

EXPLANATORY STATEMENT

Defence Force Remuneration Tribunal No. 5 of 2019, Salaries & Allowances – Navy Employment Categories, Separation Allowance, Boarding Party Allowance and Submarine Capability Assurance Payment – Amendment

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

- DFRT Determination No. 2 of 2017, *Salaries*.
- DFRT Determination No. 11 of 2013, *ADF Allowances*.

This Determination has the following purposes.

- To remove employment categories duplicated in pay grade schedules for Navy officers and to re-order the affected tables alphabetically.
- To limit the payment of separation allowance for periods a member receives an overseas post adjustment or cost of posting allowance, which are provided for similar purposes.
- To remove references to 'international campaign allowance', which no longer exists.
- To specify the circumstances a member is eligible for a pro-rata payment of submarine capability assurance payment.

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Section 4 provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1 sets out amendments to DFRT Determination No. 2 of 2017 – Navy employment categories

Section 1 omits and substitutes the table for pay grade 5 of Schedule B.2 Officer pay grades, Part 2: Navy. The employment category 'Maritime Welfare Officer Specialist' was listed twice at items 22 and 27. Table item 27 is omitted and the table is re-ordered alphabetically.

Section 2 omits and substitutes the table for pay grade 9 of Schedule B.2 Officer pay grades, Part 2: Navy. The following changes are made:

- 'Maritime Geospatial Officer Hydrographer' was listed twice at table items 1 and 10. Table item 10 is omitted.
- 'Maritime Geospatial Officer Meteorology' was listed twice at table items 2 and 12. Table item 12 is omitted.
- 'Mine Clearance Diver Officer' was listed twice at table items 3 and 18. Table item 18 is omitted.
- 'Mine Clearance Diver Officer TAG' was listed twice at table items 4 and 19. Table item 19 is omitted.
- The table is re-ordered alphabetically.

Schedule 2 sets out amendments to DFRT Determination No. 11 of 2013 – Separation allowance

Section 1 omits and substitutes section B.3.9, which provides rules for the interactions between separation allowance and other allowances. The change provides that separation allowance is not payable for any period a member on a long-term posting overseas receives post adjustment or cost of posting allowance. This is because a component of these allowances compensates a member for spending time away from their dependants, which is the same purpose as separation allowance.

Schedule 3 sets out amendments to DFRT Determination No. 11 of 2013 – Boarding party allowance

Section 1 omits the term 'international campaign allowance' from subsection B.10.6.2. The section provides rules for the interaction of boarding party allowance with other allowances. International campaign allowance ceased in 2014 when it was removed from Defence Determination 2005/15, *Conditions of service* and therefore the reference to it has ceased to serve any purpose.

Schedule 4 sets out amendments to DFRT Determination No. 11 of 2013 – Submarine capability assurance payment

Section 1 omits and substitutes paragraph D.1.7.c, which provided a member ceased to be eligible for submarine capability assurance payment from the day they received a notice of termination of service for disciplinary or administrative reasons. A member has the right to appeal the notice and their service will not necessarily be terminated. The intent is for the member's eligibility to end only on the day a decision is made to terminate the member's service or to dismiss them from the ADF. References are provided to the relevant legislation for which this decision is made. Section 1 also inserts paragraph D.1.7.ca, which provides a member's eligibility for the benefits ceases in the member in dismissed under the *Defence Force Discipline Act 1982*.

Section 2 omits subsection D.1.10.3, which provided that a member is not eligible for a pro-rata payment of submarine capability assurance payment if they cease to be eligible for specific reasons. This rule does not belong in the section that provides how to calculate a pro-rata amount of the payment. Section D.1.11 now makes it clear when a member is eligible for a pro-rata payment, consequential upon section 3 of this Determination.

Section 3 omits and substitutes D.1.11, which provided all the circumstances in which a member is eligible for payment of submarine capability assurance payment if they do not complete a full year of effective or eligible service. The section is restructured to make it clear the circumstances in which a member is eligible for a pro-rata payment.

Authority: Section 58H of the
Defence Act 1903