



Defence Force Remuneration Tribunal Determination No. 4 of 2022, ADF allowances – Navy Retention Incentive Payment – Amendments

The Defence Force Remuneration Tribunal, make this Determination under section 58H of the *Defence Act 1903*. It relates to Matter 2 of 2022, Navy Retention Incentive Payment report backs.

Dated 30 August 2022

Ingrid Asbury
President

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Adrian Morris
Member

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Major General Gerard Fogarty, AO (Retd)
Member

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1 Name

1. This Determination is Defence Force Remuneration Tribunal Determination No. 4 of 2022, ADF allowances – Navy Retention Incentive Payment – Amendments.
2. This Determination may also be cited as DFRT Determination No. 4 of 2022.

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	1 September 2022.

Note: This table relates only to the provisions of this instrument as originally made.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 58H of the *Defence Act 1903*.

4 Schedules

1. Defence Force Remuneration Tribunal Determination No. 11 of 2013, *ADF allowances*, as amended,¹ is amended as set out in Schedule 1 of this Determination.

NOTE

1. Defence Force Remuneration Tribunal Determination No. 11 of 2013, *ADF Allowances*, commenced on 12 September 2013 and has been amended by DFRT Determination Nos. 13, 19 and 20 of 2013; Nos. 6 and 9 of 2014; Nos. 5, 11, 12, 13, 14 and 16 of 2015; Nos. 1, 2, 5, 6 and 8 of 2016; Nos. 1, 4, 7, 9 and 10 of 2017; Nos. 1, 4 and 9 of 2018; Nos. 2, 5 and 9 of 2019; Nos. 2 and 10 of 2020; Nos. 1, 4, 5, 14, 15, and 17 of 2021.

Schedule 1 — Navy Retention Incentive Payment amendments
Defence Force Remuneration Tribunal Determination No. 11 of 2013,
ADF allowances

1 Subsection D.2.6.1

Repeal the subsection, substitute:

1. A member is not eligible for payment under this Division if any of the following apply.
 - a. They received Submarine capability assurance payment under Division D.1 in the 12 months prior to the day they are eligible to receive the payment.
 - b. All of the following apply to the member.
 - i. They have received, or are eligible to receive, any other bonus under sections 58B or 58H of the *Defence Act 1903*.
 - ii. The bonus under subparagraph i. is for the same period of Service for which they are eligible for a payment under this Division.

Schedule 2—Transitional provisions

1 Definitions

In this Schedule the following apply.

DFRT Determination means Defence Force Remuneration Tribunal Determination No. 11 of 2013, *ADF allowances*, as in force from time to time.

2 Benefit

1. This clause applies to a member between 1 March 2022 and the commencement of this Determination.
2. Division D.2 of the DFRT Determination applies to the member as though Schedule 1 of this Determination had applied at the time.

EXPLANATORY STATEMENT

Defence Force Remuneration Tribunal No. 4 of 2022, ADF allowances – Navy Retention Incentive Payment – Amendments

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

The purpose of this Determination is to amend subsection D.2.6.1 of the Allowances Determination to clarify the meaning of the provision and align it with current Defence practise. The Determination also provides for members eligible for a payment under Division D.2 of the Allowances Determination between 1 March 2022 and the commencement of this Determination to be paid as though this Determination had been in force at that time.

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 1 September 2022.

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 – Navy Retention Incentive Payment amendments

Section 1 omits and substitutes subsection D.2.6.1 of the Allowances Determination which sets out when a member is not eligible for payment under Division D.2. The subsection is redrafted to clarify that a member is not eligible for a payment under Division D.2 when they have received, or are eligible for, any other bonus under sections 58B or 58H of the *Defence Act 1903* which is paid for the same period of Service as the Service milestones under section D.2.4.

Schedule 2–Transitional provisions

Clause 1 defines Defence Force Remuneration Tribunal (DFRT) Determination No. 11 of 2013, *ADF allowances* for the purpose of this Schedule and is incorporated as in force from time to time.

Clause 2 provides that a member is eligible for a payment under Division D.2 as though Schedule 1 of this Determination applied between 1 March 2022 and the commencement of this Determination.

Authority: Section 58H of the
Defence Act 1903