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DEFENCE FORCE REMUNERATION TRIBUNAL

Defence Act 1903

UNPREDICTABLE EXPLOSIVES ALLOWANCE

Canberra

31 March 1993

DETERMINATION NO 3 OF 1993

THE HON JUSTICE A.J. BOULTON

MAJOR GENERAL P.J. DAY AO (RETD)

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO.3 OF 1993

UNPREDICTABLE EXPLOSIVES ALLOWANCE

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

Citation

1. This Determination may be cited as Determination No.3 of 1993, Unpredictable Explosives Allowance.

Definition

2. In this determination "unpredictable explosive" means a bomb or other explosive or incendiary device which is known to be or reasonably suspected of being in a condition, owing to -

- (a) deterioration or damage;
- (b) malfunction in its operation;
- (c) the manner in which or the purpose for which it was made; or
- (d) its state following its activation, dropping, firing, projection, preparation for action or other deployment,

in which the risk of its detonating without warning is higher than the risk of such detonation of explosive or incendiary material routinely dealt with in accordance with ordinary safety procedures.

Unpredictable Explosives Allowance

3.1 A member is entitled to be paid Unpredictable Explosives Allowance at the rate of -

- (a) in the case of a member who, while rendering continuous full-time service, is serving in an appointment that involves, in the opinion of the Chief of the Defence Force, a regular commitment to render safe or dispose of or directly assist in the rendering safe or disposal of an unpredictable explosive or dangerous chemical, biological or radioactive substance, and the member is placed in high risk of that explosive or substance - \$1521 a year;

- (b) in the case of a member other than a member referred to in paragraph (a), who is required to render safe or dispose of or directly assist in the rendering safe or disposal of an unpredictable explosive or dangerous chemical, biological or radioactive substance, and the member is placed in high risk of that explosive or substance - \$60.84 for each day on which the member is so required;
- (c) in the case of a member who, while rendering continuous full-time service, is serving in an appointment that involves, in the opinion of the Chief of the Defence Force, a regular commitment to engage in searches where unpredictable explosives are known to be or reasonably suspected of being present and the member is placed in high risk of those explosives - \$761 a year; and
- (d) in the case of a member, other than a member referred to in paragraph (c), who is required to engage in searches where unpredictable explosives are known to be or reasonably suspected of being present and the member is placed in high risk of those explosives - \$30.42 for each day on which the member is so required.

3.2 A member who is entitled to be paid a daily rate of Unpredictable Explosives Allowance is not entitled to be paid the allowance for more than 25 days a year.

3.3 A member is not entitled to be paid more than one rate of Unpredictable Explosives Allowance at any one time.

Calculation of fortnightly and daily rates

4.1 The fortnightly rate of payment of an annual rate of payment of Unpredictable Explosives Allowance is to be calculated in accordance with the formula -

$$A \times 14$$

$$\frac{\quad}{365}$$

where A is the annual rate of payment.

4.2 The daily rate of an annual rate of payment is one fourteenth part of the fortnightly rate of payment.

Allowance not payable

5. Unpredictable Explosives Allowance is not payable to a member during a period for which the member is entitled to be paid Clearance Diving Allowance or the disability element of Special Action Forces Allowance.

Transitional - entitlement to Unpredictable Explosives Allowance

6.1 This determination is to be treated as having commenced on the date specified in Column 1 of the Table in relation to payment of Unpredictable Explosives Allowance as if paragraphs (a), (b), (c) and (d) of clause 3 respectively contained on and

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from that date the rates specified in Column 2 opposite the date in Column 1.

TABLE

Column 1 Date	Column 2 Respective rates of allowance
25 February 1993	\$1500 a year, \$60.00 a day, \$750 a year and \$30.00 a day
11 March 1993	\$1521 a year, \$60.84 a day, \$761 a year and \$30.42 a day

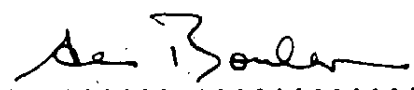
6.2 The amount, if any, of Unpredictable Explosives Allowance which a member is entitled to be paid under Determination 210, Unpredictable Explosives Allowance, during the period commencing on 25 February 1993 and ending on the day on which Determination 210, Unpredictable Explosives Allowance, is repealed is to be subtracted from the amount of the allowance which the member would otherwise be entitled to be paid under this determination.

Clearance Diving Allowance

7. A member who is entitled to be paid Clearance Diving Allowance is entitled to be paid Unpredictable Explosives Allowance as if Determination 210, Unpredictable Explosives Allowance, as in force immediately before this determination commences, continued to apply to the member.

Dated this thirty-first day of March one thousand nine hundred and ninety three.

The Hon. Justice A.J. Boulton
Chairman



Major General P.J. Day AO (Retd)
Member

