

# DEFENCE FORCE REMUNERATION TRIBUNAL

## DETERMINATION NO 12 OF 1997

### ARDUOUS CONDITIONS ALLOWANCE

Pursuant to section 58H of the *Defence Act 1903*, the Defence Force Remuneration Tribunal hereby determines as follows:

#### **Citation**

1. This Determination may be cited as Determination No. 12 of 1997, Arduous Conditions Allowance.

#### **Purpose**

2. Arduous Conditions Allowance is an on-occurrence allowance which compensates members for particular disabilities incurred in the performance of their duty.

#### **Exercise of Powers by Chief of the Defence Force**

3. In this Determination a reference to the Chief of the Defence Force is to be taken as including references to such other person as the Chief of the Defence Force authorises for the purpose of the provision in which the reference occurs.

#### **Definitions**

4. In this Determination, unless the contrary intention appears -

“confined spaces” means working conditions which:

- (a) are not normally encountered by the member in his or her employment;
- (b) are unusually wet, dirty, cold or otherwise offensive;
- (c) require the member to work in a stooped or cramped position; and
- (d) require the member to work without proper ventilation;

“hazardous substance” means a substance which is included in the List of Designated Hazardous Substances maintained by the Defence Safety Management Agency in the People Strategies and Policy Group;

“hot conditions” means those conditions where temperature exceeds 46.0 degrees Celsius due to artificial means.

## **Arduous Conditions Allowance**

5.1 Arduous Conditions Allowance is payable to a member where on a day, that member is required to perform duty for a period of three or more hours, or for periods amounting in the aggregate to three or more hours, and that duty involves:

- (a) hot conditions;
- (b) confined spaces; and/or
- (c) hazardous substances.

5.2 A member is not entitled to Arduous Conditions Allowance in relation to a hazardous substance unless the Chief of the Defence Force certifies, having regard to the factors in subclause 5.3, that the conditions under which the substance is used expose the member to working conditions that are not normally encountered by the member in performing duty in the member's employment category.

5.3 The factors for the purpose of subclause 5.2 are:

- (a) the member's employment category;
- (b) the nature of the hazardous substance and the conditions under which it is used; and
- (c) any other factor relevant to the circumstances in which the member is exposed to the substance.

6. ...

## **Rates of Allowance**

7. Subject to clauses 8 and 9 Arduous Conditions Allowance is payable:

- (a) in respect of a member to whom paragraph 5.1(a) applies - at the rate of **\$3.79** per day;
- (b) in respect of a member to whom paragraph 5.1(b) applies - at the rate of **\$5.75** per day; and
- (c) in respect of a member to whom paragraph 5.1(c) applies - at the rate of **\$12.15** per day.

8. Subject to Clause 9, where on a day a member fulfils two or more of the conditions required by clause 5, then that member shall be entitled to the cumulative payment of the elements of Arduous Conditions Allowance appropriate to the circumstances.

9. Where on a day a member fulfils the conditions required clause 5 on two or more occasions, then that member may only be paid the appropriate element of Arduous Conditions Allowance once in respect of that day.

### **Allowance not payable**

10.1 Determination No. 4 of 2008, Allowance for Specialist Operations (Column 5 of Schedules 1 and 2) and Determination No. 5 of 2008, Special Forces Disability Allowance (Column 6 of Schedule 1), prescribe whether a member receiving either of those allowances may also be paid Arduous Conditions Allowance.

10.2 A member is not entitled to arduous conditions allowance for a day on which the member is entitled to the boarding party element of seagoing allowance.

### **Application**

11. This Determination shall take effect on and from 2 December 1997.

Dated this second day of December, nineteen hundred and ninety seven.

The Hon. Justice A.J. Boulton  
President

Commissioner P.L. Leary  
Member

Rear Admiral K.A. Doolan AO RAN (Retd)  
Member

