

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO. 1 OF 2016

SUBMARINE CAPABILITY ASSURANCE PAYMENT – AMENDMENT

The Defence Force Remuneration Tribunal makes the following Determination under section 58H of the *Defence Act 1903*. It relates to Matter No. 14 of 2015 — Submarine Capability Assurance Payment.

1 Citation

1. This Determination is DFRT Determination No. 1 of 2016, Submarine Capability Assurance Payment – amendment.
2. This Determination may also be cited as DFRT Determination No. 1 of 2016.

2 Commencement

This Determination commences on the date of signature.

3 Amendment

Determination No. 11 of 2013, *ADF Allowances*, as amended, is amended as set out in clauses 4 to 7 of this Determination.

4 Section A.1.4 (Contents), Part D

Insert under Part D (Other Allowances):

Division D.1 – Submarine capability assurance payment

5 Part D (Other Allowances)

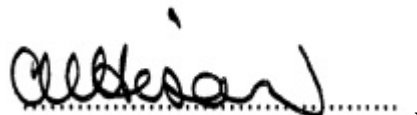
Delete the text in Part D in its entirety and insert the text at Schedule 1 of this Determination.

6 Part F (Allowance Rates), table 2

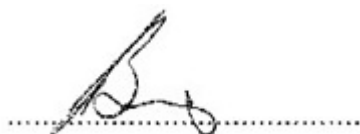
Insert after table 2, the table in Schedule 2 of this Determination.

Dated this twenty-ninth day of January two thousand and sixteen.

The Honourable A Harrison
President

A handwritten signature in black ink, appearing to read 'A Harrison', written over a dotted line.

The Honourable Arch Bevis
Member

A handwritten signature in black ink, appearing to read 'Arch Bevis', written over a dotted line.

Rear Admiral James Goldrick AO CSC RAN Rtd
Member

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Schedule 1

Division D.1: Submarine capability assurance payment

D.1.1 Purpose

The submarine capability assurance payment is intended to retain skilled and experienced submariners and attract new members from inside and outside the Royal Australian Navy into the submarine workforce.

D.1.2 Definitions

This table defines terms used in this Division.

Term	Definition
effective service	Means service that meets all the following conditions. a. It is continuous full-time service. b. It is paid. c. It is not a period that does not count as effective service under section D.1.3 of this Division.

D.1.3 Effective service

The table below lists a range of leave types and activities and sets out how a period of leave or activity affects determination of a period of effective service.

Item	Activity	Effect
1.	Leave at full pay. Example: Annual leave, full pay long service leave.	The period of the leave counts as effective service.
2.	Part-time leave without pay	The paid component counts as effective service.
3.	Any leave at half pay	The paid component counts as effective service.
4.	Unpaid leave. Example: Leave without pay, maternity leave without pay.	The period does not count as effective service.
5.	Absence without leave.	The period does not count as effective service.
6.	Imprisonment, detention or suspension from duty without pay.	

7.	A period when the member is discharging a period of service determined by the Service Chiefs under the <i>Defence (Personnel) Regulations 2002</i> , which a member must complete in relation to initial employment training in their current specialisation.	The period counts as effective service.
8.	A period when the member is performing an undertaking for further service under Part 8 of the <i>Military Superannuation and Benefits Act 1991</i> (as preserved by item 4 of Schedule 4 <i>Defence Legislation Act (No. 1) 2005</i>).	
9.	A period when the member is discharging a return of service obligation.	

D.1.4 Member this payment applies to

The submarine capability assurance payment may apply to a member who is serving a period of continuous full-time service.

D.1.5 Accrual of submarine service

1. For the purpose of eligibility under this Division, a member's submarine service is aggregated in accordance with the following table.

Item	For any period while a member holds a submarine sea qualification and...	for this period of effective service...	it counts as this much submarine service...
1.	is posted to a submarine	each 12 months completed in the posting	one year.
		any day in a period of less than 12 months in the posting	one day.
2.	is posted to Sea Training Unit - Submarines	each 12 months completed in the posting	one year.
		any day in a period of less than 12 months in the posting	one day.

