

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO. 12 OF 2012

OFFICER AVIATION REMUNERATION STRUCTURE ALLOWANCE

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. 12 of 2012, Officer Aviation Remuneration Structure Allowance.
2. This Determination may also be cited as DFRT Determination No. 12 of 2012.

2 Commencement

This Determination commences on 1 January 2013.

3 Purpose

The purpose of this Determination is to create a seniority-based allowance for identified Officer Aviation members, to regulate workforce flow and distribution through career and specialist streams.

4 Definitions

This table defines terms used in this Determination.

Term	Definition
Aviation specialist	Has the same meaning prescribed by clause B.3.2 (Definitions) of DFRT Determination No. 15 of 2008, <i>Salaries</i> , as amended from time to time.
Career stream	The competency-based salary progression system introduced in DFRT Determination No. 4 of 2009, <i>Officer Aviation Remuneration Structure</i> , as amended from time to time.
CDF	Means the Chief of the Defence Force.
Fast jet pilot	Means a member of the pilot specialisation or related specialist structure who has completed a conversion to F35, F/A18, F111 or foreign equivalent.
Fixed wing pilot	Means a member of the pilot specialisation or related specialist structure who has successfully attained an operational captaincy on a fixed wing platform and is not a fast jet pilot.

Legacy stream	Includes any member who, before 1 October 2009: (a) is offered employment within an officer aircrew category; (b) is under training as a member of an officer aircrew category, or (c) to whom any of the descriptors listed in items 1-7 of the notes table in Schedule B.2, to DFRT Determination No.15 of 2008, <i>Salaries</i> , apply.
Officer Aviation member	Means a member of the aviation combat officer, pilot, aviation warfare officer, joint battlefield airspace controller specialisations or related specialist structures.
Substantive rank	Has the same meaning prescribed by regulation 32 of the <i>Defence (Personnel) Regulations 2002</i> as in force from time to time.

5 Effective service

1. For the purposes of this determination, effective service means service that meets all these conditions:

- (a) it is service in the Permanent Air Force;
- (b) it is paid; and
- (c) it is not counted as a period of ineffective service under subclause 5.2 of this Determination.

2. 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, long service leave at half pay.	The paid component counts as effective service.
3.	Unpaid leave. Example: Leave without pay, maternity leave without pay.	The period does not count as effective service.

4.	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.
5.	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>).	
6.	Any period when the member is discharging: a. a return of service obligation; or b. an undertaking for service associated with any bonus schemes determined under section 58B of the <i>Defence Act 1903</i> . Note: The service towards the bonus described in paragraph 7(c) of this determination can never count as service because the member is not eligible.	
7.	Absence without leave.	The period does not count as effective service.
8.	Imprisonment, detention or suspension from duty without pay.	

6 Member this Determination applies to

This allowance applies to an Officer Aviation member of the Permanent Air Force who is a fast jet or fixed wing pilot.

7 Conditions for eligibility

For any period when the member holds a combination under paragraph (a) and meets a set of circumstances under paragraph (b), and is not performing a period of service agreed toward a bonus listed in paragraph (c), that member is eligible for the Officer Aviation Remuneration Structure allowance:

- (a) The member has attained and remains suitable to hold any of the following qualification combinations on a RAAF flying squadron (in accordance with Defence Instruction (Air Force) Operational 2-1, *Aircrew – qualifications, categorisation and employment*, as amended from time to time, and made under section 9A of *Defence Act 1903*):
 - (i) a fast jet pilot with Proficient (category C) status; or

- (ii) a fixed wing pilot with Proficient (category C) status.
- (b) The member is in either of the following sets of circumstances:
 - (i) The member is in either the Officer Aviation Career or Legacy Stream, and is in the first forty-eight months as either a substantive Squadron Leader or Wing Commander based on their recognised seniority date; or
 - (ii) The member is in their fourth, fifth or sixth year as an aviation specialist.
- (c) The RAAF Officer Aviation Remuneration Structure transitional bonus authorised by the Chief of Air Force under Chapter 3 Part 5 Division 2 of Defence Determination 2005/15, *Conditions of Service*, made under section 58B of the *Defence Act 1903*.

8 Events that end eligibility

Eligibility for Officer Aviation Remuneration Structure allowance ceases for a member from the day on which any of the following apply to the member:

- (a) The member ceases to be eligible under clause 7 of this Determination;
- (b) The member leaves the Officer Aviation Remuneration Structure, including when a member resigns from the Permanent Forces 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.

Exception: It is not a cessation event if the training relates to a transfer to or from the Officer Aviation Specialist Stream.

9 Annual rate of allowance

The annual rate of allowance is \$25,000.

10 Payment of the allowance

The amount of allowance is calculated for each calendar year and is payable annually after each year ends.

11 No eligibility for payment

The member is not eligible for annual or pro-rata payment of the allowance for a year in which any of the circumstances in paragraphs 8(b), 8(c) and 8(d) apply to the member.

12 Pro-rata calculation of allowance

1. Periods of ineligibility (other than a period to which clause 11 applies) reduce the amount of the allowance on a pro-rata basis.

2. Periods that do not count as effective service under clause 5 reduce the amount of the allowance on a pro-rata basis.

3. For a member on part-time leave without pay, the method for calculating the pro-rata payment of allowance is set out in clause 3.2.8 of Defence Determination 2005/15, *Conditions of Service*.

13 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 the Officer Aviation Remuneration Structure Allowance due to any of the following circumstances:

- (a) the member dies; or
- (b) the CDF considers that the member's eligibility ceased for any of the following reasons:
 - (i) The member has reached compulsory retirement age; or
 - (ii) The member is medically unfit.

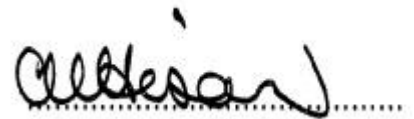
2. The member (or if the member has died, the member's legal personal representative) is eligible for a pro-rata payment for the period of effective service provided by the member, payable as soon as practicable after the event.

14 Superannuation

To avoid doubt, this allowance is not part of a member's salary.

Dated this twenty-eighth day of November two thousand and twelve.

The Honourable A Harrison
President



The Honourable Arch Bevis
Member

