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DEFENCE FORCE REMUNERATION TRIBUNAL

Defence Act 1903

MATTER NO 15 OF 1996

FLYING ALLOWANCE

DETERMINATIONS NO 7 AND 8 OF 1997

**Canberra
10 October 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 7 OF 1997

FLYING ALLOWANCE

Pursuant to section 58H of the Defence Act 1903, the Defence Force Remuneration Tribunal, having inquired into the rates and conditions of Flying Allowance, hereby determines as follows:

1. Citation

1.1 This Determination may be cited as *Determination No. 7 of 1997, Flying Allowance*.

2. Commencement

2.1 This Determination is to be taken to have commenced on 4 September 1997.

3. Definitions

3.1 In this Determination:

“date of graduation”, in relation to a member, means the date of the Defence Force ceremony at which the member is awarded wings or similar insignia of flying qualification;

“designated flying position” means:

- (a) a position that is designated as a flying position in the establishment of the Defence Force; and
- (b) any other position in relation to which the CDF certifies that flying is a significant part of the primary duties;

“equivalent rank”, in relation to a rank, means the corresponding rank ascertained in accordance with Regulation 8 of the Defence Force Regulations as in force from time to time;

“flying-related position”, in relation to a member, means a position in which the member is required to hold a flying qualification;

“period of qualified flying service”, in relation to a member, means the total period in completed years since the member’s date of graduation, comprising:

- (a) the number of completed years in the period or the sum of the periods of the member’s full-time Defence Force service since that date, less any period for which the member is not entitled to salary; and
- (b) half the period or half the sum of the periods of part-time Reserve Force service in the Defence Force since that date;

“qualified member” means a member whose aircrew function is specified in Schedule 1 and who holds the flying qualification required by the member’s Service to be held by a member in that category;

“rank” includes equivalent rank;

“the CDF” means the Chief of the Defence Force.

4. Exercise of powers by CDF

4.1 In this Determination, a reference to the CDF is taken to include a reference to such other person as the CDF authorises for the purposes of the provision in which the reference occurs.

5. Calculation of fortnightly and daily rates

5.1 If any payment is made to a member fortnightly, the fortnightly rate of payment is to be calculated in accordance with the formula:

$$\frac{A \times 14}{365}$$

where A is the annual rate of payment.

5.2 The daily rate of any payment is one fourteenth part of the fortnightly rate of payment.

6. Recognition of previous military flying service

6.1 If a member has rendered previous military flying service:

- (a) before joining the Permanent Force or the Reserve Force; or
- (b) before being commissioned as an officer in the Defence Force,

and the period or sum of the periods of the member’s military flying service is greater than the period of qualified flying service that would apply to the member but for this subclause, the CDF may, having regard to the factors specified in subclause 6.3, increase the member’s period of qualified flying service by an additional period that the CDF considers reasonable in the circumstances.

6.2 In the case of a member who is commissioned from the ranks as an officer in the Defence Force, the CDF is not to increase the member’s period of qualified flying service so that the amount of Flying Allowance (Qualification and Skill) that would be payable to the member exceeds the amount to which the member is entitled under subclause 7.2.

6.3 The factors for the purpose of subclause 6.1 are:

- (a) the nature, level and currency of the member’s flying qualification and experience;

- (b) the qualification and experience required to be held by a qualified member occupying the member's rank, aircrew category and posting in the Defence Force;
- (c) the period of the member's Defence Force service; and
- (d) any other factor relevant to the member's period of qualified flying service.

7. Flying Allowance (Qualification and Skill)

7.1 A qualified member who:

- (a) is posted for flying training; or
- (b) occupies a designated flying position or a flying-related position,

is entitled to Flying Allowance (Qualification and Skill):

- (c) in the case of a Brigadier - at the rate of \$14,750 a year;
- (d) in the case of a Colonel or an officer with a lower rank - at the rate specified in column 2 of Schedule 2 opposite the member's period of qualified flying service; and
- (e) in the case of a member other than an officer - at the rate specified in column 3 of the Schedule opposite the member's period of qualified flying service.

7.2 A member who:

- (a) is commissioned on a day as an officer; and
- (b) immediately before that day was entitled to Flying Allowance (Qualification and Skill) at a rate specified in column 3 of Schedule 2,

is entitled to Flying Allowance (Qualification and Skill) with effect from that day:

- (c) at a rate specified in column 2 of the Schedule that is the same as the rate to which the member was previously entitled in column 3; or
- (d) if such a rate is not specified in column 2 - at the next highest rate.

7.3 Subject to clause 6, a member to whom subclause 7.2 applies is taken to have a period of qualified flying service that is equal to the minimum period specified in column 1 of Schedule 2 opposite the member's rate of Flying Allowance (Qualification and Skill) in column 2.

8. Flying Allowance (Disability)

8.1 A member who is:

- (a) undergoing flying training in order to become a qualified member; or
- (b) entitled to Flying Allowance (Qualification and Skill) while posted to a designated flying position,

is entitled to Flying Allowance (Disability) at the rate of:

- (d) in the case of a Brigadier - \$3,850 a year; and
- (e) in any other case - \$4,250 a year.

