

# DEFENCE FORCE REMUNERATION TRIBUNAL

## DETERMINATION NO. 5 OF 2012

### ALLOWANCE FOR SPECIALIST OPERATIONS – AMENDMENT

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

#### 1 Citation

1. This Determination is DFRT Determination No. 5 of 2012, Allowance for Specialist Operations – Amendment.
2. This Determination may also be cited as DFRT Determination No. 5 of 2012.

#### 2 Commencement

This Determination commences on the date of signature.

#### 3 Amendment

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

#### 4 Clause 4 (Definitions), table

Delete the table in clause 4 in its entirety and insert:

Term	Definition
CDF	Means the Chief of the Defence Force.
clearance diving position	Means a position that is capable of being occupied only by a qualified clearance diver.
clearance diving team	Means either of the following. <ol style="list-style-type: none"><li>a. An ADF clearance diving team.</li><li>b. A similar team that is under the direction of a foreign government, and that is approved by the CDF for the purposes of this Determination.</li></ol>
continuous liability	Means a member is required to be on-call on a daily basis for the period of a posting, deployment or attachment to perform render safe or disposal or search tasks.
decompression illness	Means the illness caused by gases, which have been dissolved under pressure in the bloodstream, returning to their natural state.
deep dive	Means a dive to a depth greater than 54 metres, whether in sea water or in a recompression chamber.
designated specialist operations position	Means a clearance diving position except for a position at a Tactical Assault Group.

high risk search	Means a member's search task and environment that the CDF has decided involves high risk of death or injury from hidden explosive devices, having regard to the search environment or the likelihood of the presence of opposing forces.
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.
non-continuous liability	Means a member is: a. required to perform render safe, disposal or search tasks on an irregular basis; or b. expected to be called upon at short notice to undertake a short period of being on-call on a daily basis.
posting to a position, unit or function	Includes a temporary attachment to, or posting additional to, the position, unit or function.  <b>Exception:</b> A member who is posted additional to a position, unit or function may only be paid the allowance at the daily rate for each day or part of a day on which the member is engaged in operations or other operational activities, exercises, or training of other clearance divers (other than in a classroom environment).
qualified clearance diver	Means a member who holds the qualifications required to be held by a clearance diver in the Navy.
recompression chamber	Means a hyperbaric chamber constructed specifically for the purpose of replicating the pressure found at a given depth of water.
search	Means a search where an unpredictable explosive is reasonably suspected to be present, in a known and stable environment, and in which the member is exposed to a low risk of injury or death.
support member	Means a member who meets both the following conditions. a. The member is required to perform duty as on-line support for a clearance diver team, while not being a qualified diver. b. The member is on continuous short notice to move.

## 5 Clause 10 (Member on unpredictable explosives roster)

Delete clauses 10 to 15 in their entirety and insert:

### “10 Annual rate of allowance – search for unpredictable explosives

1. This clause applies to a member who:
  - a. holds a relevant qualification for searching for unpredictable explosives; and

- b. may be required to engage in search activities for unpredictable explosive devices; and
  - c. has a continuous liability that has arisen as a result of a posting, deployment, or attachment to conduct searches for unpredictable explosive devices.
  - d. is not eligible to be paid any rate under clause 11 or 12.
2. If CDF is satisfied that the member has a continuous liability under paragraph 10.1.c., then for the period of that liability, the annual rate of unpredictable explosives allowance is payable to the member at the rate in item 1 in Schedule 2.

### **11 Annual rate of allowance – high risk search for unpredictable explosives**

1. This clause applies to a member who:
- a. holds a relevant qualification for searching for unpredictable explosives; and
  - b. may be required to engage in high risk search activities for unpredictable explosive devices; and
  - c. has a continuous liability that has arisen as a result of a posting, deployment, or attachment to conduct high risk searches for unpredictable explosive devices.
2. If CDF is satisfied that the member has a continuous liability under paragraph 11.1.c., then for the period of that liability, the annual rate of unpredictable explosives allowance is payable to the member at the annual rate in item 2 in Schedule 2.

