



Defence Force Remuneration Tribunal Determination No. 1 of 2021, ADF Allowances – Separation allowance and Special Forces disability allowance – amendment

The Defence Force Remuneration Tribunal, make this Determination under section 58H of the *Defence Act 1903*. It relates to Matter 20 of 2020, Special Forces Report Back.

Dated 22 March 2021

Ingrid Asbury
President

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Adrian Morris
Member

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Major General Gerard Fogarty AO (Retd)
Member

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1 Name

1. This Determination is Defence Force Remuneration Tribunal Determination No. 1 of 2021, ADF Allowances – Separation allowance and Special Forces disability allowance – amendment.
2. This Determination may also be cited as DFRT Determination No. 1 of 2021.

2 Commencement

Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information	
Column 1	Column 2
Provisions	Commencement
1. The whole of this instrument	22 March 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

3 Authority

This instrument is made under section 58H of the *Defence Act 1903*.

4 Schedules

1. Defence Force Remuneration Tribunal Determination No. 11 of 2013, *ADF Allowances*, as amended,¹ is amended as set out in Schedule 1 of this Determination.

NOTE

1. Defence Force Remuneration Tribunal Determination No. 11 of 2013, *ADF Allowances*, commenced on 12 September 2013 and has been amended by DFRT Determination Nos. 13, 19 and 20 of 2013; Nos. 6 and 9 of 2014; Nos. 5, 11, 12, 13, 14 and 16 of 2015; Nos. 1, 2, 5, 6 and 8 of 2016; Nos. 1, 4, 7, 9 and 10 of 2017; Nos. 1, 4 and 9 of 2018; Nos. 2, 5 and 9 of 2019; Nos. 2 and 10 of 2020.

Schedule 1—Separation allowance and Special Forces disability allowance amendment

DFRT Determination No. 11 of 2013, ADF Allowances

1 Paragraph B.3.5.1.c.ii

Omit “9”, substitute “9 and 14”.

2 Paragraph B.12.5.5.b

Omit the paragraph, substitute:

- b. The member is posted to any of the following.
 - i. 4 Squadron, Air Force.
 - ii. Australian Defence Force Parachuting School.
 - iii. Australian Defence Force School of Special Operations.
 - iv. Special Air Service Regiment.
 - v. 1st Commando Regiment.
 - vi. 2nd Commando Regiment.

3 Paragraph B.12.6.5.b

Omit the paragraph, substitute:

- b. The member is directed to perform duty on a day with any of the following.
 - i. 4 Squadron, Air Force.
 - ii. Australian Defence Force Parachuting School.
 - iii. Australian Defence Force School of Special Operations.
 - iv. Special Air Service Regiment.
 - v. 1st Commando Regiment.
 - vi. 2nd Commando Regiment.

EXPLANATORY STATEMENT

Defence Force Remuneration Tribunal Determination No. 1 of 2021, ADF Allowances – Separation allowance and Special Forces disability allowance – amendment

This Determination amends Defence Force Remuneration Tribunal (DFRT) Determination No. 11 of 2013, ADF Allowances (the Principal Determination), made under section 58H of the *Defence Act 1903* (the Act) and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (AIA Act). The Principal Determination sets out provisions dealing with allowances for members of the Australian Defence Force (ADF).

The purpose of this Determination is to amend the Principal Determination to update the conditions for Combat Controllers and Combat Control Officers to ensure they are eligible to claim the discounted rate of separation allowance under subsection B.3.6.2. The Determination also updates the conditions of eligibility for Special Forces disability allowance which relates to Combat Controllers and Combat Control Officers.

Section 1 of this Determination sets out the manner in which this Determination may be cited.

Section 2 of this Determination provides that the Determination commences on date of signature.

Section 3 provides that this instrument has authority under section 58H of the *Defence Act 1903*.

Section 4 provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1 – Combat Controllers and Combat Control Officers.

Section 1 amends subparagraph B.3.5.1.c.ii of the Principal Determination. Paragraph B.3.5.1.c provides that a member is eligible for separation allowance if they are a member with dependants who is eligible for specific annual rates of maritime disability allowance or specific annual or daily rates of Special Forces disability allowance. The amendment adds Combat Controllers and Combat Control Officers to the list of specified annual rates of disability allowance under subparagraph B.3.5.1.c.ii by reference to item 14. This enables these members to receive the discounted separation allowance payable under subsection B.3.6.2.

Sections 2 and 3 amend paragraphs B.12.5.5.b and B.12.6.5.b of the Principal Determination which specify where a member must be posted, or perform duty with, in order to be eligible for Special Forces disability allowance. The amendment expands the list of units to which Combat Controllers and Combat Control Officers may be posted, as part of the eligibility conditions for the allowance. Changes to the way capability are deployed and other administrative changes mean that now Combat Controllers and Combat Control Officers who are liable to support Special Operations Command activities may be posted to 4 Squadron, Air Force; Australian Defence Force School of Special Operations; Australian Defence Force Parachuting School; Special Air Service Regiment; 1st Commando Regiment or 2nd Commando Regiment. These personnel are included as eligible for the same allowance rate currently provided to eligible 4 Squadron personnel.

Authority: Section 58H of the
Defence Act 1903