

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO. 1 OF 2017

DEFENCE FORCE REMUNERATION TRIBUNAL DETERMINATIONS — AMENDMENTS

PART A – Preliminary

1 Citation

1. This Determination is Defence Force Remuneration Tribunal Determination No. 1 of 2017, Defence Force Remuneration Tribunal Determinations — Amendments.
2. This Determination may also be cited as DFRT Determination No. 1 of 2017.

2 Commencement

This Determination commences on 3 April 2017.

3 Authority

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

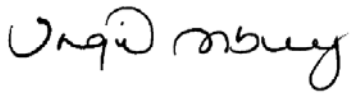
PART B – Repeals

- 4 DFRT Determination No. 9 of 2008, *Navy Capability Allowance*, as amended, is repealed.

PART C – Amendment

- 5 The following DFRT Determinations, as amended, are amended as set out below.
1. DFRT Determination No. 15 of 2008, *Salaries*, is amended as set out in Schedule 1 to this Determination.
 2. DFRT Determination No. 12 of 2012, *Officer Aviation Remuneration Structure Allowance*, is amended as set out in Schedule 2 to this Determination.
 3. DFRT Determination No. 11 of 2013, *ADF Allowances*, is amended as set out in Schedule 3 to this Determination.

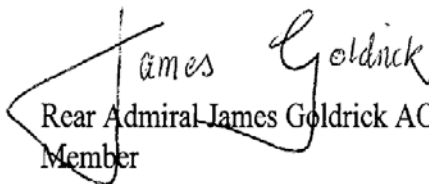
Dated this thirtieth day of March two thousand and seventeen.



Ingrid Asbury
President



Adrian Morris
Member



Rear Admiral James Goldrick AO CSC RAN Rtd
Member

Schedule 1

Amendment of DFRT Determination No. 15 of 2008, *Salaries*

1 DFRT Determination No. 15 of 2008 (Salaries), as amended

omit wherever occurring

Reserve Force

insert in its place

Reserves

omit wherever occurring

Permanent Force

insert in its place

Permanent Forces

2 Paragraph A.1.2.1A.b (Repeal and Transition)

omit

3 Clause A.1.5 (Administration of salary)

substitute

1. This Determination does not limit the capacity for Defence Determination 2016/19, *Conditions of service*, as in force from time to time, made under section 58B of the *Defence Act 1903*, to provide for administrative matters relating to the payment of salary.

2. A member performing a period of continuous full-time service may be eligible for the relevant annual rate of salary for the Permanent Forces as set out in this Determination.

3. A member performing Reserve service may be eligible for the relevant daily rate of salary for the Reserves as set out in this Determination.

4. The fortnightly rate of an annual rate of salary is worked out using the following steps.

Step	Action
1.	Find the annual rate of salary payable to the member.
2.	Divide that figure by 365.
3.	Multiply the result of Step 2 by fourteen.
4.	The result of Step 3 is the fortnightly rate of salary that applies to the member.

5. The daily rate of an annual rate of salary is the result of step two in the table under subclause A.1.5.4.

6. The annual rate of salary in this Determination continues to be payable during periods of paid leave provided under Defence Determination 2016/19, *Conditions of service*, as in force from time to time.

7. If a member takes any form of paid leave at half pay under Defence Determination 2016/19, *Conditions of service*, as in force from time to time, then the member's annual rate of salary under this Determination is only payable to the member at half that annual rate for the period of the leave taken at half pay.

4 Subclause A.1.6.1 (Definitions), table

insert into table alphabetically

continuous full-time service	Means service performed by these two groups of members. a. Members of the Permanent Forces. b. Members of the Reserves who are undertaking a period of continuous full-time service directed by CDF.
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5 Subclause A.1.6.1 (Definitions), table

insert into table alphabetically

employment category	Includes a mustering. It may include a grade that indicates a level of qualification, experience and skill, or may be descriptive only.
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6 Subclause A.1.6.1 (Definitions), definition for *equivalent rank*

omit

7 Subclause A.1.6.1 (Definitions), definition for *Force*

substitute

Force	Means either the Permanent Forces or the Reserves of the ADF.
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8 Subclause A.1.6.1 (Definitions), definition for *pay grade*