### **12 Daily rate of allowance –search for unpredictable explosives**

1. This clause applies to a member who:
- a. holds a relevant qualification for searching for unpredictable explosives; and
  - b. is directed on a day to engage in a search for unpredictable explosive devices; and
  - c. is not eligible to be paid an annual rate of allowance under clause 10.
2. If CDF is satisfied that the member has been directed on a day to engage in a search activity for unpredictable explosive devices, then the member is to be paid the daily rate of unpredictable explosives allowance listed at item 3 in Schedule 2.
3. The member may only be paid an allowance under this clause for up to 40 days in each 12 months of service in the position.

### **13 Annual rate of allowance – rendering safe or disposal of unpredictable explosives**

1. This clause applies to a member who:
- a. holds a relevant qualification for rendering safe or disposal of unpredictable explosives; and

- b. may be required to engage in any of the following activities:
    - i. render safe or disposal of unpredictable explosive devices; or
    - ii. directly assist in the rendering safe or disposal of unpredictable explosive devices; and
  - c. has either of the following liabilities that has arisen as a result of a posting, deployment, or attachment to render safe or disposal of unpredictable explosive devices:
    - i. a continuous liability; or
    - ii. a non-continuous liability.
2. The annual rate of unpredictable explosives allowance at item 4 in Schedule 2 is payable to the member for the period of the liability, if CDF is satisfied that the member has a continuous liability.
3. The annual rate of unpredictable explosives allowance at item 5 in Schedule 2 is payable for the period of the liability, if CDF is satisfied that the member has a non-continuous liability.
4. For any period when this allowance is payable to a member under this clause, no amount is payable to the member under clause 11.

**14 Daily rate of allowance – rendering safe or disposal of unpredictable explosives**

1. This clause applies to a member who:
- a. holds a relevant qualification for rendering safe or disposal of unpredictable explosives; and
  - b. is directed on a day to engage in any of the following activities:
    - i. render safe or disposal of unpredictable explosive devices; or
    - ii. directly assist in the rendering safe or disposal of unpredictable explosive devices; and
  - c. is not eligible to be paid the allowance under clause 13.
2. If CDF is satisfied that the member has been directed on a day to engage in rendering safe or disposal of (or directly assist in the rendering safe or disposal of) unpredictable explosive devices, then the member is to be paid the daily rate of unpredictable explosive allowance listed at item 6 in Schedule 2.
3. The member may only be paid an allowance under this clause for up to 40 days in each 12 months of service in the position.

4. For any period when this allowance is payable to a member under this clause, no amount is payable to the member under clause 12.

#### **15 Member on designated special duty**

1. This clause applies to a member on designated special duty.
2. The member is to be paid the allowance at the rate listed at item 7 in Schedule 2.
3. The member is not to be paid any other allowance for disability (including deployment and international campaign allowance) for any period for which an amount is payable under this clause.

#### **16 Member eligible for two allowance rates**

1. A member who is eligible for the allowance for specialist operations and special forces disability allowance for the same period is to be paid the special forces disability allowance but not the allowance for specialist operations.
2. A member who is eligible for a rate of allowance listed for items 4, 5, 6 or 7 of Schedule 1 and another rate of the allowance is to be paid the higher rate of allowance.
3. If a member is paid the allowance for specialist operations, the effect on the member's eligibility (if any) for the following disability allowances determined under section 58H of the *Defence Act 1903* is prescribed in column 5 of Schedule 1 and Schedule 2, as relevant to the member.
  - a. Adventurous training instructor allowance.
  - b. Arduous conditions allowance.
  - c. Diving allowance.
  - d. Field allowance.
  - e. Flight duties allowance.
  - f. Flying allowance.
  - g. Hard lying allowance.
  - h. Paratrooper allowance.
  - i. Seagoing allowance.
  - j. Submarine escape allowance.
  - k. Submarine service allowance.

**17 Reserve service**

A member on Reserve service who is eligible for an allowance in this Determination may be paid at the daily rate for that allowance.

**18 Working out fortnightly and daily rates**

1. Annual rates of the allowance are payable on a fortnightly basis.
2. A fortnightly amount for the purpose of subclause 1 is worked out using these steps.
  - a. Multiply the annual rate of payment by 14.
  - b. Divide that amount by 365.
  - c. The result is the fortnightly rate of payment.
3. The daily rate of any payment is worked out as one fourteenth part of the fortnightly rate of payment, rounded to the nearest cent.”

