

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO. 9 OF 2008

NAVY CAPABILITY ALLOWANCE

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

1 Commencement

This Determination commences on the day it is signed.

2 Purpose

This Determination provides a short term capability allowance to encourage trained members of the Navy to maintain individual readiness and to remain engaged in continuous full time service.

3 Definitions

This table defines terms used in this Determination.

Term	Definition
General Service Sailor	A sailor who meets both of the following conditions. a. The member is not submarine qualified. b. The Chief of Navy has determined the member is liable for sea service.
Individual Readiness	The standard of readiness required of a member determined by the Chief of Navy under subsections 9(2) and 9A(3) of the <i>Defence Act 1903</i> .
Initial Minimum Period Of Service	The initial minimum period of service that the Chief of Navy has determined in respect of a member's enlistment or appointment under the <i>Defence (Personnel) Regulations 2002</i> .
Return Of Service Obligation	The period that the Chief of Navy determines under the <i>Defence (Personnel) Regulations 2002</i> for the special duties that a member must complete in return for this allowance.
Submarine Qualified Sailor	A sailor who meets all of the following conditions. a. The member holds a submarine proficiency approved by the Chief of Navy. b. The member is a volunteer for submarine service. c. The Chief of Navy has determined the member is liable to serve in submarines.

4 Exercise of powers by the Chief of Navy

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

5 Conditions for eligibility

1. A member who meets all of the following conditions is eligible for the Navy Capability Allowance.
 - a. The member is rendering continuous full time service in Navy.
 - b. The member has completed an initial minimum period of service.
 - c. The member is one of the following.
 - i. General Service Sailor.
 - ii. Submarine Qualified Sailor
 - d. The member holds one of the following ranks.
 - i. Able Seaman.
 - ii. Leading Seaman.
 - iii. Petty Officer.
 - iv. Chief Petty Officer.
 - e. The Chief of Navy has determined that the member meets the Navy's individual readiness requirements at the time that the first and third payments under the scheme are payable.

Exception: A member who is pregnant or on maternity leave or parental leave at the time such payments are payable is taken to be individually ready for the purpose of this allowance.
 - f. The member applies for the Navy Capability Allowance in writing.
 - g. The member is subject to a Return of Service Obligation determined by the Chief of Navy in relation to this allowance for a period of 18 months to be served in addition to fulfilment of any other separate undertaking for further service or return of service obligation.
 - h. The member is not subject to discharge action following a determination by the Chief of Navy that retention of the member is not in the interests of the Navy.
2. A member who receives the Navy Capability Allowance continues to receive the allowance if the member is promoted to the rank of Warrant Officer or appointed as an Officer.

3. This Determination ceases to apply to all members on 31 December 2011.

6 Members not eligible

1. A member is not eligible to apply for the Navy Capability Allowance if either of the following circumstances applies.
 - a. The member will reach compulsory retirement age before the end of the eighteen month period of service the member must perform in return for the allowance, and the Chief of Navy has not accepted the member's application to have the member's retirement date extended to cover that period of service.
 - b. The member's fixed period of service will end before the end of the eighteen month period of service the member must perform in return for the allowance, and the Chief of Navy has not accepted the member's application to have the fixed period of service extended to cover that period of service.
2. A member who is discharged without completing the return of service obligation required for this allowance is not eligible for any further instalments of the Navy Capability Allowance.

7 Applications for the allowance

1. Application for the Navy Capability Allowance is voluntary.
2. A member may not make application for the allowance if the member has previously applied for and received payment of the allowance.
3. Applications must be made before 30 June 2010.

8 Navy Capability Allowance

1. A General Service Sailor whose application for the Navy Capability Allowance has been accepted by the Chief of Navy is to be paid \$24,000. The amount is paid prospectively in the instalments set out in the following table.

Item	This instalment amount...	may be paid on or after this day...
1.	\$6,000	The day the member signs the application form or provides written notice of intent to apply for the allowance. A member who provides notice of intent to apply for the allowance must subsequently make application in the appropriate form.
2.	\$6,000	The day 6 months after the member signs the application form or provides written notice of intent to apply for the allowance.
3.	\$12,000	The day 12 months after the member signs the application form or provides written notice of intent to apply for the allowance.

2. A Submarine Qualified Sailor whose application for the Navy Capability Allowance has been accepted by the Chief of Navy is to be paid \$60,000. The amount is paid prospectively in the instalments set out in the following table.

Item	This instalment amount...	may be paid on or after this day...
1.	\$15,000	The day the member signs the application form or provides written notice of intent to apply for the allowance. A member who provides notice of intent to apply for the allowance must subsequently make application in the appropriate form.
2.	\$15,000	The day 6 months after the member signs the application form or provides written notice of intent to apply for the allowance.
3.	\$30,000	The day 12 months after the member signs the application form or provides written notice of intent to apply for the allowance.

3. If the Chief of Navy determines that a member is not individually ready at the date of the third instalment payment under subclause 8.1 or subclause 8.2, then that payment is deferred.

Exception: A member who is pregnant or on maternity leave or parental leave at the time such payments are payable is taken to be individually ready for the purpose of this allowance.

4. If the Chief of Navy has determined that the member has regained individual readiness within 6 months of the day that the third instalment payment was deferred under subclause 8.3, the payment is to be made to the member.
5. If the Chief of Navy has determined that the member has not regained individual readiness within 6 months of the day that the third instalment payment was deferred under subclause 8.3, the payment is cancelled and must not be made to the member.

9 Arrangements if a member moves between General Service and Submarine Qualified categories

1. If a General Service Sailor who is receiving the Navy Capability Allowance becomes a Submarine Qualified Sailor, then the member is to be paid the higher rate of the allowance from the next payment instalment day.
2. A member who meets the definition of a General Service Sailor is to be paid at the General Service Sailor rate of the allowance for any payment instalment that occurs in a period when any of the following conditions apply.

- a. The Chief of Navy has determined that the member no longer holds a submarine proficiency approved by the Chief of Navy.
- b. The member is no longer a volunteer for submarine service.
- c. The Chief of Navy determines the member is no longer liable to serve in a submarine.

Dated this ninth day of April 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