

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO. 17 OF 2008

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 sixth day of November 2008.

PART B – Amendment of Determination No. 11 of 1994

Amendment

2. Determination No. 11 of 1994, Service Allowance, as amended, is amended as set out in this Part.

Clause 4 (Allowance not Payable)

3. Clause 4:

Substitute:

“4.1 Service Allowance is not payable to a member who:

- (a) holds the rank of Lieutenant Colonel (equivalent) or a higher rank;
- (b) has the classification of Chaplain, Division 3, Division 4 or Division 5;
- (c) is undergoing training in a capacity specified in Part 1 of Schedule B.13 to Determination No. 15 of 2008, Salaries.

4.2 A member will not be paid Service Allowance during any part of a period for which the member is not paid salary.”

PART C – Amendment of Determination No. 14 of 1995

Amendment

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

Clause 7 (Allowance not payable)

- 5.1 Subclause 7.2:

Substitute:

“7.2 Determination No. 4 of 2008, Allowance for Specialist Operations (Column 5 of Schedules 1 and 2) and Determination No. 5 of 2008, Special Forces Disability Allowance (Column 6 of Schedule 1), prescribe whether a member receiving either of those allowances may also be paid Field Allowance.”.

5.2 Subclause 7.3:

Omit.

PART D – Amendment of Determination No. 1 of 1996

Amendment

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

Clause 2 (Definitions)

7. Definition of “seagoing submarine”:

Omit “Determination No 9 of 1995, Submarine Service Allowance.”, substitute “Determination No. 14 of 2008, Submarine Service Allowance.”.

Clause 2A (Cumulative sea service)

8. Paragraph 2A.1(a):

Omit “the seagoing rate or disability element of Submarine Service Allowance”, substitute “Submarine Service Allowance”.

Clause 5 (Allowance not payable)

9.1 Paragraph 5.1(c):

Substitute:

“(c) submarine service allowance.”.

9.2 Subclause 5.2:

Substitute:

“5.2 Determination No. 4 of 2008, Allowance for Specialist Operations (Column 5 of Schedules 1 and 2) and Determination No. 5 of 2008, Special Forces Disability Allowance (Column 6 of Schedule 1), prescribe whether a member receiving either of those allowances may also be paid Seagoing Allowance.”.

9.3 Subclause 5.3:

Omit.

Clause 6D (Allowance not payable)

10.1 Subclause 6D.1:

Substitute:

“6D.1 The member will not be paid the boarding party element while the member is paid deployment allowance.”.

10.2 After subclause 6D.2:

Insert:

“6D.3 Determination No. 4 of 2008, Allowance for Specialist Operations (Column 5 of Schedules 1 and 2) and Determination No. 5 of 2008, Special Forces Disability Allowance (Column 6 of Schedule 1), prescribe whether a member receiving either of those allowances may also be paid the boarding party element of Seagoing Allowance.”.

PART E – 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 2 (Definitions)

12. Definition of “seagoing submarine”:

Substitute:

““seagoing submarine” has the same meaning as in Determination No. 14 of 2008, Submarine Service Allowance.”.

Clause 5 (Allowance not payable)

13.1 Paragraph 5.1(c):

Substitute:

“(c) submarine service allowance; or”.

13.2 Subclause 5.2:

Substitute:

“5.2 Determination No. 4 of 2008, Allowance for Specialist Operations (Column 5 of Schedules 1 and 2) and Determination No. 5 of 2008, Special Forces Disability Allowance (Column 6 of Schedule 1), prescribe whether a member receiving either of those allowances may also be paid Hard Lying Allowance.”.

13.3 Subclause 5.3:

Omit.

PART F – Amendment of Determination No. 12 of 1997

Amendment

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

Clause 4 (Definitions)

15. Definition of “hazardous substance”:

Substitute:

““hazardous substance” means a substance which is included in the List of Designated Hazardous Substances maintained by the Defence Safety Management Agency in the People Strategies and Policy Group;”.

Clause 10 (Allowance not payable)

16.1 Subclause 10.1:

Substitute:

“10.1 Determination No. 4 of 2008, Allowance for Specialist Operations (Column 5 of Schedules 1 and 2) and Determination No. 5 of 2008, Special Forces Disability Allowance (Column 6 of Schedule 1), prescribe whether a member receiving either of those allowances may also be paid Arduous Conditions Allowance.”.

16.2 Subclause 10.2:

Omit.

16.3 Subclause 10.3:

Re-number as subclause 10.2.

PART G – Amendment of Determination No. 6 of 1998

Amendment

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

Clause 10 (Allowance not payable)

18.1 Subclause 5.2:

Substitute:

“5.2 Determination No. 4 of 2008, Allowance for Specialist Operations (Column 5 of Schedules 1 and 2) and Determination No. 5 of 2008, Special Forces Disability Allowance (Column 6 of Schedule 1), prescribe whether a member receiving either of those allowances may also be paid Diving Allowance.”.

