

# DEFENCE FORCE REMUNERATION TRIBUNAL

## DETERMINATION NO. 21 OF 2006

### SEPARATION 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.

#### Displacement

2.1 Any amount payable to the member under Division 1 of Part 1 of Chapter 6, Defence Determination 2005/15, Conditions of Service, made under section 58B of the Act, ceases to be payable to the member from the date this Determination commences.

2.2 This Determination does not displace any other benefit payable to the member in accordance with Defence Determination 2005/15, Conditions of Service, made under section 58B of the Act.

#### Purpose

3. The purpose of separation allowance is to compensate members for the time they spend away from their dependants for Service reasons.

#### Definitions and interpretation

4. Each term listed in this table has the meaning listed for it in the table.

Term	Definition
ADF	Means the Australian Defence Force.
CDF	Means the Chief of the Defence Force and includes a person authorised to act for and on behalf of CDF.
Continuous full-time service	Continuous full-time service applies to the service performed by these two groups of members: <ol style="list-style-type: none"><li>a. Members of the Permanent Forces.</li><li>b. Members of the Reserves who are specifically on a period of Continuous full-time service.</li></ol>
Defence Determination 2005/15	Means Defence Determination 2005/15, Conditions of Service, made under section 58B of the <i>Defence Act 1903</i> , as amended from time to time.
Member with dependants	Has the meaning given to define a category of members eligible for special conditions in the following situations: <ol style="list-style-type: none"><li>a. A member with Dependants who proceeds on duty unaccompanied by his/her dependants.</li><li>b. A member with dependants who incurs additional cost because they are living apart from his/her family.</li></ol>

Member with dependants (unaccompanied)	Has the meaning given to define a category of members eligible for special conditions in the following situations: a. A member with dependants who proceeds on duty unaccompanied by his/her dependants. b. A member with dependants who incurs additional costs because they are living apart from his/her family.
Seagoing allowance	Means an allowance paid under Determination No. 1 of 1996, Seagoing Allowance.
Special Action Forces allowance	Means an allowance paid under Determination No. 11 of 2002, Special Action Forces Allowance.
Specialist operations allowance	Means an allowance paid under Determination No. 19 of 2002, Specialist Operations Allowance.
Submarine service allowance	Means an allowance paid under Determination No. 9 of 1995, Submarine Service Allowance.
TAG East	means the Tactical Assault Group (counter-terrorist company) of 4 <sup>th</sup> Battalion, Royal Australian Regiment.

### Member eligible for separation allowance

5.1 A member is eligible for payment of separation allowance at the rate that corresponds to his/her circumstances under the following table.

Item	A member who is...	and is...	is to be paid...
1.	a member with dependants posted to a location where he/she maintains a home for dependants  <b>Note:</b> This includes a member categorised as a short-term member with dependants (unaccompanied) under subclause 1.3.81.5 of Defence Determination 2005/15.	paid any of the following allowances for disability:  a. Seagoing allowance  b. For a trainee or qualified special forces member -- Special Action Forces allowance  c. For a member who is a trainee or qualified TAG East or a trainee or qualified Commando -- Specialist operations allowance  d. Submarine service allowance	an annual rate of \$686
2.	a member with dependants (unaccompanied) posted to a location away from where his/her dependants live	away from his/her dependants for a continuous period of 14 days, including any period for which travel costs were paid by the Commonwealth  <b>Note:</b> This may include a member paid an allowance described in item 1.	a daily rate of \$6.79 starting on the fifteenth day of separation.
3.	a member with dependants with a normal place of duty in the location where he/she maintains a home for dependants	on Reserve service and on duty away from his/her dependants for a continuous period of 14 days, including any period for which travel costs were paid by the Commonwealth  <b>Note:</b> This may include a member paid an allowance described in item 1.	

5.2 The daily rate of allowance is not paid to a member during a visit to the home his/her dependants live in, for any period of the visit that is:

- (a) if the Commonwealth has provided assistance with travel costs – more than two days.
- (b) if the Commonwealth has not provided assistance with travel costs – more than five days.

5.3 The daily rate of allowance is not payable to a member during any period when:

- (a) any of the following are payable to the member:
  - (i) travel costs;
  - (ii) overseas living allowance;
  - (iii) legal officers sessional fee; or
- (b) the member is staying in hospital in the location where his/her dependants live.

5.4 A member who is not paid the daily rate of separation allowance for a period under subclause 5.3 may continue to receive the allowance when the separation resumes, without the need to serve another 14 day qualifying period.

5.5 Separation allowance continues to be payable to a member during the period when his/her dependant uses Commonwealth travel assistance to visit the member.

**Member who is not eligible for separation allowance**

6. This allowance does not apply to:

- (a) a member who is paid salary under a determination made by the Remuneration Tribunal under the *Remuneration Tribunal Act 1973*; or
- (b) a member with the rank of Brigadier (E) or higher; or
- (c) the member is not entitled to salary.

Dated this 28<sup>th</sup> day of June two thousand and seven.

Senior Deputy President R N Cartwright .....  
President

Mr G D John .....  
Member

Rear Admiral B L Adams, AO (Ret'd) .....  
Member