

REVOKED

by No. 27 of 1982



Determination No. 19 of 1982

Determination under Section 58B of the Defence Act 1903¹ (Amendment)

I, KEVIN EUGENE NEWMAN, the Minister of State for Administrative Services acting for and on behalf of the Minister of State for Defence, hereby make the following Determination under section 58B of the *Defence Act 1903*.

Dated 22 April 1982.

KEVIN NEWMAN
Minister of State for Administrative Services
for and on behalf of the
Minister of State for Defence

Flying Allowance

1. Determination 0106, Flying Allowance, is amended—

(a) by inserting in clause 2 before the definition of “the date on which his illness commenced or he sustained his wound or injury” the following definition:

“‘member’ means a member rendering continuous full time service;”;

(b) by omitting clause 3 and substituting the following clause:

“3. An allowance called ‘Flying Allowance’ is payable to a member who is medically fit for flying duties and is—

(a) qualified for and engaged in, or qualified for and liable and available to be engaged in, flying duties as a member of the crew of an aircraft and is—

(i) an officer holding the rank of Captain in the Navy, Colonel in the Army or Group Captain in the Air Force, or a lower rank; or

(ii) a member, other than an officer, in an employment category referred to in clause 7;

- (b) qualified as a Search and Rescue Diver in the Navy and posted to a position where he is liable and rostered for search and rescue diving duties;
 - (c) an officer, or a member undergoing training to become an officer, undergoing flying training;
 - (d) a member, other than an officer, undergoing flying training in respect of the duties of an employment category referred to in clause 7; or
 - (e) a member undergoing training to become an officer preparatory to undergoing flying training and to whom sub-paragraph (a) (ii) or paragraph (b) applied immediately before commencing such officer training.”;
- (c) by inserting after clause 3 the following clause:
 “3AA. For the purposes of clause 7, a member to whom paragraph 3 (a) or 3 (b) applies who undergoes flying training or officer training preparatory to undergoing flying training, shall not cease to be a member to whom that paragraph applies by reason of that training.”;
- (d) by inserting in clause 4 “, 3 (c), 3 (d) or 3 (e)” after “3 (a)”;
 - (e) by inserting in clause 5 “, 3 (c), 3 (d) or 3 (e)” after “3 (a)”;
 - (f) by omitting clause 7 and substituting the following clause:

Rate of Allowance

“7. Flying Allowance shall be payable in respect of a rank, category or training capacity specified in column 1 of the following table at the rate specified in column 2 of that table opposite that rank, category or training capacity:

| Column 1 | | | | Column 2 |
|--|-----------------------------|-----------------------------|---------------|----------|
| Rank, category or training capacity | | | | |
| Navy | Army | Air Force | Rate per year | |
| | | | | \$ |
| Officers and Officer trainees— | | | | |
| Member undergoing training to become an officer or an officer (not being a member or an officer entitled to another rate of Flying Allowance)—while undergoing flying training | | | 1,065 | |
| Midshipman or Acting Sub Lieutenant | Second Lieutenant | Pilot Officer | 2,130 | |
| Sub Lieutenant | Lieutenant | Flying Officer | 2,645 | |
| Lieutenant— | Captain— | Flight Lieutenant— | | |
| On less than maximum salary | On less than maximum salary | On less than maximum salary | 3,165 | |
| On maximum salary | On maximum salary | On maximum salary | 3,615 | |
| Lieutenant Commander | Major | Squadron Leader | 3,615 | |
| Commander | Lieutenant Colonel | Wing Commander | 2,840 | |
| Captain | Colonel | Group Captain | 2,065 | |

*Determination under Section 58B of the Defence
Act 1903 1982 No. 19*

| Column 1 | | | | Column 2 |
|--|---------------------|--------------------|---------------|----------|
| Rank, category or training capacity | | | | |
| Navy | Army | Air Force | Rate per year | |
| | | | | \$ |
| Employment categories (members other than officers)— | | | | |
| Member other than an officer (not being a member entitled to another rate of Flying Allowance)—while undergoing flying training in respect of an employment category specified below | | | | 898 |
| Aircrew | Aircrewman Observer | Flight Engineer | 1,795 | |
| | | Crewman, Technical | 1,795 | |
| | | Crewman | 1,795 | |
| | | Loadmaster | 1,795 | |

(g) by omitting clause 8.

Application

2. Determination 0106, Flying Allowance, as amended by paragraphs 1 (b), 1 (c), 1 (d), 1 (e) and 1 (g), other than in so far as those amendments relate to a member who is qualified as a Search and Rescue Diver in the Navy and posted to a position where he is liable and rostered for search and rescue diving duties, shall apply in relation to service on or after 14 January 1981.

NOTE

1. Previous amendments to Determination 0106, Flying Allowance: Nos. 3 and 17 of 1980, Nos. 9, 21, 22, 31 and 43 of 1981.

EXPLANATORY STATEMENT

DETERMINATION NO. 19 OF 1982

ISSUED BY THE AUTHORITY OF THE MINISTER FOR DEFENCE

UNDER SECTION 58B OF THE DEFENCE ACT 1903

Section 58B of the Defence Act 1903 provides that the Minister may make determinations on conditions of service which are beneficial to members of the Defence Force.

Determination 0106 provides for the payment of Flying Allowance to certain members of the Defence Force.

This determination replaces Determination No. 59 of 1981 which amended Determination 0106, Flying Allowance and was signed by the Minister on 15 December 1981. After signature, but before tabling in the Parliament, it was found that the application clause of Determination No. 59 of 1981 was erroneous in that it applied the latest rates of Flying Allowance (introduced 4 June 1981) to eligible members from 14 January 1981. The decision not to table the determination rendered it void and of no effect ab initio (ie as if it had never been made) under section 58C of the Defence Act 1903 and section 48 of the Acts Interpretation Act 1901.

Flying Allowance, which is payable to an airman aircrew at a rate based on his employment category, ceases to be payable when he commences officer training preparatory to undergoing flying training, and recommences at a lower, officer trainee rate when he begins flying training. This determination amends Determination 0106 to provide that such a member will be paid Flying Allowance at the rate applicable to his employment category for the duration of officer and flying training.

The date of effect is 14 January 1981.