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**DEFENCE FORCE REMUNERATION TRIBUNAL**

**Defence Act 1903**

**MATTER NO 12 OF 1997**

**ARDUOUS CONDITIONS ALLOWANCE**

**DETERMINATION NO 12 OF 1997**

**Canberra  
2 December 1997**

**THE HON. JUSTICE A J BOULTON  
COMMISSIONER P L LEARY  
REAR ADMIRAL K A DOOLAN AO RAN (Retd)**

## DEFENCE FORCE REMUNERATION TRIBUNAL

### DETERMINATION NO 12 OF 1997

#### ARDUOUS CONDITIONS ALLOWANCE

Pursuant to section 58H of the Defence Act 1903, the Defence Force Remuneration Tribunal hereby determines as follows:

##### Citation

1. This Determination may be cited as Determination No. 12 of 1997, Arduous Conditions Allowance.

##### Purpose

2. Arduous Conditions Allowance is an on-occurrence allowance which compensates members for particular disabilities incurred in the performance of their duty.

##### Exercise of Powers by Chief of the Defence Force

3. In this Determination a reference to the Chief of the Defence Force is to be taken as including references to such other person as the Chief of the Defence Force authorises for the purpose of the provision in which the reference occurs.

##### Definitions

4. In this Determination, unless the contrary intention appears -

“**confined spaces**” means working conditions which:

- (a) are not normally encountered by the member in his or her employment;
- (b) are unusually wet, dirty, cold or otherwise offensive;
- (c) require the member to work in a stooped or cramped position; and
- (d) require the member to work without proper ventilation;

“**hazardous chemicals**” means those substances that have been deemed by the Chief of the Defence Force to be hazardous chemicals for this purpose and the handling of which requires the use of personal protective equipment;

“**hot conditions**” means those conditions where temperature exceeds 46.0 degrees Celsius due to artificial means;

## **Arduous Conditions Allowance**

5. Subject to Clause 6, an allowance called Arduous Conditions Allowance is payable to a member where on a day, that member is required to perform duty for a period of three or more hours, or for periods amounting in the aggregate to three or more hours, and that duty involves:

- (a) hot conditions;
- (b) confined spaces; and/or
- (c) hazardous chemicals.

6. Arduous Conditions Allowance is payable in accordance with paragraph 5(c) in respect of hazardous chemicals when the Chief of the Defence Force has certified that the conditions under which the hazardous chemicals are used, expose the member to working conditions which are not normally encountered by the member whilst carrying out duties in his or her employment category.

## **Rates of Allowance**

7. Subject to clauses 8 and 9 Arduous Conditions Allowance is payable:

- (a) in respect of a member to whom paragraph 5(a) applies - at the rate of \$2.24 per day;
- (b) in respect of a member to whom paragraph 5(b) applies - at the rate of \$3.42 per day; and
- (c) in respect of a member to whom paragraph 5(c) applies - at the rate of \$7.22 per day.

8. Subject to Clause 9, where on a day a member fulfils two or more of the conditions required by paragraphs 5(a), (b) or (c) and Clause 6, then that member shall be entitled to the cumulative payment of the elements of Arduous Conditions Allowance appropriate to the circumstances.

9. Where on a day a member fulfils the conditions required by paragraphs 5(a), (b) or (c) and Clause 6 on two or more occasions, then that member may only be paid the appropriate element of Arduous Conditions Allowance once in respect of that day.

## **Allowance not payable**

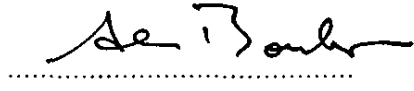
10. Arduous Conditions Allowance is not payable to a member during a period for which the member is entitled to be paid the disability element of Special Action Forces Allowance.

## **Application**

11. This Determination shall take effect on and from 2 December 1997.

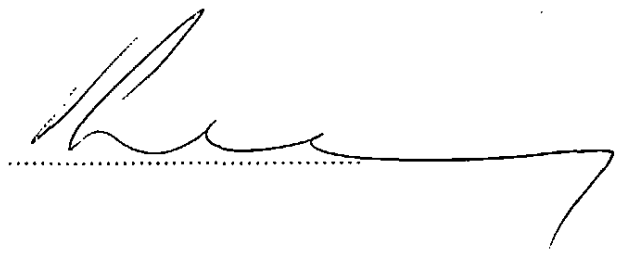
Dated this second day of December nineteen hundred and ninety seven.

The Hon Justice A J Boulton  
President



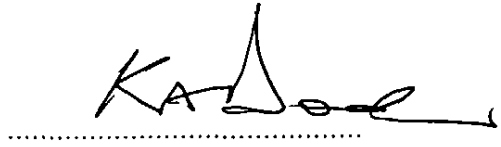
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Commissioner P L Leary  
Member



A handwritten signature in cursive script, appearing to read "P L Leary", positioned above a horizontal dotted line.

Rear Admiral K A Doolan AO RAN (Retd)  
Member



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