

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO 8 OF 1997

FLYING ALLOWANCE - MISCELLANEOUS PROVISIONS

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

PART A - Preliminary

1. Citation

1.1 This Determination may be cited as Determination No 8 of 1997, Flying Allowance - Miscellaneous Provisions.

2. Commencement

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

3. Definitions

3.1 In this Determination:

“former Flying Allowance rate”, in relation to a member who becomes a qualified member on or before the day on which this Determination is made, means the sum of the annual rates of Flying Allowance to which the member would be entitled if:

- (a) the former Determination applied or continued to apply to the member; and
- (b) the rates of Flying Allowance specified in the former Determination were varied on or after 4 September 1997 in the same proportion as any variation on or after that date in the minimum rate of salary specified for a Private (Pay Group 1) in Determination No. 6 of 1992, Salaries, as in force from time to time;

“new Flying Allowance rate”, in relation to a member, means the sum of the annual rates of Flying Allowance to which the member is or would be entitled on or after 4 September 1997 under the new Determination, as in force from time to time;

“qualified member” has the same meaning as in the new Determination;

“the former Determination” means Determination No. 15 of 1988, Flying Allowance, as in force on 3 September 1997;

“the new Determination” means Determination No. 7 of 1997, Flying Allowance.

PART B - Repeal, transitional and saving provisions

4. Repeal

4.1 Determination No. 15 of 1988, Flying Allowance, as amended, is repealed.

5. Transitional - non-reduction of Flying Allowance

5.1 This clause applies to a member who becomes a qualified member on or before the day on which this Determination is made.

5.2 If a member's former Flying Allowance rate exceeds the member's new Flying Allowance rate by an amount, the member is entitled to an additional annual rate of Flying Allowance equal to that amount.

5.3 This clause ceases on 3 September 2003.

6. Transitional - retention period for Flying Allowance (Qualifications and Skill)

6.1 If, but for this clause, a qualified member's retention period specified in clause 9 of the new Determination would end before 4 September 1999, the retention period is to continue until that date.

6.2 This clause does not apply to:

- (a) a Brigadier or a Flight Test Engineer; or
- (b) a member who ceases to be entitled to Flying Allowance (Qualifications and Skill) during the retention period by operation of subclause 9.5 of the new Determination.

7. Saving

7.1 If, for the purposes of the new Determination, an approval, an authority, an instruction or a direction is required to be, or is allowed to be given, issued or granted and an approval, an authority, an instruction or a direction of a similar kind was given, issued or granted under the former Determination, that approval, authority, instruction or direction is taken to have been given, issued or granted for the purpose of the new Determination.

PART C - Determination No. 4 of 1992, Flight Duties Allowance

8. Amendment

8.1 Determination No. 4 of 1992, Flight Duties Allowance, as amended, is amended as set out in this Part.

9. Clause 4 (Flight Duties Allowance)

9.1 Omit "\$8.85 per day", substitute "\$11.64 a day".

10. Clause 5 (Flight Duties Allowance)

10.1 Omit "\$8.85 per day", substitute "\$11.64 a day".

PART D - Determination No. 14 of 1995, Field Allowance

11. Amendment

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

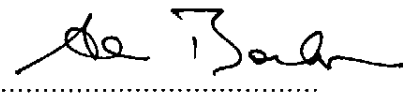
12. Clause 8 (Concurrent payment)

12.1 Paragraph 8(b):
Omit the paragraph, substitute:

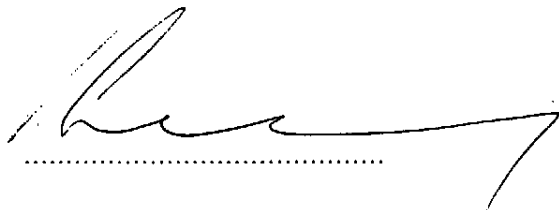
"(b) Determination No. 7 of 1997, Flying Allowance;"

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

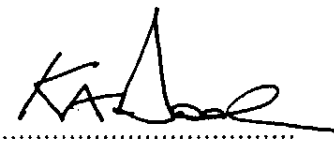
The Hon Justice A J Boulton
President


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Commissioner P L Leary
Member


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Rear Admiral K A Doolan AO RAN (Retd)
Member


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