

EXPLANATORY STATEMENT

Defence Force Remuneration Tribunal Determination No. 7 of 2017

This Determination amends the following Defence Force Remuneration Tribunal (DFRT) Determinations made under section 58H of the *Defence Act 1903* (the Act) and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (AIA Act).

- DFRT Determination No. 11 of 2013, *ADF Allowances*, sets out provisions dealing with salary related allowances for members of the Australian Defence Force (ADF).
- DFRT Determination No. 2 of 2017, *Salaries*, sets out provisions dealing with salary for members of the Australian Defence Force (ADF).

This Determination makes changes to the aforementioned determinations to accommodate contemporary qualifications that take longer than the usual three years to complete, such as double degrees.

PART A – Preliminary

Section 1 of this Determination sets out the manner in which this Determination may be cited.

Section 2 of this Determination provides that this Determination commences on 24 August 2017.

Section 3 provides that this instrument has authority under section 58H of the *Defence Act 1903*.

PART B – Amendment

Section 4 specifies that amendments are made to the following Determinations, as amended.

- DFRT Determination No. 11 of 2013, *ADF Allowances*, is amended as set out in Schedule 2 of this Determination.
- DFRT Determination No. 2 of 2017, *Salaries*, is amended as set out in Schedule 1 of this Determination.

Section 1 of Schedule 1 substitutes section B.1.2 of DFRT Determination No. 11 of 2013, *ADF Allowances*. The previous eligibility condition restricted the allowance to members of the Permanent Forces. The new rule provides that all ADF members on **continuous full-time service** may also be eligible for the allowance. Members on continuous full-time service include both members of the Permanent Forces and members of the Reserves. It means that new entrants into the ADF, whether they are in the Permanent Forces or in the Reserves on continuous full-time service, may be eligible for this allowance.

Sections 2 and 3 of Schedule 1 substitute the tables relating to conditions of eligibility in subsections B.1.3.1 and B.1.3.2 of DFRT Determination No. 11 of 2013, respectively.

- Subsection B.1.3.1 table items c., d. and e. have had their cross references corrected to point to the relevant items in Schedule B.13 of DFRT Determination No. 15 of 2008.
- Subsection B.1.3.2 table item a. has been removed and items c., d. and e. have had their cross references corrected to point to the relevant items in Schedule B.13 of DFRT Determination No. 15 of 2008.

The changes are consequential to DFRT Determination No. 8 of 2015, *Salaries — Trainees — Amendment* and correct the right hand columns which reference the relevant items in Schedule B.13 of DFRT Determination No. 2 of 2017, *Salaries*.

Section 1 of Schedule 2 substitutes item 4 in Table 1 of Schedule B.13 of DFRT Determination No. 2 of 2017, *Salaries*, which provides the rates of salary for members participating in the undergraduate entry scheme. Changes have been made to table item 4 to accommodate contemporary qualifications that take longer than the usual three years to complete, such as double degrees. The changes reflect a similar structure used at table item 5 for members in the officer tertiary recruitment scheme.

PART C – Saving

Section 5 of this Determination provides a savings provision for members who are participating in the undergraduate entry scheme on the day before this Determination commences.

Subsection 5.1 provides that members who are eligible for a trainee rate of salary under Schedule B.13, Table 1 item 4, of DFRT Determination No. 2 of 2017, *Salaries*, as in force from time to time, on the day before this Determination commences, and members who have accepted a letter of offer from the ADF referencing the previous Schedule B.13, Table 1 item 4, of DFRT Determination No. 2 of 2017, *Salaries*, as in force from time to time, are to be paid in accordance with the table for the duration of their participation in the undergraduate entry scheme. These members have, in effect, been quarantined from the changes made to item 4 by this Determination, and avoids any potential detriment to these members had they otherwise been subject to these changes.

Subsection 5.2 provides that the rates of salary listed in the table under subclause 5.1 are to be increased in the same proportion and from the effective date of any Workplace Remuneration Arrangement salary increase determined by the DFRT.

Authority: Section 58H of the
Defence Act 1903

Explanatory Statement drafted by the Directorate of Engagement, Priorities and Drafting (DEPD), Department of Defence, on 25 January 2017.