

EXPLANATORY STATEMENT

Defence Force Remuneration Tribunal No. 6 of 2019, Salaries – Cyberspace Employment Categories – Amendment

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).

This Determination has the following purposes.

- To insert new cyberspace employment categories into the salary schedules of the Principal Determination.
- To preserve a member's salary if they voluntarily transfer to a cyberspace employment category. This is not the typical industrial standard of salary preservation. The ADF has made a deliberate decision to preserve a member's salary for a period of five years if they voluntarily transfer to a cyberspace so as to actively target the attraction of members who have the motivation, attributes and skills necessary for this type of work.

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 after it is signed.

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Section 4 provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 – Schedule B.2

Sections 1 to 5 omit and substitute pay grade tables in Schedule B.2 Part 4 of the Principal Determination, which list Air Force employment categories according to their pay grades. New cyberspace employment categories are inserted into the tables alphabetically. The following specific changes are made to the specified pay grade tables.

- Section 1 inserts 'Cyberspace Warfare Officer – Grade 1' into the table for pay grade 2.
- Section 2 inserts 'Cyberspace Warfare Officer – Grade 2' into the table for pay grade 3.
- Section 3 inserts 'Cyberspace Warfare Officer – Grade 3' into the table for pay grade 4.
- Section 4 inserts 'Cyberspace Warfare Officer – Grade 4' and 'Cyberspace Warfare Officer – Grade 5' into the table for pay grade 6.
- Section 5 inserts 'Cyberspace Warfare Officer – Grade 6' into the table for pay grade 7.

Schedule 2 sets out amendments to DFRT Determination No. 2 of 2017 – Schedule B.9

Section 1 omits and substitutes the table for pay grade 7 in Schedule B.9 Part 2 of the Principal Determination, which lists Army employment categories according to their pay grades. The following two employment categories are inserted into the table alphabetically.

- Cyber Engineer –Tier A
- Cyber Engineer –Tier B

Section 2 omits and substitutes the table for pay grade 7 in Schedule B.9 Part 3 of the Principal Determination, which lists Air Force employment categories according to their pay grades. The employment category 'Cyberspace Warfare Analyst – Tier A' is inserted into the table alphabetically.

Schedule 3 sets out amendments to DFRT Determination No. 2 of 2017 – Schedule B.11

Sections 1 to 4 amend Schedule B.11 Part 2 of the Principal Determination, which lists Army employment categories according to their pay grades. New cyberspace employment categories are inserted into the tables alphabetically. The following specific changes are made to the specified pay grade tables.

- Section 1 inserts 'Cyber Specialist – Grade 1' into the table for pay grade 4.
- Section 2 inserts 'Cyber Specialist – Grade 2' into the table for pay grade 5.
- Section 3 inserts 'Cyber Specialist – Grade 3' into the table for pay grade 6.
- Section 4 inserts 'Cyber Manager – Grade 4' into the table for pay grade 7.

Sections 5 to 8 amend Schedule B.11 Part 3 of the Principal Determination, which lists Air Force employment categories according to their pay grades. New cyberspace employment categories are inserted into the tables alphabetically. The following specific changes are made to the specified pay grade tables.

- Section 5 inserts 'Cyberspace Warfare Analyst – Grade 1' into the table for pay grade 4.
- Section 6 inserts 'Cyberspace Warfare Analyst – Grade 2' into the table for pay grade 5.
- Section 7 inserts 'Cyberspace Warfare Analyst – Grade 3' into the table for pay grade 6.
- Section 8 inserts 'Cyberspace Warfare Analyst – Grade 4' and 'Cyberspace Warfare Analyst – Grade 5' into the table for pay grade 7.

Schedule 4 sets out amendments to DFRT Determination No. 2 of 2017 – Salary preservation

Section 1 inserts Part C into the Principal Determination, which provides salary preservation for Army and Air Force members who enter one of the following cyberspace employment categories inserted into the salary schedules by this Determination.

For Army:

- Cyber Engineer.
- Cyber Specialist.
- Cyber Manager.

For Air Force:

- Cyberspace Warfare Officer.
- Cyberspace Warfare Analyst.

A member who volunteers to transfer (and subsequently transfers) into a cyberspace employment category before 9 January 2025, will have their rate of salary preserved for five years from the day they transfer. The salary preservation provision is made because a reduction in a member's rate of salary would act as a disincentive to enter one of the newly created employment categories which are very important to Defence capability.

Authority: Section 58H of the
Defence Act 1903