

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO. 5 OF 2008

SPECIAL FORCES DISABILITY ALLOWANCE

The Defence Force Remuneration Tribunal makes the following Determination under section 58H of the *Defence Act 1903*.

1 Repeal and savings

1. Determination No. 11 of 2002, Special Action Forces Allowance ("the repealed Determination"), is repealed.
 2. Despite the repeal made by this Determination, clause 9 and the transitional provisions of the repealed Determination continue to apply in relation to a person who was covered by clause 9 and the transitional provisions immediately before that repeal.
 3. A reference to the Chief of the Defence Force in this Determination, in relation to a power or function, is taken to include a reference to a person authorised by the Chief of the Defence Force to exercise a similar power or function under the repealed Determination, if all of these conditions are met:
 - a. the Chief of the Defence Force was authorised to exercise a power or a function in a provision of the repealed Determination;
 - b. the Chief of the Defence Force authorised another person to exercise the power or function on the Chief of the Defence Force's behalf; and
 - c. the authorised person did so exercise the power or function.
 4. If, before the day this Determination commenced, a person complied with conditions for an allowance under the repealed Determination:
 - a. the person is taken to comply with the eligibility conditions set out in the new Determination, as in force on or after the commencement day, in order to qualify for a corresponding allowance under this Determination; and
 - b. any related approval, authority, instruction or direction is taken to have been given, issued or granted under, and for the purposes of, this Determination.
 5. With the exception of subclause 2, nothing in this Determination preserves or maintains the monetary amount or value of an allowance under the repealed Determination after the commencement day.
 6. Nothing in this Determination is taken to preserve or maintain payment of an allowance to a person after the commencement day if there is a subsequent change of the person's circumstances that would end or vary payment of the allowance.
 7. After the commencement day, this Determination, as in force on or after that day, determines the monetary amount or value of the allowance to be paid.
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2 Commencement

This Determination is taken to have commenced on 13 December 2007.

3 Purpose

This Determination creates a disability allowance to recognise the special nature of work performed in or in support of Special Operations Command.

4 Definitions

This table defines terms used in this Determination.

Term	Definition
4RAR (Cdo)	Means the 4th Battalion Commando, Royal Australian Regiment.
CDF	Means the Chief of the Defence Force.
Commando Reinforcement	Means a member who meets both the following conditions. a. The member has successfully completed Commando initial training. b. The member has commenced the commando reinforcement training.
designated Special Forces position	Means a position that is designated by the CDF as a Special Forces position.
member of Special Forces Signals Squadron	Means a member of 126 Signals Squadron, 152 Signals Squadron or 301 Commando Signals Squadron who meets both the following conditions. a. The member is not a qualified Special Forces member. b. The member has successfully completed the Special Forces signals course.
member on designated special duty	Means a member for whom both the following conditions are met. a. The member is posted or assigned for duty for a period on a special operation designated by the CDF. b. The CDF is satisfied that the threat level and hazards of the operation are not comprehended in any other allowance, including special forces disability allowance, which would otherwise be payable to the member for that period.
qualified commando	Means a member who meets both the following conditions. a. The member has successfully completed commando reinforcement training. b. The member is performing duty in a designated special forces position.

qualified SAS member	Means a member who meets both the following conditions. a. The member has successfully completed SAS reinforcement training. b. The member is performing duty in a designated special forces position.
SASR	Means the Special Air Service Regiment.
SAS Reinforcement	Means a member who meets both the following conditions. a. The member has successfully completed the SASR initial training. b. The member has commenced SAS reinforcement training.
SOCOMD	Means Special Operations Command.
Special Forces Training Centre Instructor	Means a qualified SAS member or qualified commando employed at Special Forces Training Centre.
support member	Means a member who CDF determines is subject to both the following requirements. a. The member is required to perform duty as on-line support for SOCOMD activities. b. The member is on continuous short notice to move.
TAG East	Means the Tactical Assault Group (counter-terrorist company) of 4RAR.
TAG West	Means the counter-terrorist capability of the SASR.

5 Exercise of powers by Chief of Defence Force

In this Determination, a reference to the Chief of the Defence Force includes a reference to a person the Chief of the Defence Force has authorised to exercise administrative powers vested in the Chief of the Defence Force under this Determination.

6 Member in designated special forces position

1. This clause applies to a member who performs continuous full-time service in a designated Special Forces position.
2. The member is to be paid the allowance at the rate listed in column 4 for the member's position in column 2 of Schedule 1.
3. A qualified commando who has commenced SASR initial training or SAS reinforcement training is to be paid the relevant rate of allowance in column 4 or 5 of item 2 of Schedule 1.

7 Support member

A support member is to be paid the relevant rate of allowance in column 4 or 5 of item 17 of Schedule 1.

