



Defence Force Remuneration Tribunal Determination No. 23 of 2021, ADF Workplace Remuneration Arrangement (non-Senior Officer) 2020–2023, Service Warrant Officer – amendment

The Defence Force Remuneration Tribunal, make this Determination under section 58KD of the *Defence Act 1903*. It relates to Matter 12 of 2020 — ADF Workplace Remuneration Arrangement 2020-2023.

Dated 22 December 2021

Ingrid Asbury
President

Adrian Morris
Member

Major General Gerard Fogarty, AO Rtd
Member

1 Name

1. This Determination is Defence Force Remuneration Tribunal Determination No. 23 of 2021, ADF Workplace Remuneration Arrangement (non-Senior Officer) 2020–2023, Service Warrant Officer – amendment.
2. This Determination may also be cited as DFRT Determination No. 23 of 2021.

2 Commencement

Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information	
Column 1	Column 2
Provisions	Commencement
1. The whole of this instrument	11 November 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

3 Authority

This instrument is made under section 58KD of the *Defence Act 1903*.

4 Schedules

1. Defence Force Remuneration Tribunal Determination No. 2 of 2017, *Salaries*, as amended,¹ is amended as set out in Schedule 1 of this Determination.

NOTE

1. Defence Force Remuneration Tribunal Determination No. 2 of 2017, *Salaries*, as amended by DFRT Determination Nos. 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21 and 22 of 2021.

Schedule 1—Service Warrant Officer – Amendment

DFRT Determination No. 2 of 2017, Salaries

1 Schedule B.10 Part 1 (Service Warrant Officer and Warrant Officer Class 1 salary rates)

After the Part, insert:

Part 1A: Member of the Reserves (Service Warrant Officers)

Column 1 Rank	Column 2 Daily rate of salary
Service Warrant Officer	\$399.30

EXPLANATORY STATEMENT

Defence Force Remuneration Tribunal Determination No. 23 of 2021, ADF Workplace Remuneration Arrangement (non-Senior Officer) 2020–2023, Service Warrant Officer – amendment

This Determination made under section 58KD of the *Defence Act 1903* (the Act) amends Defence Force Remuneration Tribunal Determination No. 2 of 2017, *Salaries*, made under section 58H of the Act, and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (AIA Act).

This Determination gives effect to the variation made to the ADF Workplace Remuneration Arrangement 2020-2023 (the Arrangement) for Service Warrant Officers (Reserves) who were inadvertently overlooked in the making of DFRT Determination No. 17 of 2021. Section 7 of that Determination inadvertently removed Part 1A of Schedule B.10 which provided the daily rate of salary for Service Warrant Officers who are members of the Reserves. This Determination reinserts Part 1A of Schedule B.10 in the Principal Determination.

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 11 November 2021. While the DFRT and ADF make every effort to avoid retrospective commencement dates, subsection 58H(8) of the Act, makes provision for retrospectivity as long as the instrument meets the criteria set out in that subsection. The ADF has confirmed that the instrument does meet those conditions.

Section 3 provides that this instrument has authority under section 58KD of the *Defence Act 1903*.

Section 4 provides that each instrument made under section 58H of the Act that is specified in a Schedule to this instrument is amended 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 Schedule B.10 of the Principal Determination. Section 1 reinserts Part 1A into Schedule B.10 which provides the daily rate of salary for Service Warrant Officers who are members of the Reserves. This rate includes the second general wage increase as provided under the Arrangement.

Criteria are provided for the exercise of discretions under the Principal Determination, as amended by this Determination. Adverse decisions may be subject to inquiry under the ADF redress of grievance system. A person may make a complaint to the Defence Force Ombudsman.

Authority: Section 58KD of the
Defence Act 1903