8.2 A qualified member who:

- (a) holds the rank of Major General or a lower rank; and
- (b) is not posted to a designated flying position,

is entitled to Flying Allowance (Disability) for each day on which the member is assigned for duty as aircrew.

8.3 For the purpose of subclause 8.2, a Major General is entitled to the same rate of Flying Allowance (Disability) as a Brigadier.

9. Allowance payable after completion of certain service

9.1 A qualified member (other than a Combat System Operator in the Navy or a Technician (Avionics/Aircraft) in the Army) who ceases on a day to occupy a designated flying position or a flying-related position is entitled to Flying Allowance (Qualification and Skill) for a period ('the retention period') beginning on that day and ending on the day specified in whichever of subclause 9.2, 9.3 or 9.4 applies to the member.

9.2 In the case of member who is a Brigadier, the retention period ends:

- (a) if the member ceases to occupy a position referred to in subclause 9.1 while holding the rank of Brigadier - on the day three years after the day on which the member ceases to occupy the position; and
- (b) if the member ceased to occupy such a position while holding the rank of Colonel or a lower officer rank - on whichever is the earlier of:
 - (i) the day on which the member's retention period ends by operation of subclause 9.3; and

(ii) the day three years after the member's promotion to the rank of Brigadier.

9.3 Subject to subclause 9.2, in the case of member who ceases to occupy a position referred to in subclause 9.1 while holding the rank of Colonel or a lower officer rank, the retention period ends on the day six years after the day on which the member ceases to occupy the position.

9.4 In the case of member who ceases to occupy a position referred to in subclause 9.1 while holding a rank other than an officer rank, the retention period ends on the day three years after the day on which the member ceases to occupy the position.

9.5 A member is not entitled to Flying Allowance (Qualification and Skill) under clause 9 during the retention period if the member:

- (a) is entitled to Flying Allowance (Qualification and Skill) under clause 7;
- (b) is not qualified and liable for flying duties; or
- (c) is excluded from service which would qualify for payment of the allowance by reason of incapacity or otherwise.

9.6 If a member (other than a Brigadier) is unable to return to a designated flying position or a flying-related position at the end of the retention period because of:

- (a) the exigencies of the Service;
- (b) an illness or injury of the member; or
- (c) the family obligations of the member,

the CDF may extend the period by such further period as is reasonable in the circumstances.

10. Member of the Reserve Force

10.1 A member of the Reserve Force is entitled to Flying Allowance (Disability) as if the member were posted to a designated flying position for the purposes of paragraph 8.1(b) during a day on which the member:

- (a) flies;
- (b) stands by to fly on search and rescue duties; or
- (c) engages in duties relating to the operation of an aircraft in which the member is rostered to fly.

11. Member entitled to Clearance Diving Allowance or Special Action Forces Allowance

11.1 If, but for this clause, a member would be entitled for a period to both Flying Allowance and either of the following allowances:

- (a) Clearance Diving Allowance;
- (b) Special Action Forces Allowance,

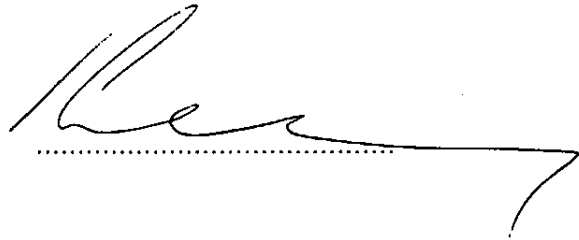
the member is entitled to only one of those allowances for the period, being the allowance payable at the higher rate.

Dated this tenth day of October nineteen hundred and ninety seven.

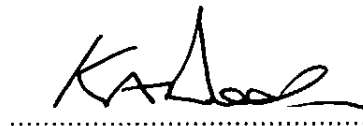
The Hon Justice A J Boulton
President



Commissioner P L Leary
Member



Rear Admiral K A Doolan AO RAN (Retd)
Member



SCHEDULE 1
QUALIFIED MEMBER

Navy

Army

Air Force

PART A - Officer

Naval Observer

Flight Test Engineer

Airborne Electronics officer

Pilot

Pilot

Flight Test Engineer

Navigator

Pilot

PART B - Member other than officer

Aircrewman

Aircrewman-Observer

Airborne Electronics Analyst

Combat System Operator¹

Loadmaster

Flight Engineer

Technician
(Avionics/Aircraft)²

Loadmaster

¹ posted to a HS748 flight

² employed as Aircrewman Technical on CH-47D aircraft

SCHEDULE 2

FLYING ALLOWANCE (QUALIFICATION AND SKILL)

Column 1	Column 2	Column 3
Period of qualified flying service	Rate of Flying Allowance (Qualification and Skill)	
	Colonel or officer with lower rank \$ a year	Member other than an officer \$ a year
Completed less than 2 years	2,250	1,250
Completed 2 but less than 4 years	3,750	2,750
Completed 4 but less than 6 years	6,750	3,750
Completed 6 but less than 8 years	12,750	4,750
Completed 8 but less than 10 years	18,750	5,750
Completed 10 or more years	20,750	5,750