substitute

pay grade	Means the pay grade under which is listed the employment category and any additional requirements applicable to the member's rank in the following schedules: a. Officer, Schedule B.2. b. Warrant Officer Class 1, Schedule B.9. c. Other Rank member, Schedule B.11. Exception: Pay grade for a senior officer means the pay grade provided under Part B Division 1 section B.1.2.
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9 Subclause A.1.6.1 (Definitions), table

insert into table alphabetically

increment	Means an advancement through the salary band for a rank, based on the passing of time.
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10 Subclause A.1.6.1 (Definitions), table

insert into table alphabetically

member	Has the same meanings as in section 58A of the <i>Defence Act 1903</i> , as in force from time to time.
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11 Subclause A.1.6.1 (Definitions), table

insert into table alphabetically

officer	Has the meaning as in section 4 of the <i>Defence Act 1903</i> , as in force from time to time.
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12 Subclause A.1.6.1 (Definitions), table

insert into table alphabetically

Other rank	Means a person enlisted in the ADF and who holds a rank specified in items 15 to 21 of the table in Schedule 1 of the <i>Defence Act 1903</i> , as in force from time to time.
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13 Subclause A.1.6.1 (Definitions), definition for *rank*

substitute

Rank	Means a rank (and any corresponding rank) provided in Schedule 1 of the <i>Defence Act 1903</i> , as in force from time to time.
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14 Subclause A.1.6.1 (Definitions), table

insert into table alphabetically

Reserve service	Means a period of service that is other than <i>continuous full-time service</i> .
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15 Subclause A.1.6.1 (Definitions), table

insert into table alphabetically

senior officer	Means an officer in the ADF and who holds a rank specified in items 1 to 5 in Schedule 1 of the <i>Defence Act 1903</i> , as in force from time to time.
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16 Subclause A.1.6.1 (Definitions), table

insert into table alphabetically

Service Warrant Officer	Means a member who holds a rank specified in item 13 of the table in Schedule 1 of the <i>Defence Act 1903</i> , as in force from time to time.
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17 Subclause A.1.6.1 (Definitions), table

insert into table alphabetically

unpaid leave	Has the meaning as in Defence Determination 2016/19, <i>Conditions of service</i> , as in force from time to time. See: Chapter 1 Part 3 Division 1, section 1.3.77A (Unpaid leave), Defence Determination 2016/19, <i>Conditions of service</i> .
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18 Subclause A.1.6.1 (Definitions), table

insert into table alphabetically

Warrant Officer Class 1	Means a member who holds a rank specified in item 14 of the table in Schedule 1 of the <i>Defence Act 1903</i> , as in force from time to time.
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19 Clause A.1.7 (Exercise of powers by Chief of Defence Force)

substitute, including header

A.1.7 Exercise of powers

1. In this Determination, a reference to the CDF includes a reference to a person the CDF has authorised to exercise administrative powers vested in the CDF under this Determination.
2. In this Determination, a reference to a named position includes a reference to a person who has been authorised to exercise administrative powers vested in that position under this Determination.

20 Clause A.1.8 (Salary not payable)

substitute

A.1.8 Salary not payable

Salary is not payable to a member under this Determination for any period when the member meets any of the following conditions.

- a. The member is on any form of ***unpaid leave***.
- b. The member is undertaking service with, and receiving remuneration from, the United Nations.
- c. The member is undertaking service with, and receiving remuneration from, a multinational force.
- d. The member is paid salary under a separate determination made under Part IIIA Division 2 of the *Defence Act 1903*, as in force from time to time.
- e. The member is paid salary under a determination made under the *Remuneration Tribunal Act 1973*, as in force from time to time.

A.1.9 Salary for Reserve Service

1. Salary is payable to a member for each day or part day of Reserve service for which the member meets both of the following conditions.
 - a. The member is required to attend for duty.
 - b. The member attends for that duty.
2. If the member is required to attend for duty for less than six hours on a day, they are entitled to a proportion of the daily rate as worked out under the following table.

Item	If a member attends for duty for this	the rate of salary payable is...
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	amount of time...	
1.	at least three hours but less than six hours	half the daily rate.
2.	at least two hours but less than three hours	one third of the daily rate.

3. A **day** for a member on Reserve service who performs duty under a shift roster, is the period of 24 hours, beginning when the member first commences a shift on the day.

