

EXPLANATORY STATEMENT

Defence Force Remuneration Tribunal Determination No. 7 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 A.1.9, A.1.11 and Schedule B.2 of the Principal Determination to amend the definition for the term 'employment category' and amend the definition for a 'Former Warrant 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Section 4 provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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.

The current definition of 'employment category' currently does not fully articulate the meaning of an employment category within the military context when compared with the definition currently used across broader ADF personnel policy. The proposed definition is more specific and will clearly articulate the meaning of an employment category across the ADF personnel framework.

The term 'Former Warrant Officer (commissioned)' has been used to describe Warrant Officers who had become commissioned officers but for whom their employment category and pay grade placement had not yet been decided. In accordance with the new *Defence Regulation 2016* (the Regulations), the CDF may appoint a member from an enlisted rank as an officer and promote them to an officer rank. Reference to the term 'commissioned' in the definition no longer reflects the current requirements under the Regulations. The proposed amendment to the term will provide consistency across the ADF personnel policy framework.

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

Section 1 amends subsection A.1.9.2. of the Principal Determination. The amendment to the definition of 'employment category' provides clarity and a more specific meaning to the definition.

Section 2 amends section A.1.11 of the Principal Determination. The amendment to the term 'Former Warrant Officer (Commissioned)' removes the reference to the term 'Commissioned'. The definition has also been amended to give more certainty to its meaning.

Section 3 amends pay grade 2 in Part 2 of Schedule B.2 of the Principal Determination relating to members of the Navy. The amendment to the table substitutes the phrase 'Former Warrant Officer (Commissioned)' with the new phrase 'Former Warrant Officer' and the classification of 'Appointment' with 'On becoming an Officer'. The amendment provides consistency to the term and aligns the provisions of appointment, commissioning and promotion as set out by the Regulations.

Authority: Section 58H of the
Defence Act 1903