

# DEFENCE FORCE REMUNERATION TRIBUNAL

## DETERMINATION NO. 7 OF 2009

### AIRCREW CAPABILITY ALLOWANCE

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

#### Commencement

1. This Determination commences on 1 October 2009.

#### Purpose

2. This Determination provides a supplement to the salary of certain aircrew members for a period of up to two years to meet ADF capability demands.

#### Definitions

3. The following table defines terms used in this Determination.

Term	Definition
Aviation specialist	A member who is placed in the structure set out under DFRT Determination No. 5 of 2009, Officer Aviation Specialist Structure.
Rank	Includes equivalent rank.
DFRT	Defence Force Remuneration Tribunal.

#### Effective Service

4. For the purposes of this determination, effective service means service that meets all these conditions.

- (a) It is continuous full time service;
- (b) It is paid.

**Exception :** Unpaid leave of less than 21 calendar days.

- (c) It is not counted as a period of ineffective service under clause 5.

5. The table below lists a range of leave types and activities and sets out how a period of leave or activity affects determination of a period of effective service.

Item	Activity	Effect
1.	Part time leave without pay	The paid component counts as effective service.
2.	Leave at full pay. <b>Examples:</b> Recreation leave, full pay long service leave.	The whole period of the leave counts as effective service.
3.	Unpaid leave for less than 21 calendar days. <b>Examples:</b> Leave without pay, maternity leave without pay.	

4.	Unpaid leave for 21 days or more.	The whole period does not count as effective service.	
5.	Absence without leave.		
6	Imprisonment, detention or suspension from duty without pay.		
7.	A period when the member is discharging an undertaking for service, under the Military Superannuation and Benefits Act 1991		
8.	A period when the member is discharging a period of service determined by the Service Chiefs under the <i>Defence (Personnel) Regulations 2002</i> which a member must complete in relation to initial training or qualification or appointment.		
9.	A period when the member is discharging a return of service obligation or undertaking for service associated with any of the following bonus schemes determined under s.58 of the <i>Defence Act 1903</i> in Defence Determination No 15. of 2008: a. Navy – Aircrew Retention and Completion Bonus; or b. Army and Air Force – Targeted Pilot Retention Bonus Scheme; or c. Army – Expansion and Rank retention and Completion Bonus.		
10.	A period after which the member has been issued with a notice of termination of service on disciplinary grounds.		
11	Leave at half pay. <b>Example :</b> Long service leave at half pay or maternity leave at half pay.		Half the period of leave counts as effective service.

#### **Members this determination applies to**

6. A member may be eligible for a payment under this Determination if the member is a qualified member of one of the following employment categories:

- (a) Navy Pilot;
- (b) **Navy Maritime Aviation Warfare Officer**
- (c) Army Pilot;
- (d) Air Force Pilot;
- (e) Air Force Air Combat Officer who is qualified as a Flight Test Systems Specialist.

#### **Member this Determination does not apply to**

7. A member is not eligible for any payment under this Determination if prior to a date listed in clause 8 the member:

- (a) has been issued with a notice of termination of Service on disciplinary grounds; or

- (b) discharges from full time service (except in circumstances provided for in clause 14); or
- (c) undertakes a voluntary transfer of employment category to a category not listed at clause 6 above.

**Dates for payment**

8. A member described in clause 6 is to be paid an amount of allowance on any of the following dates:

- (a) 1 April 2010;
- (b) 1 October 2010;
- (c) 1 April 2011;
- (d) 1 October 2011.

**Amount of allowance — before 1 October 2009 (Time based placement)**

9.1 This clause applies to a member who is:

- (a) described by any of the table Notes items 1 to 7 of Part 1 of Schedule B2 of DFRT Determination No. 15 of 2008; and
- (b) is described under clause 6 (a), (b), (c) or (d); and
- (c) is not an Aviation specialist.

9.2 If the member provides effective service for the six months before a date listed in clause 8, then the amount listed for the member’s rank in the following table is payable to the member.