Example: A member who attends for duty between six and 24 hours is entitled to one day's pay. This applies even if members of the Reserves are normally required to work the same daily routine as members of the Permanent Forces in the same area. Note that the six hour duty period (excluding meal breaks) is the minimum qualifying time for one day's Reserve salary, it is not the length of the Reserve working day.

A.1.10 Other matters

A reference to a **rank** is a reference to an Army rank. It includes a reference to the corresponding rank in the Navy and Air Force. This is unless it is made clear otherwise.

21 Clause B.1.1 (Application)

substitute

This Division applies to **senior officers**.

Exception: **Senior officers** who are paid salary under the instruments referenced in clause A.1.8 or under Division B.3 of this Determination.

22 Subclause B.1.3.5 (Rate of salary for a senior officer)

omit

23 Subclause B.1.3.6 (Rate of salary for a senior officer), table

substitute

A member at the rank of...	performing the duties of...	holds this pay grade...
Lieutenant General	a generalist senior officer	1
	Chief Joint Operations	3

24 Clause B.2.4 (Rate of salary on advancement from Other Rank)

omit

non-commissioned rank

insert

an Other rank

25 Clause B.3.2 (Definitions), definition for *approved category*

substitute

approved category	Means any of the following categories. a. Medical b. Dental c. Legal d. Chaplain
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26 Clause B.3.2 (Definitions), definition for *aviation specialist*

omit

determined by a Service Chief under the *Defence (Personnel) Regulations 2002*

insert

decided by CDF under *Defence Regulation 2016*

27 Clause B.3.2 (Definitions), definition for *medical level*

omit

clause 3.2.38

insert

section 3.2.47

28 Clause B.3.2 (Definitions), definition for *specified qualification*

omit

3.2.34A.2.b

insert

3.2.42.2.b

29 Subclause B.3.3.2 (Rate of salary for specialist officer)

insert after subclause B.3.3.2

3. If a member in an ***approved category*** attends for duty on Reserve service for at least one hour, but less than two hours, the salary payable is one sixth of the daily rate.

30 Clause B.3.4 (Rate of salary for aviation specialist – conditions)

insert after clause B.3.4

B.3.5 Approved categories

CDF may approve a category in which members of the Reserves normally perform a large part of their duties within periods of duty less than two hours. The CDF is to have regard to all of the following.

- a. The special skills or qualifications held.
- b. The special positions or offices held in the ADF.
- c. The nature of the duties normally performed.

Note: Approved categories are listed in the definition of *approved category* under clause B.3.2 (Definitions).

31 Schedule B.12 (Other Rank salary rates), Part 1 and Part 2

omit

Private Proficient

insert

[Private Proficient]*

32 Schedule B.12 (Other Rank salary rates)

insert after Part 1 and Part 2

***Note:** Private Proficient is not an ADF rank. It is a salary proficiency point for which a higher rate of salary is provided.

Schedule 2

Amendment of DFRT Determination No. 12 of 2012, *Officer Aviation Remuneration Structure Allowance*

1 Clause 4 (Definitions), definition for *substantive rank*

omit

2 Subclause 5.2 (Effective service), table item 4

omit

Defence (Personnel) Regulations 2002,

insert

Defence Regulation 2016, as in force from time to time,

3 Paragraph 7(a) (Conditions for eligibility)

omit

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

insert

the Defence Aviation Safety Regulation

Schedule 3

Amendment of DFRT Determination No. 11 of 2013, *ADF Allowances*

1 DFRT Determination No. 11 of 2013 (ADF Allowances), as amended

omit wherever occurring

Reserve Force

insert in its place

Reserves

omit wherever occurring

Reserve Force members

insert in its place

members of the Reserves

omit wherever occurring

Permanent Force

insert in its place

Permanent Forces

omit wherever occurring

a Permanent Force or Reserve Force member

insert in its place

a member of the Permanent Forces or Reserves

omit wherever occurring

Conditions of Service,

insert in its place

Conditions of service, as in force from time to time.

