

# **DEFENCE FORCE REMUNERATION TRIBUNAL**

## **DETERMINATION NO. 13 OF 2003**

### **SEAGOING ALLOWANCE AND ARDUOUS CONDITIONS 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 is to be taken to have commenced on 31 July 2003.

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

##### **Amendment**

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

##### **Before clause 1 (Citation)**

3. Insert:

**“PART A – Preliminary”**

##### **Before clause 3A (Application)**

4. Insert:

**“PART B – Seagoing allowance”**

##### **Clause 3A (Application)**

5. Subclause 3A.1:  
Omit “This Determination”, substitute “This Part”.

## **Before clause 7 (Date of effect)**

6. Insert:

### **“PART C – Boarding party element**

#### **Definitions**

“6A. In this Part:

‘boarding operations’ exclude a simulated boarding undertaken during training or exercises;

‘boarding party’ includes a holding or steaming party;

‘day’ means a period of 24 hours beginning at midnight;

‘target vessel’ means a foreign vessel that:

- (a) is being investigated or apprehended during suspected illegal fishing, customs or immigration activities; and
- (b) is boarded in the course of boarding operations.

#### **Member this Part applies to**

“6B.1 This Part applies to a member (including a member of the Reserve Forces) who boards a target vessel as a member of a boarding party.

“6B.2 A member may be entitled to the boarding party element under this Part even if the member is not entitled to seagoing allowance.

#### **Entitlement to boarding party element**

“6C.1 The member is entitled to a boarding party element of \$40 for any day on which the member boards a target vessel.

“6C.2 The member is only entitled to the boarding party element once for any day, regardless of how many times the member boards a target vessel that day.

#### **Allowance not payable**

“6D.1 The member is not entitled to the boarding party element while the member is entitled to:

- (a) deployment allowance;
- (b) special action forces allowance (disability) payable under item 1, 2 or 5 of Determination No. 11 of 2002, Special Action Forces Allowance;
- (c) specialist operations allowance (disability) payable under item 1, 2, 3 or 23 of Determination No. 19 of 2002, Specialist Operations Allowance.

“6D.2 While the member is entitled to the boarding party element, the member is not entitled to arduous conditions allowance.

**“PART D – Commencement”.**

**Clause 7 (Date of effect)**

7.1 Renumber clause 7 as subclause 7.1.

7.2 Subclause 7.1:  
After “This Determination”, insert “(other than Part C)”.

7.3 After subclause 7.1, insert:

“7.2 Part C is to be taken to have commenced on 31 July 2003.”.

**PART C – Amendment of Determination No. 12 of 1997**

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

**Clause 10 (Allowance not payable)**

9. Add at the end:

“10.3 A member is not entitled to arduous conditions allowance for a day on which the member is entitled to the boarding party element of seagoing allowance.”.

Dated this fourteenth day of August two thousand and three.

His Honour Judge F K Cawthorne .....  
President

Air Vice Marshal F D Cox AO (Retd) .....  
Member

Commissioner A J Dangerfield .....  
Member