to other allowances)

35.1 Paragraph 10.2 (c):
Omit the paragraph.

35.2 Paragraph 10.2 (n):
Omit “(disability);”, substitute “(disability).”.

35.3 Paragraph 10.2 (o):
Omit the paragraph.

Schedule (Special action forces allowance – rates and conditions)

36. Add at the end:

5.	Member on designated special duty	As applicable under other items of the Schedule	150 a day	Other disability allowances are not payable under this Determination or any other s.58H Determination. Entitlement ceases if certain allowances authorised under s.58B are payable (see subclause 8A.1).
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PART P – Repeal of Determination No. 12 of 2002

Repeal

37. Determination No. 12 of 2002, Specialist Operations Allowance, is repealed.

PART Q – Amendment of Determination No. 17 of 2002

Amendment

38. Determination No. 17 of 2002, Cargo Specialist Categories, is amended as set out in this Part.

Clause 5 (Schedule 1 – Part B (Army))

39. Omit “Manager Terminal”, substitute “Manager Terminal Operations”.

PART R – Transitional

Entitlement to additional special action forces allowance

40.1 If Part O of this Determination had applied for the period between 20 June 2002 and the day on which this Determination is signed, and would have resulted in:

- (a) a new entitlement of a member to special action forces allowance for the period;
or
- (b) a member's entitlement to special action forces allowance exceeding the amount of the allowance previously paid for that period,

the member is entitled to special action forces allowance, or additional special action forces allowance, equal to the amount of the entitlement or the excess (as the case requires).

40.2 For all other members, the amount of entitlement for the period is not affected by this clause.

Dated this First day of November two thousand and two.

His Hon Judge F K Cawthorne
President

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Commissioner A J Dangerfield
Member

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