

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO. 3 OF 2003

FLYING ALLOWANCE – AMENDMENT

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.

Amendment

2. Determination No. 7 of 1997, Flying Allowance, as amended, is amended as set out in this Determination.

Clause 3 (Definitions)

3. Definition of “qualified member”:
Omit the definition, substitute:

“qualified member” means a member whose aircrew category is mentioned in Schedule 1 and who:

- (a) for an officer — holds the flying qualification required by the member’s Service to be held by a member occupying an officer aircrew category mentioned in Part A of Schedule 1; and
- (b) for a member other than an officer — holds the flying qualification required by the member’s Service to be held by a member occupying an other rank aircrew category mentioned in Part B of Schedule 1.”

Clause 6 (Recognition of previous military flying service)

4. Subclause 6.2:
Omit “under subclause 7.2”, substitute “under subclause 7A.5”.

Clause 7 (Flying Allowance (Qualification and Skill))

5. Subclauses 7.2 and 7.3:
Omit the subclauses.

New clauses 7A and 7B

6. After clause 7, insert:

7A. Flying Allowance (Qualification and Skill) – member commissioned as an officer

“7A.1 This clause applies to a member who:

- (a) is commissioned on a day as an officer; and
- (b) immediately before that day was entitled to flying allowance (qualification and skill) at a rate specified in column 3 of Schedule 2 for a member other than an officer.

“7A.2 On being commissioned as an officer, the member is entitled to flying allowance (qualification and skill) at the rate set out in column 3 of the following table opposite the description of the member:

Column 1 Item	Column 2 Description of member	Column 3 Rate of flying allowance (qualification and skill)
1	Other rank aircrew who is commissioned as an officer in a category not listed in Part A of Schedule 1, and who is not posted to a designated flying position or flying-related position	Nil
2	Other rank aircrew who is commissioned as an officer in a category not listed in Part A of Schedule 1, and who is posted to a flying-related position: (a) for the Navy — as an Aircrewman Officer; and (b) for the Army — in the Army Aviation Corps.	The rate that would continue to apply under column 3 of Schedule 2 if the member had not been commissioned as an officer
3	Other rank aircrew who is commissioned as an officer and is undergoing training for service in an officer category listed in Part A of Schedule 1	<i>(i) During training for service in an officer category mentioned in Part A of Schedule 1</i> Subject to subclause 7A.3, the rate that would continue to apply under column 3 of Schedule 2 if the member had not been commissioned as an officer <i>(ii) On becoming qualified in an officer category mentioned in Part A of Schedule 1</i> The rate applicable under subclause 7A.5

“7A.3 For a member to whom item 3 of the table applies, the rate applicable during training under column 3 (i) is not to continue for more than 12 months or a longer period that the CDF considers reasonable in the circumstances.

“7A.4 For subclause 7A.3, the CDF must have regard to:

- (a) the officer category in which the member is to serve;
- (b) the availability of courses of officer training, tertiary education and flying training relevant to the member;
- (c) the reasons for any interruptions in the member’s training; and
- (d) any other factor relevant to the member’s transition to an officer category mentioned in Part A of Schedule 1.

“7A.5 For item 3, column 3 (ii), the rate is:

- (a) a rate specified in column 2 of the Schedule that is the same as the rate to which the member was previously entitled in column 3; or
- (b) if such a rate is not specified in column 2 — the next highest rate.

“7A.6 Subject to clause 6, a member to whom subclause 7A.5 applies is taken to have a period of qualified flying service that is equal to the minimum period specified in column 1 of Schedule 2 opposite the member’s rate of flying allowance (qualification and skill).

7B. Flying Allowance (Qualification and Skill) – inter-Service transfers

“7B.1 This clause applies to a member who:

- (a) is entitled to flying allowance (qualification and skill) under clause 7;
- (b) is transferred to another arm of the Defence Force; and
- (c) is undergoing training to become a qualified member in an aircrew category mentioned for that arm of the Defence Force in:
 - (i) for an officer — Part A of Schedule 1; and
 - (ii) for a member other than an officer — Part B of Schedule 1.

“7B.2 For the period of training mentioned in paragraph 7B.1(c), the member is entitled to flying allowance (qualification and skill) as if the member had continued to be a qualified member in the arm of the Defence Force in which the member was appointed or enlisted before the transfer.”.

Clause 9 (Allowance payable after completion of certain service)

7.1 Subclause 9.5:

Omit “under clause 9”, substitute “under this clause”.

7.2 Paragraph 9.5(a):
Omit “under clause 7”, substitute “under clause 7, 7A or 7B”.

Dated this twenty first day of February two thousand and three.

His Honour Judge F K Cawthorne
President

Air Vice Marshal F D Cox AO (Retd)
Member

Commissioner A J Dangerfield
Member