

# **DEFENCE FORCE REMUNERATION TRIBUNAL**

## **DETERMINATION NO. 14 OF 2013**

### **ALLOWANCE FOR SPECIALIST OPERATIONS – AMENDMENT**

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

#### **1 Citation**

1. This Determination is DFRT Determination No. 14 of 2013, Allowance for Specialist Operations – amendment.
2. This Determination may also be cited as DFRT Determination No. 14 of 2013.

#### **2 Commencement**

This Determination commences on 12 September 2013.

#### **3 Amendment**

Determination No. 4 of 2008, *Allowance for Specialist Operations*, as amended, is amended as set out in this Determination.

#### **4 Clause 4 (Definitions), table**

Delete the table at clause 4 in its entirety and insert the table in the Schedule to this Determination.

#### **5 Clause 12 (Daily rate of allowance – search for unpredictable explosives)**

Delete clause 12 in its entirety and insert:

#### **“12 On occurrence rate of allowance – search for unpredictable explosives**

1. This clause applies to a member who:
  - a. holds a relevant qualification for searching for unpredictable explosives; and
  - b. is directed to engage in a search for unpredictable explosive devices; and
  - c. has a non-continuous liability that has arisen as a result of a posting to a position, unit or function to conduct searches for unpredictable explosive devices.
2. If CDF is satisfied that a member has been directed to engage in a search activity for unpredictable explosive devices, then that member is to be paid the on occurrence rate of unpredictable explosives allowance listed at item 3 in Schedule 2.
3. The on occurrence payment is subject to the following limits:

- a. Daily limit — A member may be paid up to a maximum of three on occurrence payments for a 24-hour period.
  - b. Annual limit — A member may be paid up to a maximum of 40 on occurrence payments for each 12 months of service in the position.
4. For any period for which the allowance is payable to a member under this clause, no amount is payable to the member under clause 10.”

**6 Clause 14 (Daily rate of allowance – rendering safe or disposal of unpredictable explosives)**

Delete clause 14 in its entirety and insert:

**“14 On occurrence rate of allowance – rendering safe or disposal of unpredictable explosives**

1. This clause applies to a member who:
- a. holds a relevant qualification for rendering safe or disposal of unpredictable explosives; and
  - b. is directed to:
    - i. render safe or dispose of unpredictable explosive devices; or
    - ii. directly assist in the rendering safe or disposal of unpredictable explosive devices; and
  - c. is not eligible to be paid the allowance under clause 13.
2. If CDF is satisfied that a member has been directed to engage in rendering safe or disposal of (or directly assist in the rendering safe or disposal of) unpredictable explosive devices, then that member is to be paid the on occurrence rate of allowance listed at item 6 in Schedule 2.
3. The on occurrence payment is subject to the following limits:
- a. Daily limit — A member may be paid up to a maximum of three on occurrence payments for a 24-hour period.
  - b. Annual limit — A member may be paid up to a maximum of 40 on occurrence payments for each 12 months of service in the position.
4. For any period for which the allowance is payable to a member under this clause, no amount is payable to the member under clause 12.”

**7 Clause 17 (Reserve service)**

Delete clause 17 in its entirety and insert:

**“17 Reserve service**

A member on Reserve service who is eligible for an allowance in this Determination may be paid at the applicable on occurrence or daily rate for the relevant item of Schedule 1 or 2.”

**8 Schedule 2 (Allowances for members whose duties involve unpredictable explosives or designated special duty)**

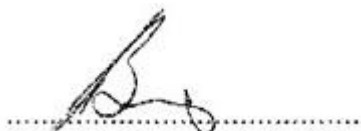
Delete the table at Schedule 2 in its entirety and insert the table in the Schedule 2 to this Determination.

Dated this twenty-third day of August two thousand and thirteen.

The Honourable A Harrison  
President

A handwritten signature in cursive script, appearing to read 'A Harrison', written over a horizontal dotted line.

The Honourable Arch Bevis  
Member

A handwritten signature in cursive script, appearing to read 'Arch Bevis', written over a horizontal dotted line.

