

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO. 4 OF 2008

ALLOWANCE FOR SPECIALIST OPERATIONS

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

1 Repeal and savings

1. Determination No. 19 of 2002, Specialist Operations Allowance ("the repealed Determination"), is repealed.
2. Despite the repeal made by this Determination, clause 4 of the repealed Determination continues to apply in relation to a person who was covered by that clause immediately before that repeal.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a reference to a person authorised by the Chief of the Defence Force to exercise a similar power or function under the repealed Determination, if all of these conditions are met:
 - a. The Chief of the Defence Force was authorised to exercise a power or a function in a provision of the repealed Determination;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 his 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 If, before the day this Determination commenced, a person complied with conditions for an allowance under the repealed Determination.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.
 - 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nothing in this Determination preserves or maintains the monetary amount or value of a person's entitlements under the repealed Determination after the commencement day.
6. Nothing in this Determination is taken to preserve or maintain a person's entitlements after the commencement day if there is a subsequent change of circumstances of the person that would end or vary the entitlement.
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.

2 Commencement

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

3 Purpose and structure

This Determination creates a disability allowance to recognise the special nature of work performed in or in support of specialist operations.

4 Definitions

This table defines terms used in this Determination.

Term	Definition
CDF	Means the Chief of the Defence Force.
clearance diving position	Means a position that is capable of being occupied only by a qualified clearance diver.
clearance diving team	Means either of the following. a. An ADF clearance diving team. b. A similar team that is under the direction of a foreign government, and that is approved by the CDF for the purposes of this Determination.
decompression illness	Means the illness caused by gases, which have been dissolved under pressure in the bloodstream, returning to their natural state.
deep dive	Means a dive to a depth greater than 54 metres, whether in sea water or in a recompression chamber.
designated specialist operations position	Means a clearance diving position except for a position at a Tactical Assault Group.
member on designated special duty	Means a member for whom both of 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 any special forces disability allowance that is payable to the member for that period.
posting to a position, unit or function	Includes a temporary attachment to, or posting additional to, the position, unit or function. Exception: A member who is posted additional to a position, unit or function may only be paid the allowance at the daily rate for each day or part of a day on which the member is engaged in operations or other operational activities, exercises, or training of other clearance divers (other than in a classroom environment).
qualified clearance diver	Means a member who holds the qualifications required to be held by a clearance diver in the Navy.

recompression chamber	Means a hyperbaric chamber constructed specifically for the purpose of replicating the pressure found at a given depth of water.
support member	Means a member who meets both the following conditions. a. The member is required to perform duty as on-line support for a clearance diver team, while not being a qualified diver. b. The member is on continuous short notice to move.

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 Clearance diver

1. This clause applies to a member to whom any of the following circumstances apply.
 - a. A qualified clearance diver who occupies a clearance diving position.
 - b. A qualified clearance diver who performs duty as a member of the Reserve Forces on a day (including a part day).
 - c. A trainee clearance diver.
2. The member is to be paid the allowance at the rate listed for the member's position in column 3 or column 4 of Schedule 1.

7 Additional disability for deep diving

1. This clause applies to a qualified clearance diver who meets both the following conditions.
 - a. The member is paid a rate of allowance listed in whichever is relevant of column 3 or 4 for a position listed at items 4, 5, 6 or 7 of Schedule 1.
 - b. The member performs a deep dive (other than an experimental dive under a Defence Force Trial Directive).
2. The member is to be paid the following additional amounts of allowance.
 - a. **\$291.97** for each dive.
 - b. **\$29.98** for each hour or part hour of the dive, up to a maximum of five hours.
3. The hourly rate under paragraph 7.2.b includes any period the member is required to undergo therapeutic treatment for decompression illness in a recompression chamber after performing a deep dive.
4. The CDF may extend the time limit under paragraph 7.2.b for a period that the CDF considers reasonable, having regard to the following factors.
 - a. The nature of the dive.
 - b. The severity of any decompression illness.

- c. The circumstances of any therapeutic treatment.
- d. Any other factor relevant to the dive.

8 Additional disability for experimental diving

1. This clause applies to a qualified clearance diver who meets both the following conditions.
 - a. The member occupies a designated clearance diving position.
 - b. The member, on a day, performs an experimental dive under a Defence Force Trial Directive.
2. The member is to be paid experimental diving allowance for the grade of dive performed at the relevant rate in the following table.
 - a. For each dive - at the rate specified in column 3 of the table.
 - b. For each hour or part hour duration of each dive - at the rate specified in column 4 of the table.

Column 1 Grade	Column 2 Description of grade	Column 3 Rate for each dive \$	Column 4 Additional rate \$
1	A dive (other than a deep dive) using in-service equipment and approved Service procedures	195.05	19.50
2	A deep dive using in-service equipment and approved Service procedures	325.11	35.73
3	A dive (other than a deep dive) using non-service equipment or procedures which significantly extend the limited of physiological knowledge	528.32	56.89
4	A deep dive using non-service equipment or procedures which significantly extend the limit of physiological knowledge or data involving saturation diving	1,056.58	178.82

9 Support member to a clearance diving team

A support member to a clearance diving team is to be paid the allowance at the relevant rate listed in column 3 or 4 for the member's position in Schedule 1.

