

# DEFENCE FORCE REMUNERATION TRIBUNAL

## DETERMINATION NO. 6 OF 2009

### AIR TRAFFIC CONTROLLER CAPABILITY ALLOWANCE

The Defence Force Remuneration Tribunal makes the following Determination under section 58H of the *Defence Act 1903*.

#### Commencement

1. This Determination commences on 1 October 2009.

#### Members this Determination applies to

2. A member may be eligible for an allowance under this Determination, for service in an air traffic controller employment category.

#### Purpose

3. This Determination provides a supplement to the salary of members in the air traffic controller employment category for a period of up to two years to meet ADF capability demands.

#### Definitions

4. This table defines the terms used in this Determination:

Term	Definition
Aviation specialist	A member who is placed in the structure set out under DFRT Determination No. 5 of 2009, Officer Aviation Specialist Structure.
Rank	Includes equivalent rank.
DFRT	Defence Force Remuneration Tribunal.

#### Effective Service

5.1 For the purpose of this determination, effective service means service by a member in an air traffic controller employment category that meets all these conditions:

- (a) It is continuous full time service and the member is entitled to pay grade 6, 7 or 8.
- (b) It is paid.

**Exception:** Unpaid leave of less than 21 calendar days.

- (c) It is not counted as a period of ineffective service under clause 5.2.

5.2 This table lists a range of leave types and activities and sets out how a period of leave or activity affects determination of a period of effective service.

Item	Activity	Effect
1.	Part time leave without pay	The paid component counts as effective service.
2.	Leave at full pay. <b>Examples:</b> Recreation leave, full pay long service leave.	The whole period of the leave counts as effective service.
3.	Unpaid leave for less than 21 calendar days. <b>Examples:</b> Leave without pay, maternity leave without pay.	
4.	Unpaid leave for 21 days or more.	This whole period does not count as effective service.
5.	Absence without leave.	
6.	Imprisonment, detention or suspension from duty without pay.	
7.	A period when the member is discharging an undertaking for service under the <i>Military Superannuation and Benefits Act 1991</i> .	
8.	A period when the member is discharging a period of service determined by the Chief of Air Force under the <i>Defence (Personnel) Regulations 2002</i> which a member must complete in relation to initial training or qualification or appointment.	
9.	A period when the member is discharging an undertaking for further service associated with <i>Defence Determination 2008/52, Air Force – Air Traffic Control Retention Bonus Scheme</i> .	
10.	A period after which the member has been issued with a notice of termination of service on disciplinary grounds.	
11.	Leave at half pay. <b>Example:</b> Long service leave at half pay, maternity leave at half pay.	Half the period of leave counts as effective service.

**Member this Determination does not apply to**

6. A member is not eligible for payment under this Determination if prior to the date listed in clause 7 the member:

- (a) has been issued with a notice of termination of Service on disciplinary grounds; or
- (b) discharges from full time service (except in circumstances provided for in clause 11); or
- (c) undertakes a voluntary transfer of employment category.

**Dates for payment**

7. A member is to be paid an amount of allowance if they are in an air traffic controller employment category

- (a) 1 April 2010;
- (b) 1 October 2010;
- (c) 1 April 2011;
- (d) 1 October 2011.

**Amount of allowance**

8. A member in an air traffic controller employment category is entitled to be paid the amount that corresponds to their rank or circumstances under the table if they provide effective service for the six months prior to a payment date listed in clause 7.

<b>Item</b>	<b>A member who is...</b>	<b>is to be paid this amount...</b>
1.	a Flight Lieutenant	\$12,000
2.	a Squadron Leader	\$14,000
3.	a Wing Commander	\$10,000
4.	a Group Captain	\$5,000
5.	an air traffic controller in the aviation specialist stream, for the purpose of Division B.3 of Determination No.15 of 2008, Salaries.	\$7,500

### **Pro-rata payment of allowance**

9. If an eligible member to whom clause 8 refers has not provided effective service for the whole of the six month period, a part of the allowance that corresponds to the portion of the period provided as effective service is payable to the member.

### **Change in Rank or Employment Stream**

10.1 A member may change rank or employment stream during a period of effective service relevant to a payment under this determination.

10.2 If a change in rank or employment stream would change the rate of allowance payable to the member in accordance with clause 8, the member is entitled to a pro rata payment for the period of effective service provided by the member within each rank or employment stream.

### **Early Payment in Certain Circumstances**

11.1 This clause applies if a member does not render the required period of effective service in relation to the payment of an allowance under this determination because the member:

- (a) dies; or
- (b) the CDF considers that the member ceased to be eligible for reasons beyond their control.

11.2 The member (or if the member has died, the members legal representative) is entitled to a pro rata payment for the period of effective service provided by the member.

### **Superannuation**

12.1 To avoid doubt, this allowance is not part of a member's salary.

Dated this eighteenth day of August two thousand and nine.

The Honourable P L Leary  
President

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