Brigadier William Rolfe, AO (Ret'd)  
Member

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## **Schedule 1**

| <b>Term</b>                               | <b>Definition</b>                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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.<br>a. An ADF clearance diving team.<br>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.                                                                                                                                                                                     |
| continuous liability                      | Means a member is required to be on-call on a daily basis for the period of a posting, deployment or attachment to perform render safe, disposal or search tasks, that relate to unpredictable explosives.                                                                                                                                                                                               |
| 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.                                                                                                                                                                                                                                                                                                                     |
| high risk search                          | Means a member's search task and environment that the CDF has decided involves 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.                                                                                                                                                                 |
| member on designated special duty         | Means a member for whom both of the following conditions are met.<br>a. The member is posted or assigned for duty for a period on a special operation designated by the CDF.<br>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. |
| non-continuous liability                  | Means a member is:<br>a. required to perform render safe, disposal or search tasks on an irregular basis; or<br>b. expected to be called upon at short notice to undertake a short period of being on-call on a daily basis.                                                                                                                                                                             |

|                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| posting to a position, unit or function | <p>Includes a temporary attachment to, or posting additional to, the position, unit or function.</p> <p><b>Note:</b> A member who is posted additional to a position, unit or function may only be paid the allowance at either the on occurrence or daily rate for the period of engagement in operations or other operational activities, exercises, or training of other clearance divers (other than in a classroom environment).</p> |
| 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.                                                                                                                                                                                                                                                                                                          |
| search                                  | Means a search where an unpredictable explosive is reasonably suspected to be present, in a known and stable environment, and in which the member is exposed to a low risk of injury or death.                                                                                                                                                                                                                                            |
| support member                          | <p>Means a member who meets both the following conditions.</p> <ul style="list-style-type: none"> <li>a. The member is required to perform duty as on-line support for a clearance diver team, while not being a qualified diver.</li> <li>b. The member is on continuous short notice to move.</li> </ul>                                                                                                                                |
| trainee clearance diver                 | Means a member who is engaged in diving training on the Clearance Diver Basic Course.                                                                                                                                                                                                                                                                                                                                                     |

## Schedule 2

| Column 1 | Column 2                                                                                                                                             | Column 3    | Column 4   | Column 4A          | Column 5                                                        |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|------------|--------------------|-----------------------------------------------------------------|
| Item     | Descriptor                                                                                                                                           | Annual rate | Daily rate | On occurrence rate | Effect of disability on other section 58H disability allowances |
|          |                                                                                                                                                      | \$          | \$         | \$                 |                                                                 |
| 1.       | May be required to engage in search activities (continuous liability) (clause 10)                                                                    | 3,775       | -          | -                  | Other disability allowances may apply.                          |
| 2.       | May be required to engage in high risk search activities (continuous liability) (clause 11)                                                          | 7,512       | -          | -                  | Other disability allowances may apply.                          |
| 3.       | Directed to engage in a search activity in a 24-hour period (clause 12)                                                                              | -           | -          | 60.03              | Other disability allowances may apply.                          |
| 4.       | May be required to engage in render safe or disposal or directly assist in render safe or disposal activities (continuous liability) (clause 13)     | 14,268      | -          | -                  | Other disability allowances may apply.                          |
| 5.       | May be required to engage in render safe or disposal or directly assist in render safe or disposal activities (non-continuous liability) (clause 13) | 7,512       | -          | -                  | Other disability allowances may apply.                          |



|    |                                                                                                                                           |   |        |        |                                           |
|----|-------------------------------------------------------------------------------------------------------------------------------------------|---|--------|--------|-------------------------------------------|
| 6. | Directed to engage in a render safe or disposal or directly assist in render safe or disposal activity in a 24-hour period<br>(clause 14) | - | -      | 120.07 | Other disability allowances may apply.    |
| 7. | Member on designated special duty<br>(clause 15)                                                                                          | - | 226.00 | -      | No other disability allowance is payable. |