2 Section A.1.6 (Definitions), definition for *continuous full-time service*

substitute

continuous full-time service	Means service performed by these two groups of members. a. Members of the Permanent Forces. b. Members of the Reserves who are undertaking a period of continuous full-time service directed by the CDF.
------------------------------	--

3 Section A.1.6 (Definitions), definition for *DFRT*

substitute

DFRT	Means the Defence Force Remuneration Tribunal established by section 58G of the <i>Defence Act 1903</i> , as in force from time to time.
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4 Section A.1.6 (Definitions), definition for *equivalent rank*

omit

5 Section A.1.6 (Definitions), definition for *Force*

substitute

Force	Means either the Permanent Forces or the Reserves of the ADF.
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6 Section A.1.6 (Definitions), definition for *individual readiness*

omit

7 Section A.1.6 (Definitions), definition for *initial minimum period of service (IMPS)*

omit

8 Section A.1.6 (Definitions), definition for *leave without pay (LWOP)*

omit

9 Section A.1.6 (Definitions), table

insert into table alphabetically

member	Has the same meanings as in section 4 and section 58A of the <i>Defence Act 1903</i> , as in force from time to time.
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10 Section A.1.6 (Definitions), definition for *part-time leave without pay (PTLWOP)*

omit

amended

insert

in force

11 Section A.1.6 (Definitions), definition for *rank*

substitute

Rank	Means a rank (and any corresponding rank) provided for under clause 1 of Schedule 1 of the <i>Defence Act 1903</i> , as in force from time to time.
------	---

12 Section A.1.6 (Definitions), table

insert into table alphabetically

Reserve service	Means a period of service that is other than <i>continuous full-time service</i> .
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13 Section A.1.6 (Definitions), definition for *return of service obligation (ROSO)*

substitute

return of service obligation (ROSO)	Means the period of service that a member is required to complete in respect of specified training, education, experience or special duties.
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14 Section A.1.6 (Definitions), table

insert into table alphabetically

unpaid leave	Means any form of unpaid leave provided under Defence Determination 2016/19, <i>Conditions of service</i> , as in force from time to time.
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15 Section A.1.7 (Payment arrangements)

omit, twice occurring

amended

insert in its place

in force

16 Subsection A.1.7.2 (Payment arrangements)

substitute

2. The fortnightly rate of an annual rate of an allowance is worked out using the following steps.

Step	Action
1.	Find the annual rate of the allowance payable to the member.
2.	Divide that figure by 365.
3.	Multiply the result of Step 2 by fourteen.
4.	The result of Step 3 is the fortnightly rate of the allowance that applies to the member.

17 Subsection A.1.7.3 (Payment arrangements)

substitute

3. The daily rate of an annual rate of an allowance is the result of step two in the table under subsection A.1.7.2.

18 Subsection A.1.7.5 (Payment arrangements)

insert after subsection A.1.7.5

6. If a member is eligible for a daily rate of an allowance, the rate payable is the determined daily rate.

19 Subsection A.1.8.1 (Cessation of payment), Exception

omit

amended

insert

in force from time to time

20 Subsection A.1.8.3 (Cessation of payment)

omit

amended

insert

in force

21 Subsection A.1.8.3 (Cessation of payment)

insert after subsection A.1.8.3

4. An allowance is not payable to a member under this Determination for any period when the member meets any of the following conditions.

- a. The member is on any form of **unpaid leave**.
- b. The member is undertaking service with, and receiving remuneration from, the United Nations.
- c. The member is undertaking service with, and receiving remuneration from, a multinational force.

22 Section A.1.9 (Exercise of powers)

insert at the end of section A.1.9

A.1.10 Other matters

A reference to a **rank** is a reference to an Army rank. It includes a reference to the corresponding rank in the Navy and Air Force. This is unless it is made clear otherwise.

23 Subsection B.1.2 (Member this allowance applies to)

omit

Salaries.

insert

Salaries, as in force from time to time.

24 Paragraph B.2.3.iii (Conditions for eligibility)

omit

Salaries.

insert

Salaries, as in force from time to time.

- 25 **Section B.3.2 (Definitions)**
- omit*
- amended
- insert*
- in force
- 26 **Section B.11.2 (Member this allowance applies to)**
- omit*
- a Reserve Force
- insert*
- the Reserves
- 27 **Section B.12.2 (Definitions), definition for *designated special duty***
- omit*
- Defence Act 1903,*
- insert*
- Defence Act 1903, as in force from time to time,*
- 28 **Section D.1.3 (Effective service), item 7**
- omit*
- Defence (Personnel) Regulations 2002,*
- insert*
- Defence Regulation 2016, as in force from time to time,*
- 29 **Subsection D.1.6 (Conditions for eligibility)**
- omit*
- Defence Act 1903.*
- insert*
- Defence Act 1903, as in force from time to time.*