**6 Schedule 1 (Clearance diving – allowance rates), table**

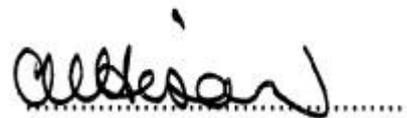
Delete the table at Schedule 1 in its entirety and insert the table at Schedule 1 to this Determination.

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

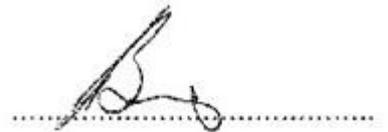
Delete the table at Schedule 2 in its entirety and insert the table at Schedule 2 to this Determination.

Dated this second day of August two thousand and twelve.

The Honourable A Harrison  
President



The Honourable Arch Bevis  
Member



Brigadier William Rolfe, AO (Ret'd)  
Member



## **Schedule 1**

**Schedule 1: Clearance diving – allowance rates**

<b>Column 1 Item</b>	<b>Column 2 Member's position</b>	<b>Column 3 Annual rate</b>	<b>Column 4 Daily rate</b>	<b>Column 5 Effect of disability on other s.58H disability allowances</b>
1.	Clearance diving qualification (other than advanced)	The highest rate that applies to the member under another item	-	See clause 16.
2.	Clearance diving qualification (advanced)	The highest rate that applies to the member under another item	-	See clause 16.
3.	Trainee clearance diver	\$10,990	\$30.11	Other disability allowances may apply.
4.	Qualified clearance diver posted to clearance diving team	\$19,047	\$52.18	Other disability allowances may apply.
5.	Qualified clearance diver posted to Mine Hunter Coastal or Diving School or the Explosive Ordnance Disposal/ Improvised Explosive Device Disposal Response Team Cairns, or on an overseas exchange in the United Kingdom	\$13,920	\$38.14	Other disability allowances may apply.
6.	Qualified clearance Diver posted to an Explosive Ordnance Disposal/ Improvised Explosive Device Disposal Response Team (other than Cairns) or to the Sea Training Group or on an overseas exchange with the United States Navy	\$12,453	\$34.12	Other disability allowances may apply.

**Schedule 1: Clearance diving – allowance rates (continued)**

<b>Column 1 Item</b>	<b>Column 2 Member's position</b>	<b>Column 3 Annual rate</b>	<b>Column 4 Daily rate</b>	<b>Column 5 Effect of disability on other s.58H disability allowances</b>
7.	Qualified clearance diver posted to a clearance diving developmental or tactical developmental position or to a clearance diving billet on a major fleet unit	\$10,990	\$30.11	Other disability allowances may apply.
8.	Support member	\$7,329	-	Other disability allowances may apply.

## **Schedule 2**

**Schedule 2: Allowances for members whose duties involve unpredictable explosives or designated special duty**

<b>Column 1 Item</b>	<b>Column 2 Descriptor</b>	<b>Column 3 Annual rate</b>	<b>Column 4 Daily rate</b>	<b>Column 5 Effect of disability on other s.58H disability allowances</b>
1.	May be required to engage in search activities (continuous liability) (clause 10)	\$3,663	-	Other disability allowances may apply.
2.	May be required to engage in high risk search activities (continuous liability) (clause 11)	\$7,329	-	Other disability allowances may apply.
3.	Directed on a day to engage in a search activity (clause 12)	-	\$58.57	Other disability allowances may apply.
4.	May be required to engage in render safe or disposal or directly assist in render safe or disposal activities (continuous liability) (clause 13)	\$13,920	-	Other disability allowances may apply.
5.	May be required to engage in render safe or disposal or directly assist in render safe or disposal activities (non-continuous liability) (clause 13)	\$7,329	-	Other disability allowances may apply.
6.	Directed on a day to engage in a render safe or disposal or directly assist in render safe or disposal activity (clause 14)	-	\$117.14	Other disability allowances may apply.
7.	Member on designated special duty (clause 15)	-	\$220.00	No other disability allowance is payable.