

EXPLANATORY STATEMENT

Defence Force Remuneration Tribunal Determination No. 6 of 2018

This Determination amends Defence Force Remuneration Tribunal (DFRT) Determination No. 2 of 2017, Salaries (the Principal Determination), 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). The Principal Determination sets out provisions dealing with salary for members of the Australian Defence Force (ADF).

DFRT Determination No. 2 of 2017 sets out provisions dealing with salary for members of the Australian Defence Force (ADF).

The purpose of this Determination is to amend section B.2.5 of the Principal Determination to provide the rate of salary for a member on promotion from an enlisted rank to an officer.

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

Section 2 of this Determination provides that the Determination commences on the date of signature.

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

Section 4 provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Background

This Determination amends the Principal Determination. With the increased inconsistency of terminology that has occurred between the *Defence Act 1903*, DFRT Determinations and Defence Determinations in 2017, an anomaly was inadvertently created in the rule at section B.2.5 of the Principal Determination due to the revision of the wording not adequately revised to align with the new definition for 'Other Rank' in the table at subsection A.1.9.2. This amendment corrects that unintended anomaly.

The introduction of 'Other rank' as a defined term in the Principal Determination has given the effect of precluding the appointment and commission of a Service Warrant Officer or Warrant Officer Class 1 as an officer, due to these types of Warrant Officers falling outside the definition of 'Other Rank'. This anomaly can be remediated by substituting the term 'Other Rank' with 'enlisted rank' (which draws its meaning from the *Defence Regulation 2016*) and includes Service Warrant Officers, Warrant Officer Class 1 and Warrant Officer Class 2 (and Service equivalents).

Schedule 1 sets out amendments to DFRT Determination No. 2 of 2017

Section 1 inserts 'enlisted rank' as a defined term. The term has the same meaning as in Section 6 of the *Defence Regulation 2016*, as in force from time to time.

Section 2 omits and substitutes section B.2.5 of the Principal Determination, which provided the salary for an officer who held an 'Other Rank' immediately before being appointed and commissioned as an officer. The new section corrects the aforementioned anomaly and provides the salary for an officer who held an enlisted rank immediately before becoming an officer.

Authority: Section 58H of the
Defence Act 1903