

EXPLANATORY STATEMENT

Defence Force Remuneration Tribunal Determination No. 1 of 2020, Salaries – Air Force command placements – 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).

The purpose of this Determination is to amend the way officers in the Air Force are provided their pay grade. This Determination provides what pay grade an officer in the Air Force is to receive if they have either had Command experience in the past, or are currently appointed to a Command position.

Background

Before the commencement of this instrument officers in the Air Force who were appointed to, and exercising, a Command position had their pay grade increased by one (commonly referred to as a "plus one pay grade"). Once the officer ceased to hold a Command appointment, so long as they held that position for a minimum of 12 months, and they were not removed from the appointment due to poor performance, inappropriate behaviour, disciplinary action or adverse administrative action following a Command appointment, the officer would continue to receive the higher "plus one pay grade".

Application on commencement of this instrument

As part of Matter 7 of 2019 – *Air Force Command Placements*, it was agreed to change the manner in which officers in the Air Force who have previously held, or currently hold, a Command appointment have their pay grade determined. It was agreed that Air Force would align their Command placement provisions with those applied by Navy and Army.

Air Force officers who have held, or currently hold, a Command appointment will fall into one of two Command classifications. The classifications are as follows:

- a. Command Level 1 – Applies to non-aircrew officers who have held specific Command appointments as identified by Air Force dating back to 2007 (including historic Commands that were in existence prior to 2007), as well as officers who are currently appointed to specific Command positions with an enduring 'plus one pay grade' placement. For this classification the trade/profession/employment category carries the primary responsibility and Command is simply an additional responsibility of the position.
- b. Command Level 2 – Applies to non-aircrew officers who have held specific Command appointments as identified by Air Force dating back to 2007 (including historic Commands that were in existence prior to 2007), as well as officers who are currently appointed to specific Command positions with pay grade placement at Pay Grade 8. For this classification, Command is the primary responsibility of the position, not the trade/profession/employment category.

In determining an officer's employment category and Command classification, Air Force will assess the officer's level of qualifications, experience or skill, and their previous Command appointments, as it is for the other Services.

Officers who transfer to Air Force and who have held Command appointments in Navy, Army or a foreign military will be assessed and placed in the appropriate employment category and Command classification. If their previous Command responsibilities are assessed as equivalent to the identified Air Force Command appointments, they too will have their previous Command appointments recognised, and an appropriate employment category, and Command classification determined.

While the conditions set out in the previous subsections B.2.3.5, 5A and 5B have been removed from the provisions in the Principal Determination, they have been preserved in a Chief of Air Force administrative document.

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 5 March 2020.

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, *Salaries*

Sections 1, 2 and 3 amend section B.2.3 of the Principal Determination which sets the pay grade for an officer in the ADF. Subsections 5, 5A and 5 B specified how the pay grade of a member of the Air Force who held or previously held a Command position was set. These subsections are made redundant as a result of the insertion of new employment categories in Part 4 of Schedule B.2 to the Principal Determination, and have been removed by sections 1, 2 and 3 of this Determination.

Schedule 2 sets out amendments to Part 4 of Schedule B.2 to DFRT Determination No. 2 of 2017, *Salaries*

Sections 1 to 5 omit and substitute the tables for pay grades 4 to 8 of Part 4 in Schedule B.2 of the Principal Determination, respectively. The new pay grade tables incorporate new employment categories with a classification of either Command Level 1 or Command Level 2. The new employment categories give effect to the revised Command placement approach for Air Force.

Schedule 3 – Saving provisions

Section 1 provides that the subsections removed by schedule 1 of this Determination will continue to apply to a member until the member is placed in a new employment category that has been inserted by schedule 2 of this Determination, being employment categories with a qualification of Command Level 1 or Command Level 2. This ensures a member will not be reduced in pay grade on the commencement of this Determination. The savings provision will cease to have effect once all members to whom subsections B.2.3.5, B.2.3.5A and B.2.3.5B applied have been placed in an employment category with a qualification of Command Level 1 or Command Level 2.

Authority: Section 58H of the
Defence Act 1903