18.2 Subclause 5.3:

Omit.

PART H – Amendment of Determination No. 21 of 1999

Amendment

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

Clause 4 (Allowance not payable)

20.1 Paragraph 4.1(c):

Substitute:

“(c) flying allowance.”

20.2 Subclause 4.2:

Substitute:

“4.2 Determination No. 4 of 2008, Allowance for Specialist Operations (Column 5 of Schedules 1 and 2) and Determination No. 5 of 2008, Special Forces Disability Allowance (Column 6 of Schedule 1), prescribe whether a member receiving either of those allowances may also be paid Submarine Escape Allowance.”

20.3 Subclause 4.3:

Omit.

20.4 Subclause 4.4:

Renumber as subclause 4.3.

PART I – Amendment of Determination No. 2 of 2001

Amendment

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

Clause 6 (Allowance not payable)

22.1 Subclause 6.4:

Substitute:

“6.4 Determination No. 4 of 2008, Allowance for Specialist Operations (Column 5 of Schedules 1 and 2) and Determination No. 5 of 2008, Special Forces Disability Allowance (Column 6 of Schedule 1), prescribe whether a member receiving either of those allowances may also be paid Paratrooper Allowance.”

22.2 Subclause 6.5:

Omit.

PART J – Amendment of Determination No. 21 of 2006

Amendment

23. Determination No. 21 of 2006, Separation Allowance, as amended, is amended as set out in this Part.

Clause 4 (Definitions and interpretation)

24.1 Definition of “Special Action Forces allowance”:

Substitute:

Special Forces Disability Allowance	Means an allowance paid under Determination No. 5 of 2008, Special Forces Disability Allowance.
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24.2 Definition of “Specialist operations allowance”:

Substitute:

Allowance for specialist operations	Means an allowance paid under Determination No. 4 of 2008, Allowance for Specialist Operations.
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24.3 Definition of “Submarine service allowance”:

Substitute:

Submarine service allowance	Means an allowance paid under Determination No. 14 of 2008, Submarine Service Allowance.
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Clause 5 (Member eligible for separation allowance)

25. Subclause 5.1, table item 1:

Substitute:

1.	a member with dependants posted to a location where he/she maintains a home for dependants Note: This includes a member categorised as a short-term member with dependants (unaccompanied) under subclause 1.3.81.5 or subclause 1.3.81.7 of Defence Determination 2005/15.	paid any of the following allowances for disability: a. Seagoing allowance; or b. Submarine service allowance; or c. an amount in column 4 of item 1, 2, 3, 4, 5, 7, 9 or 10 of Schedule 1 of Special Forces Disability Allowance	an annual rate of \$725
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PART K – Amendment to Determination No. 4 of 2008

Amendment

26. Determination No. 4 of 2008, Allowance for Specialist Operations, as amended, is amended as set out in this Part.

Clause 4 (Definitions)

27. Definition of “member on designated special duty”:

Substitute:

member on designated special duty	Means a member for whom both of the following conditions are met. a. The member is posted or assigned for duty for a period on a special operation designated by the CDF. b. The CDF is satisfied that the threat level and hazards of the operation are not comprehended in any other allowance, including any special forces disability allowance that is payable to the member for that period.
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Clause 6.2 (Clearance Diver)

28. Subclause 6.2:

Omit “column 3”, substitute “column 3 or column 4”.

Clause 8 (Additional disability for experimental diving)

29. Subclause 8.2, table heading only:

Substitute:

Column 1	Column 2	Column 3	Column 4
Grade	Description of grade	Rate for each dive	Additional rate
		\$	\$

Clause 12 (Member on designated special duty)

30. Subclause 12.2:

Omit “column 3”, substitute “column 4”.

Schedule 2 (Allowances for members whose duties involve unpredictable explosives or designated special duty)

31. Table items 1 and 2:

Substitute:

1.	Member on a continuous roster under paragraph 10.2.a	\$12,249	-	Other disability allowances may apply.
2.	Member on a cyclic roster under clause paragraph 10.2.b	\$6,449	-	Other disability allowances may apply.

PART L – Amendment to Determination No. 5 of 2008

Amendment

32. Determination No. 5 of 2008, Special Forces Disability Allowance, as amended, is amended as set out in this Part.

Clause 10 (Member eligible for two allowance rates)

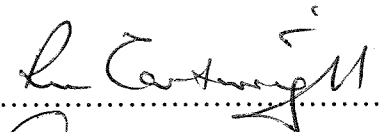

33. Paragraph 10.2(j):

Substitute:

“(j) Subject to subclause 10.1 – Allowance for specialist operations.”

Dated this sixth day of November two thousand and eight.

The Honourable RN Cartwright
President


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Rear Admiral B L Adams, AO (Ret'd)
Member