10 Member on unpredictable explosives roster

1. This clause applies to a member who is on a roster to search for or render safe unpredictable explosives.
2. For the purpose of this clause, the CDF may determine that a member's roster is in one of the following patterns.

- a. A *continuous roster*, when the member is required because of the small number of qualified members to be on call on a daily basis for the full period of the posting with no respite.
 - b. A *cyclic roster*, when the member is on call and liable for recall at short notice for a pre-determined period of time, then relieved of those duties for a pre-determined period of time, before resuming those duties in a repeat of this cycle.
3. A member on an unpredictable explosives roster is to be paid the relevant rate of allowance in column 3 or 4 for the member's position listed in Schedule 2.
 4. A member is eligible for the annual rate of allowance for high risk search activities in item 1A of Schedule 2 if the member:
 - a. is on a continuous roster under paragraph 2.a.; and
 - b. performs search activities involving unpredictable explosive devices; and
 - c. the CDF decides that the member's task and operating environment involve high risk of death or injury from hidden explosive devices, having regard to the search environment or the likelihood of the presence of opposing forces.

11 Member not on unpredictable explosives roster

1. This clause applies to a member, other than a member referred to in clause 10, who is required on a day to search for or render safe unpredictable explosives.
2. For each day on which the member is required under subclause 11.1, the member is to be paid the allowance at the daily rate listed in column 4 for the member's duties in Schedule 2.
3. The member may only be paid an allowance under this clause for up to 40 days in a year.

12 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 rate listed at column 4 of item 6 in Schedule 2.
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.

13 Member eligible for two allowance rates

1. A member who is eligible for the 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. A member who is eligible for a rate of allowance listed for items 4, 5, 6, or 7 of Schedule 1 and another rate of the allowance is to be paid the higher rate of allowance.
3. If a member is paid the allowance for specialist operations, 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 5 of Schedule 1

and Schedule 2, as relevant to the member.

- 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. Submarine escape allowance.
- k. Submarine service allowance.

14 Reserve service

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

15 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 sixth 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: Clearance diving – allowance rates

Column 1 Item	Column 2 Member's position	Column 3 Annual rate \$	Column 4 Daily rate \$	Column 5 Effect of disability on other s.58H disability allowances
1.	Clearance diving qualification (other than advanced)	The highest rate that applies to the member under another item	-	See clause 13.
2.	Clearance diving qualification (advanced)	The highest rate that applies to the member under another item	-	See clause 13.
3.	Trainee clearance diver	10,990	30.11	Other disability allowances may apply.
4.	Qualified clearance diver posted to clearance diving team	19,047	52.18	Other disability allowances may apply.
5.	Qualified clearance diver posted to Mine Hunter Coastal or Diving School or the Explosive Ordnance Disposal/ Improvised Explosive Device Disposal Response Team Cairns, or on an overseas exchange in the United Kingdom	13,920	38.14	Other disability allowances may apply.
6.	Qualified clearance Diver posted to an Explosive Ordnance Disposal/ Improvised Explosive Device Disposal Response Team (other than Cairns) or to the Sea Training Group or on an overseas exchange with the United States Navy	12,453	34.12	Other disability allowances may apply.
7.	Qualified clearance diver posted to a clearance diving developmental or tactical developmental position or to a clearance diving billet on a major fleet unit	10,990	30.11	Other disability allowances may apply.
8.	Support member	7,329	-	Other disability allowances may apply.

Schedule 2: Allowances for members whose duties involve unpredictable explosives or designated special duty

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Member's position	Annual rate \$	Daily rate \$	Effect of disability on other s.58H disability allowances
1.	Member on a continuous roster under paragraph 10.2.a performing render safe activities	13,920	-	Other disability allowances may apply.
1A.	Member on a continuous roster under paragraph 10.2.a performing high risk search activities	7,329	-	Other disability allowances may apply, except for item 3 of this table.
2.	Member on a cyclic roster under clause paragraph 10.2.b	7,329	-	Other disability allowances may apply.
3.	Member on a roster to search for unpredictable explosives	3,663	-	Other disability allowances may apply.
4.	Member who is required on a day to render safe or dispose of or directly assist in the rendering safe or disposal of an unpredictable explosive, if the member is placed in high risk of the unpredictable explosive	-	117.14	Other disability allowances may apply.
5.	Member, other than a member mentioned in item 4, who is required on a day to engage in searches where an unpredictable explosive is known to be or reasonably suspected of being present, if the member is placed in high risk of the unpredictable explosive	-	58.57	Other disability allowances may apply.
6.	Member on designated special duty	-	220.00	No other disability allowance is payable.