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DEFENCE FORCE REMUNERATION TRIBUNAL

Defence Act 1903

In the matter of an inquiry into
separation allowances

MATTER No 3 of 1986

Canberra
14 July 1986

DETERMINATION No 5 1986

MR JUSTICE WILLIAMS
MR COMMISSIONER PAINE
REAR ADMIRAL MCDONALD AO RAN (RTD)

DECISION

Separation Allowance is an allowance which, on adjustment, must attract the attention of Principle 9 of the existing guidelines. In the past this allowance has been adjusted on a 12 month basis by having regard to movements in the Consumer Price Index over that period. However we have doubts as to that procedure and would need to be persuaded that it should be extended into the future. The adjustment most appropriate in our view would be that prescribed in accordance with Principle 9(a)(ii).

In the result, however, of applying the two calculations available to us, the difference is indeed marginal and we are, on this occasion, prepared to adjust the amount in accordance with the agreement between the parties.

We determine accordingly and will increase the allowance by 9.2% as from 12 June 1986.

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO 5 OF 1986

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

1. Determination 0202, Separation Allowance, made by the Minister for Defence under Section 58B of the Defence Act 1903, is amended -

(a) by inserting before the definition of "child" in clause 2 the following definitions:

"category M member" means a member who maintains a home for his dependants in which he normally resides with one or more of his dependants;

'category MS member' means a member who maintains a home for his dependants and -

(a) who is prevented from residing in that home by the exigencies of the Service; or

(b) whose family is to be removed at the expense of the Commonwealth to the place at which he is required to live, but whose family is not removed to that place by reason that -

(i) he is unable to obtain suitable accommodation for his family at the place at which he is required to live;

(ii) he is unable to remove his family to that place by reason of illness or infirmity of a dependant of the member;

(iii) a removal of his family to that place would result in interference to the continuity of the secondary or tertiary education of his child; or

(iv) it is necessary for the member to continue to maintain his home at his former place of residence in the interest of his child who is serving an apprenticeship or is a handicapped child attending a school for handicapped children or a rehabilitation centre;"

(b) by omitting clause 4 and substituting the following clause:

"4. Subject to this determination -

(a) a member who lives away from his home for a continuous period exceeding 14 days and who, during that period, is an eligible member other than an eligible member to whom paragraph 4(b) applies, shall be paid an allowance called 'Separation Allowance' at the rate of \$3.44 per day for each day after the expiration of the period of 14 days of that continuous period; or

(b) a member who is a category M member or a category MS member and who -

(i) is in receipt of Sea-going Allowance under Determination 0203, Sea-going Allowance;

(ii) is in receipt of an allowance under Determination 0118, Special Action Forces Allowance, at a rate payable to a member to whom clause 3, 4, 5 or 6 of that Determination applies; or

(iii) is in receipt of an allowance under Determination 0204, Submarine Service Allowance, at a rate payable to a member to whom paragraph 3(a) or 3(b) of that determination applies,

shall be paid an allowance called 'Separation Allowance' at the rate of \$348 per annum."; and

(c) by omitting clause 6 and substituting the following clause:

"6. Separation Allowance is not payable under this Determination in respect of any period during which -

(a) a member is entitled to an allowance under Determination 3713, Intermediate Term Duty Living Allowance; or

(b) a member is entitled to be paid an allowance under any of the following provisions:

(i) in respect of Special Oversea Living Allowance - Determination 3717, Special Overseas Living Allowance;

(ii) Determination 0401, Travelling Allowance; or

(iii) Determination 3601, Travelling Allowance."

2. Determination No 8 of 1985 made by the Defence Force Remuneration Tribunal is superseded as from 12 June 1986.

3. This determination shall take effect on and from 12 June 1986.

Dated this fourteenth day of July one thousand nine hundred and eighty six.

Mr Justice L.H. Williams
Chairman

L.H. Williams
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Mr Commissioner A.S. Paine
Member

A.S. Paine
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Rear Admiral N.E. McDonald AO RAN (Rtd)
Member

N.E. McDonald
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