8 Member on Reserve service

A qualified SAS member or qualified commando who is on Reserve service is to be paid the daily rate of allowance listed in column 5 for the member's position in column 2 of Schedule 1, for each day or part day that the member performs duty in any of the following units.

- a. Special Forces Training Centre.
- b. 4RAR.
- c. SASR.
- d. 1st Commando Regiment.

9 Member on designated special duty

1. This clause applies to a member on designated special duty.
2. The member is to be paid the allowance at the daily rate listed at column 5 of item 18 of Schedule 1.
3. The member is not to be paid any other allowance for disability (including deployment and international campaign allowance) for any period for which an amount is payable under this clause.

10 Member eligible for two allowance rates

1. A member who is eligible for allowance for specialist operations and special forces disability allowance for the same period is to be paid the special forces disability allowance but not the allowance for specialist operations.
2. If a member is paid special forces disability allowance, the effect on the member's eligibility (if any) for the following disability allowances determined under section 58H of the *Defence Act 1903* is prescribed in column 6 of Schedule 1.
 - a. Adventurous training instructor allowance.
 - b. Arduous conditions allowance.
 - c. Diving allowance.
 - d. Field allowance.
 - e. Flight duties allowance.
 - f. Flying allowance.
 - g. Hard lying allowance.
 - h. Paratrooper allowance.
 - i. Seagoing allowance.

- j. Subject to subclause 14.1 — specialist operations allowance.
- k. Submarine escape allowance.
- l. Submarine service allowance.

11 Member of the Incident Response Regiment

A member who performs continuous full-time service in a designated position in the Incident Response Regiment is to be paid the allowance at the rate listed in column 4 or 5 for the member's position under Schedule 1.

12 Reserve member supplementing the Incident Response Regiment

A member of the Reserve Forces who is used to supplement the Incident Response Regiment on an exercise or operation is to be paid the allowance at the daily rate listed in column 5 for the member's position under Schedule 1.

13 Reserve service

To avoid doubt, the relevant rate of allowance under this Determination for a member who performs Reserve service is the daily rate.

14 Working out fortnightly and daily rates

- 1. Annual rates of the allowance are payable on a fortnightly basis.
- 2. A fortnightly amount for the purpose of subclause 1 is worked out using these steps.
 - a. Multiply the annual rate of payment by 14.
 - b. Divide that amount by 365.
 - c. The result is the fortnightly rate of payment.
- 3. The daily rate of any payment is worked out as one fourteenth part of the fortnightly rate of payment, rounded to the nearest cent.

Dated this twelfth day of March two thousand and eight.

Senior Deputy President R N Cartwright
 President

Mr G D John
 Member

Rear Admiral B L Adams, AO (Ret'd)
 Member

Schedule 1: Allowance Rates

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Item	Member's position	Tier	Annual rate (\$)	Daily rate (\$)	Effect of disability on other s.58H disability allowances
1.	Qualified SAS member	1	31,352	85.90	Other disability allowances are not payable.
2.	Qualified Commando in 4RAR (Cdo)	2	25,082	68.72	Other disability allowances are not payable.
3.	Qualified Commando in 1 st Commando Regiment (short notice to move)	2	25,082	68.72	Other disability allowances are not payable.
4.	Qualified TAG Clearance Diver	2	25,082	68.72	Other disability allowances are not payable.
5.	SAS Reservist	3	-	51.54	Other disability allowances are not payable.
6.	SAS Reinforcement	3	18,813	51.54	Other disability allowances are not payable.
7.	Qualified Commando Reservist	3	-	51.54	Other disability allowances are not payable.
8.	Qualified Commando in 1 st Commando Regiment (not on short notice to move)	3	18,813	51.54	Other disability allowances are not payable.
9.	Commando Reinforcement	3	18,813	51.54	Other disability allowances are not payable.
10.	Special Forces Training Centre Instructor	3	18,813	51.54	Other disability allowances are not payable.
11.	Trainee TAG Clearance Diver	3	18,813	51.54	Other disability allowances are not

					payable.
12.	TAG Medic	5	11,915	32.64	Other disability allowances may apply if member is eligible.
13.	TAG Ammunition Technician	5	11,915	32.64	Other disability allowances may apply if member is eligible.
14.	Incident Response Regiment Disablement Technician	4	15,676	42.95	Other disability allowances may apply if member is eligible.
15.	Incident Response Regiment Operator (medical/decontamination or search)	5	11,915	32.64	Other disability allowances may apply if member is eligible.
16.	Incident Response Regiment Operator (Incident site)	5	11,915	32.64	Other disability allowances may apply if member is eligible.
17.	Support Member (including a member of Special Forces Signals Squadron)	6	6,273	17.19	Other disability allowances may apply if member is eligible.
18.	Member on designated special duty	-	-	189	Other disability allowances are not payable.