<b>Item</b>	<b>A member with the rank (equivalent) of...</b>	<b>is to be paid this amount...</b>
1.	Captain	\$8,500
	Major	\$10,000
	Lieutenant Colonel	\$7,500
	Colonel	\$1,000

9.3 This clause applies to a member who is:

- (a) described by any of the table Notes items 1 to 7 of Part 1 of Schedule B2 of DFRT Determination No. 15 of 2008; and
- (b) is described under clause 6 (e); and
- (c) is not an Aviation Specialist.

9.4 If the member provides effective service for the six months before a date listed in clause 8, then the amount listed for the member’s rank in the following table is payable to the member.

<b>Item</b>	<b>A member with the rank (equivalent) of...</b>	<b>is to be paid this amount...</b>
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1.	Captain	\$6,000
	Major	\$6,000
	Lieutenant Colonel	\$4,000
	Colonel	\$2,000

**Amount of allowance – on or after 1 October 2009 (Competency based placement)**

10.1 This clause applies to a member who:

- (a) is described under clause 6 (a), (b), (c) or (d) on or after 1 October 2009; and
- (b) is not an Aviation specialist; and
- (c) is not described by any of the table Notes items 1 to 7 of Part 1 of Schedule B2 of DFRT Determination No. 15 of 2008.

10.2 If the eligible member under clause 10.1 provides effective service for the six months before a date listed in clause 8, then the amount listed for the member's rank in the following table is payable to the member.

<b>Item</b>	<b>A member with the rank (equivalent) of...</b>	<b>is to be paid this amount...</b>
1.	Captain	\$17,000
	Major	\$16,000
	Lieutenant Colonel	\$9,000
	Colonel	\$2,000

10.3 This clause applies to a member who:

- (a) is described under clause 6 (e) on or after 1 October 2009; and
- (b) is not an Aviation specialist; and
- (c) is not described by any of the table Notes items 1 to 7 of Part 1 of Schedule B2 of DFRT Determination No. 15 of 2008.

10.4 If the eligible member under clause 10.3 provides effective service for the six months before a date listed in clause 8, then the amount listed for the member's rank in the following table is payable to the member.

<b>Item</b>	<b>A member with the rank (equivalent) of...</b>	<b>is to be paid this amount...</b>
1.	Captain	\$14,500
	Major	\$12,000
	Lieutenant Colonel	\$5,500
	Colonel	\$4,000

**Amount of allowance—on or after 1 October 2009 (Aviation specialist)**

11.1 This clause applies to a member who:

- (a) is described under clause 6 (a), (b), (c), or (d); and
- (b) is an Aviation specialist on or after 1 October 2009, and
- (c) provides effective service for the six months before a date listed in clause 8, then \$6,000 is payable to the member.

11.2 This clause applies to a member who:

- (a) is described under clause 6 (e); and
- (b) is an Aviation specialist on or after 1 October 2009, and
- (c) provides effective service for the six months before a date listed in clause 8, then \$4,000 is payable to the member.

### **Pro-rata payment of allowance**

12. If an eligible member to whom clause 9, 10 or 11 refers has not provided effective service for the whole of the six-month period, a part of the allowance that corresponds to the portion of the period provided as effective service is payable to the member.

### **Change in Rank or Employment Stream**

13.1 A member may change rank or employment stream during a period of effective service relevant to a payment under this determination.

13.2. If a change in rank or employment stream would change the rate of allowance payable to the member in accordance with clauses 9, 10, and 11, the member is entitled to pro rata payment for the period of effective service provided by the member within each rank or employment stream.

### **Early Payment in Certain Circumstances**

14.1 This clause applies if a member does not render the required period of effective service in relation to the payment of an allowance under this determination because the member:

- (a) dies; or
- (b) The CDF considers that the member ceased to be eligible for reasons beyond their control.

14.2 The member (or if the member has died, the member's legal representative) is entitled to a pro rata payment for the period of effective service provided by the member.

**Superannuation**

15. To avoid doubt, this allowance is not part of a member's salary.

Dated this eighteenth day of August two thousand and nine.

The Honourable P L Leary .....  
President

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