

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO. 13 OF 2008

FLYING AND FLIGHT DUTIES ALLOWANCE

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

Commencement

1. This Determination commences on the date of signature.

Repeal and Transition

- 2.1 Determination No. 4 of 2006, Flying and Flight Duties Allowance is repealed.
- 2.2 A person who was eligible for a benefit under the repealed determination is taken to be eligible for the corresponding benefit under this Determination.
- 2.3 An exercise of administrative discretion under the repealed determination is taken to have been an exercise of the corresponding discretion under this Determination.

Purpose

3. This Determination creates a disability allowance to recognise the demands of military flying.

Definitions

4. This table defines terms used in this Determination.

Term	Definition
ADF	Means the Australian Defence Force.
CDF	Means the Chief of the Defence Force.
Date of Graduation	In relation to a member, means the date of the ADF ceremony at which the member is awarded wings or similar insignia of flying qualification.
Designated Flying Position	Means either of the following: (a) a position designated as a flying position in the ADF; (b) a position certified by CDF to require flying as a significant part of its primary duties.
Equivalent Rank	In relation to a rank, means any corresponding rank ascertained in accordance with regulation 8 of the <i>Defence Force Regulations 1952</i> as in force from time to time.

Flight Duties	Means duties performed aboard a Service aircraft for the purposes of the operation on which the aircraft is engaged, for the following period: (a) the period starts when the engines of the aircraft are started; (b) the period ends when the engines are stopped. Exception: Aircrew and parachute duties are taken not to be flight duties.
Flying-Related Position	Means a position that the CDF certifies requires a member to hold a flying qualification, flying knowledge and experience to perform the primary duties of the position.
Rank	Includes equivalent rank.
Service Aircraft	Includes a commercial aircraft chartered or leased by the Commonwealth.

Exercise of powers by CDF

5. In this Determination, a reference to the CDF includes a reference to a person the CDF has authorised to exercise administrative powers vested in the CDF under this Determination.

Application

6.1 A member may be eligible for flying allowance if:

- (a) the member is liable to fly; and
- (b) the member is in an employment category that requires flying qualification, experience or skill.

6.2 For paragraph 6.1(a), a member is taken to be liable to fly in any period when the following circumstances apply to the member:

- (a) for a member of the Permanent Force posted to a flying or flying related position — the CDF has not advised that the liability is withdrawn;
- (b) for a member of the Reserves posted to a flying or flying-related position — the CDF has not advised that the liability is withdrawn;
- (c) for a member of the Reserves not posted to a flying or flying-related position — the CDF has advised the member that the member has a liability to fly.

Flying allowance

7. A member eligible for flying allowance will be paid at the relevant rate for the member's rank and circumstances in the following table.

Item	A member who is...	and is at this rank...		will be paid this rate of allowance (\$)...
1.	undergoing flying training in order to become a qualified member	a.	O-7 Commodore Brigadier Air Commodore	6,641 a year.

		b.	up to O-6	any rank below Commodore Brigadier Air Commodore	7,749 a year.
2.	a qualified member posted to a designated flying position	a.	O-7	Commodore Brigadier Air Commodore	6,641 a year.
		b.	up to O-6	any rank below Commodore Brigadier Air Commodore	7,749 a year.
3.	assigned for duty as aircrew but not posted to a designated flying position	a.	O-7 or O-8	Commodore Brigadier Air Commodore and above	18.19 a day.
		b.	up to O-6	any rank below Commodore Brigadier Air Commodore	21.23 a day.
4.	on Reserve service and required to perform any of the following duties. a. Flying. b. Stand by to fly on search and rescue duties. c. Duties relating to the operation of an aircraft in which the member is rostered to fly.	a.	O-7 or O-8	Commodore Brigadier Air Commodore and above	18.19 a day.
		b.	up to O-6	any rank below Commodore Brigadier Air Commodore	21.23 a day.

Flight duties allowance

8.1 Flight duties allowance at the rate of **\$21.23** a day is payable to a member who is required to perform flight duties.

8.2 The member is to be paid flight duties allowance for every day of a period in which the member meets both the following conditions:

- (a) the member must perform flight duties on a Service aircraft; and
- (b) the member must perform the flight duties as often and for as long as aircrew are required to perform duties on that aircraft.

Member eligible for other allowances

9.1 Flight duties allowance is not payable to a member for any period for which the member is paid paratrooper allowance under Determination No. 2 of 2001, Paratrooper Allowance.

9.2 Determination No. 4 of 2008, Allowance for Specialist Operations, and Determination No. 5 of 2008, Special Forces Disability Allowance, prescribe whether a member receiving either of those allowances may also be paid Flying and Flight Duties Allowance.

Working out fortnightly and daily rates

10.1 Annual rates of flying allowance are payable on a fortnightly basis.

10.2 Where any payment is made to a member fortnightly, the fortnightly rate of payment is to be calculated in accordance with the following formula:

$$(A \times 14) \div 365$$

where **A** is the annual rate of payment.

10.3 The daily rate of an annual payment is one fourteenth part of the fortnightly rate of payment.

Dated this fourth day of June 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