

# DEFENCE FORCE REMUNERATION TRIBUNAL

## DETERMINATION NO. 10 OF 2010

### SEPARATION ALLOWANCE — AMENDMENT

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.

#### Amendment

2. Determination No. 21 of 2006, Separation Allowance, as amended, is amended as set out in this Determination.

#### Clauses 4 to 6

3. Substitute:

#### “Definitions and interpretation

4. This table defines terms used in this Determination.

<b>Term</b>	<b>Definition</b>
ADF	Australian Defence Force.
CDF	Chief of the Defence Force and includes a person authorised to act for and on behalf of CDF.
Continuous Full-Time Service	Has the meaning given in Division 1 of Part 3 of Chapter 1 of Defence Determination 2005/15, as amended from time to time.
Defence Determination 2005/15	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 (MWD)	Has the meaning given in Division 2 of Part 3 of Chapter 1 of Defence Determination 2005/15, as amended from time to time.
Member with dependants – unaccompanied (MWD(U))	Has the meaning given in the following references to Defence Determination 2005/15, as amended from time to time:  (a) Division 2 of Part 3 of Chapter 1; and  (b) Division 1 of Part 3A of Chapter 8.
Seagoing Allowance	An allowance paid under Determination No. 1 of 1996, Seagoing Allowance, as amended.

<b>Term</b>	<b>Definition</b>
Special Forces Disability Allowance	An allowance paid under Determination No. 5 of 2008, Special Forces Disability Allowance, as amended.
Allowance for Specialist Operations	An allowance paid under Determination No. 4 of 2008, Allowance for Specialist Operations, as amended.
Submarine Service Allowance	An allowance paid under Determination No. 14 of 2008, Submarine Service Allowance, as amended.
Home	The place of residence where the member's dependents normally live.
Activity	A discrete task or duty approved by CDF for the purpose of this allowance.
TAG East	Tactical Assault Group (counter-terrorist company) of 4 <sup>th</sup> Battalion, Royal Australian Regiment.

### **Member eligible for separation allowance**

5. A member is eligible for a rate of separation allowance if they are:
- (a) required to perform an activity away from their normal place of duty; or
  - (b) being paid a specified disability allowance contained in paragraph 6(b).

### **Member eligible for annual rate of allowance**

6. The member is eligible to receive the annual rate of separation allowance of \$792.00 if the member is:
- (a) a member with dependants; and
  - (b) eligible for any of the following disability allowances:
    - i. Seagoing Allowance; or
    - ii. Submarine Service Allowance; or
    - iii. an amount in column 4 of item 1, 2, 3, 4, 5, 7, 9, 10, 11 or 12 of Schedule 1 of Special Forces Disability Allowance.

### **Member eligible for daily rate of allowance**

7.1 A member must perform a qualifying period of 14 continuous calendar days of separation from the member's dependants to be eligible for the daily rate of separation allowance.

**Note:** Any period for which the member undertakes travel at Commonwealth expense counts toward the qualifying period.

7.2 If the member meets the circumstances set out in an item in the table below, the member is eligible for payment of the daily rate of separation allowance starting on the fifteenth day of the separation.

Item	A member who has met the eligibility and qualifying period requirements and is...	and ...	is to be paid...
1.	categorised as MWD	is not eligible for any of the disability allowances specified at paragraph 6(b)	the daily rate of \$7.85.
2.	categorised as MWD(U)	regardless of whether the member is eligible for an allowance in paragraph 6(b)	
3.	a member of the Reserves not on continuous full-time service, who maintains a home for their dependants in the same location as their normal place of duty	required to perform duty away from their normal place of duty	

**Note:** A member's eligibility is not affected when the member's partner is also eligible for the allowance.

### Conditions for the suspension of eligibility for separation allowance

8.1 For the purposes of working out the period when eligibility for the daily rate of the allowance is suspended, a *day* means a period of 24 hours that:

- (a) starts from the time of the member arrives at the home; and
- (b) concludes at the time the member departs the home.

8.2 A part day at the end of a travel period described in this clause is taken to be a full day.

8.3 Eligibility for the daily rate of separation allowance is suspended in any period of reunion travel that the member is reunited with their dependants at home, that is greater than:

- (a) two days, if reunion travel costs have been provided at Commonwealth expense; or
- (b) five days, if reunion travel costs have not been provided at Commonwealth expense.

**Note:** For periods where the member returns to the home for less than two days in the case of 8.3(a), or five days in the case of 8.3(b), the daily rate of the allowance continues to be paid without interruption.

8.4 Separation allowance is not suspended under this clause in any period when a member's dependant uses Commonwealth travel assistance to visit the member.

8.5 Eligibility for the daily rate of separation allowance is suspended in any period for which any of the following amounts is payable to the member:

- (a) the incidental component of travel costs;
- (b) part-day travel allowance;
- (c) overseas living allowance; or
- (d) legal officers sessional fee.

8.6 A member is not required to complete a new qualifying period following a period of suspension, if the initial eligibility activity under paragraph 5(a) and circumstances under subclause 7.2 continue to apply to the member.

### **Payment Conditions**

9. The daily rate of allowance is not payable for any period for which the member's eligibility for the allowance has been suspended.

### **Allowance Ceases**

10.1 Eligibility for separation allowance ends when:

- (a) the member is reunited with their dependants at home; and
- (b) the member ceases to perform the activity for which separation allowance was being paid ceases or is no longer applicable.

10.2 The member must perform another qualifying period under clause 7 for any separate period of activity that requires the member to be away from their home.

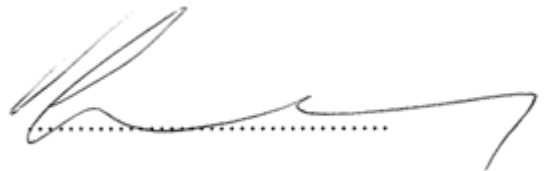
### **Member who is not eligible for separation allowance**

11. This allowance does not apply to a member for any period in which the member is:

- (a) paid salary under a determination made by the Remuneration Tribunal under the *Remuneration Tribunal Act 1973*;
- (b) at the substantive rank of Lieutenant-General or General , or an equivalent rank;
- (c) staying in hospital in the location where his/her dependants live, or
- (d) not entitled to salary.”

Dated this twentieth day of December two thousand and ten.

The Honourable P L Leary  
President



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

