

Defence (Military Factor – Clearance diver transitional payment) Determination 2024 (No. 1)

I, Brigadier Kirk Lloyd, Director General, People Policy and Employment Conditions, make the following Determination under section 58B of the *Defence Act 1903*.

Dated 26 August 2024

BRIG Kirk Lloyd

Director General  
People Policy and Employment Conditions  
Defence People Group

Contents

1 Name 2

2 Commencement 2

3 Authority 2

4 Purpose 2

5 Definitions 2

6 Application 2

7 Payment 3

8 Revocation 3

1 Name

This instrument is the .

2 Commencement

1. 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** | **Column 3** |
| **Provisions** | **Commencement** | **Date/Details** |
| 1. The whole of this Instrument. | On commencement of DFRT Determination No. 6 of 2024. |  |

**Note:** this table relates only to the provisions of this instrument as originally made.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.

2. Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

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

4 Purpose

The purpose this Determination is to provide a payment to select clearance divers working on Major Fleet Unit or Minor War Vessels who were financially disadvantaged by the introduction of the Military Factor framework.

5 Definitions

1. **DFRT Determination No. 11 of 2013** means DFRT Determination No. 11 of 2013, as in force immediately before the commencement of DFRT Determination No. 6 of 2024.
2. **DFRT Determination No. 6 of 2024** means DFRT Determination No. 6 of 2024, as in force from time to time.

6 Application

1. This Determination applies to a member on a day that they meet all of the following.
2. They are a clearance diver.
3. They are posted to a Major Fleet Unit or a Minor War Vessel.
4. The amount they would have been eligible to receive under DFRT Determination No. 11 of 2013 on a day is more than they are eligible for under DFRT Determination No. 6 of 2024 for the same day.
5. For the purpose of paragraph 1.b, the amount the member would be eligible to receive under DFRT Determination No. 11 of 2013 does not include the following allowances.
6. Separation allowance.
7. Submarine capability assurance payment.
8. Navy retention incentive payment.

7 Payment

A member is eligible for a daily payment calculated using the following formula, paid fortnightly.

start formula payment amount equals A minus B minus $5.48 end formula

Where:

**A** is the amount that would have been payable to the member under DFRT Determination No. 11 of 2013 for the day, excluding the following allowances.

1. Separation allowance.
2. Submarine capability assurance payment.
3. Navy retention incentive payment.

**B** is the amount payable to the member under DFRT Determination No. 6 of 2024 for the day.

8 Revocation

This Determination is revoked on 25 May 2026.