Item	For any period while a member holds a submarine sea qualification and...	for this period of effective service...	it counts as this much submarine service...
3.	is performing temporary duty on either of the following a. a submarine b. with Sea Training Unit – Submarines	any day in a calendar year	one day.
4.	is performing Reserve service on either of the following a. a submarine b. with Sea Training Unit – Submarines		

2. The CDF may decide that a period of naval submarine service in another defence force is to count towards the member's aggregated submarine service for the purpose of eligibility for this payment.

D.1.6 Conditions for eligibility

A member who meets all of the following conditions may be eligible for submarine capability assurance payment.

- a. The member holds a submarine sea qualification.
- b. The member meets submarine proficiency levels 1, 2 or 3.
- c. The member is not serving a period of undertaking towards any of the following types of bonus schemes described below, as determined under section 58B of the *Defence Act 1903*.
 - i. A bonus scheme for particular employment categories related to submarine capability.
 - ii. A bonus scheme for an individual's service that is directly related to submarine capability.

D.1.7 Events that end eligibility

A member ceases to be eligible for submarine capability assurance payment from the earliest date on which any of the following events occur.

- a. The member ceases to meet the conditions under section D.1.6.
- b. The member resigns from the Permanent Force or transfers to the Reserves.
- c. The member is issued with a notice of termination of service on disciplinary or administrative grounds (other than medical reasons).
- d. The member initiates training as part of a voluntary transfer of employment category that is outside submarine capability.

D.1.8 Annual rates of allowance

A member who is eligible under subsection D.1.6 is to be paid the annual rate of submarine capability assurance as set out in the following table.

Item	A member who has accrued this total period of submarine service while holding a submarine sea qualification...	is to be paid...
1.	less than three years	the annual rate listed for item 1, table 3 in Part F of this Determination.
2.	three years but less than six years	the annual rate listed for item 2, table 3 in Part F of this Determination.
3.	six years but less than nine years	the annual rate listed for item 3, table 3 in Part F of this Determination.
4.	nine years or more	the annual rate listed for item 4, table 3 in Part F of this Determination.

D.1.9 Administration of payment

The amount of payment is calculated for each calendar year and is payable as a lump sum on an annual basis after each year ends.

D.1.10 Pro-rata calculation of payment

1. The following periods reduce the amount of the payment that can be made to the member on a pro-rata basis.
 - a. Periods that do not count as effective service under section D.1.3.
 - b. Any period in which the member does not meet one or more eligibility conditions under section D.1.6.
2. A pro rated payment must be worked out using the following steps.

Step	Action
1.	Find the number of days in the calendar year for which the member was ineligible for submarine capability assurance payment.
2.	Subtract the answer in Step 1 from 365.
3.	Divide the answer in Step 2 by 365. This will give the proportion of the year for which the member was eligible for the payment.
4.	Multiply the relevant annual rate of payment that applies to the member by the answer in Step 3. This will give the pro rata payment owing to the member.

3. To remove doubt, a member who becomes ineligible during a year due to any circumstances described at paragraphs D.1.7.b –d is not entitled to a proportion of submarine capability assurance payment for that year.

D.1.11 Early pro-rata payment in certain circumstances

1. This clause applies if a member does not render effective service in relation to the payment of submarine capability assurance payment due to any of the following circumstances.

- a. The member dies.
- b. The CDF considers that the member's eligibility ceased because the member has reached compulsory retirement age.
- c. The member's service is terminated on medical grounds.
- d. The CDF is satisfied that a member's resignation from service is for compassionate reasons.

2. The member (or if the member has died, the member's legal personal representative) is eligible for a pro-rata payment for the period of effective service provided by the member, payable as soon as practicable after the event. The same method of pro rating set out at subsection D.1.10.2 is to be used.

D.1.12 Interactions with other allowances

Eligibility for submarine capability assurance payment does not exclude eligibility for any other allowance.

Schedule 2

Table 3 – Other allowance rates

Column 1 Item	Column 2 Allowance Reference	Column 3 Rate (\$)
1.	Submarine capability assurance payment section D.1.8, item 1	\$15,000
2.	Submarine capability assurance payment section D.1.8, item 2	\$25,000
3.	Submarine capability assurance payment section D.1.8, item 3	\$40,000
4.	Submarine capability assurance payment section D.1.8, item 4	\$50,000