

EXPLANATORY STATEMENT

Defence Force Remuneration Tribunal No. 10 of 2020, Salaries and ADF Allowances – Officer Aviation Pay Structure – Navy Remote Pilot Warfare Officers – amendment

This Determination amends Defence Force Remuneration Tribunal (DFRT) Determination No. 2 of 2017, *Salaries* (the Salaries Principal Determination), and Defence Force Remuneration Tribunal (DFRT) Determination No. 11 of 2013, *ADF Allowances* (the Allowances 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 Salaries Principal Determination sets out provisions dealing with salary for members of the Australian Defence Force (ADF). The Allowances Principal Determination sets out provisions dealing with salary related allowances for member of the ADF.

The purpose of this Determination is to introduce Navy remote pilot warfare officers into the Officer Aviation Pay Structure and flying disability allowance.

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 7 January 2021.

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Section 4 provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Section 1 omits and substitutes the definition for “Officer Aviation” from the table in section A.1.12 of the Salaries Principal Determination. The definition has been amended to include the new competency stream of remote pilot warfare officer.

Section 2 omits and substitutes subsection B.3.8.5 of the Salaries Principal Determination which provides that a member of the Navy in the rotary wing pilot or the aviation warfare officer competency stream has a maximum Officer Aviation increment of OA28 unless the member holds an aviation command appointment. The paragraph has been amended to include a provision that a member of the Navy in the remote pilot warfare officer competency stream has a maximum Officer Aviation increment of OA24 unless the member holds a command appointment.

Section 3 amends subsection B.3.8.6 of the Salaries Principal Determination which provides the maximum Officer Aviation increments for a member of the Army. This subsection has been amended to replace the term “Army Aviation Officer” with the correct term of “Army Officer Aviation”.

Section 4 inserts a new table into Annex B.3.A of the Salaries Principal Determination which provides the increment ranges for the Officer Aviation Pay Structure Command Pathway. The new table provides the increment ranges for the Navy remote pilot warfare officer competency stream.

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

Section 1 amends section B.7.5 of the Allowances Principal Determination which provides the conditions of eligibility for flying disability allowance. Paragraph B.7.5.b has been amended to provide that the paragraph does not apply to a member undergoing remote pilot warfare officer training. A new paragraph B.7.5.ba has been inserted to provide that a member on continuous full-time service is eligible for the allowance when they are undergoing remote pilot warfare officer training. This will ensure that a member undergoing remote pilot warfare officer training receives the correct rate of allowance provided under Division B.7.

Section 2 omits and substitutes section B.7.8 of the Allowances Principal Determination which provides the daily rate of flying disability allowance when a member meets eligibility conditions set out in section B.7.5. The section has been amended to include a member who meets the eligibility conditions under paragraph B.7.5.ba, which has been inserted by section 1 of this Schedule. The section has also been rewritten to reflect modern drafting standards.

Schedule 3 sets out transition provisions

Section 1 provides a transition provision for specified members of the Navy which will occur on the date of commencement of this Determination. Navy officers who meet the specified conditions will be transferred to the Command Pathway and the Remote Pilot Warfare Officer competency stream at an Officer Aviation increment level that has a salary equal to the salary payable to the member on the day immediately before the commencement of this Determination, or the Officer Aviation increment that has the next higher salary.

Authority: Section 58H of the
Defence Act 1903