

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO. 11 OF 2012

LEGAL OFFICER SALARIES – SPECIALIST OFFICERS – AMENDMENT

The Defence Force Remuneration Tribunal makes the following Determination under section 58H of the *Defence Act 1903*.

1 Citation

1. This Determination is DFRT Determination No. 11 of 2012, Legal Officer Salaries – Specialist Officers – Amendment.
2. This Determination may also be cited as DFRT Determination No. 11 of 2012.

2 Commencement

This Determination commences on 31 January 2013.

3 Amendment

Determination No. 15 of 2008, *Salaries*, as amended, is amended as set out in this Determination.

4 B.3.2 (Definitions)

Delete the table at clause B.3.2 in its entirety and insert the table at Schedule 1 to this Determination.

5 B.3.3.1 (Rate of salary for specialist officer), table

Delete the table at subclause B.3.3.1 in its entirety and insert the table at Schedule 2 to this Determination.

6 Schedule B.7 (Specialist Officer – Legal Officer)

Delete the table at Schedule B.7 in its entirety and insert the table at Schedule 3 to this Determination.

7 Schedule B.13 (Trainee salary rates)

Delete the table at Schedule B.13 in its entirety and insert the table at Schedule 4 to this Determination.

8 Transitional and Savings

1. On commencement of this determination, a Legal Officer who was previously described as having a particular competency level (CL), is taken to hold the legal level (LL) that has the same competency and, if relevant, increment indicator as the CL they held prior to the commencement of this Determination.

2. Despite subclause 8.1, on commencement of this determination a Permanent Force Legal Officer holding the rank of Major (or equivalent) who was previously described as having a competency level CL4-2, is taken to hold the legal level (LL) 4-4.

3. Despite subclause 8.1, on commencement of this determination a Reserve Force Legal Officer's legal level is the legal level shown in column 3 of the table in Schedule 5 that corresponds to the member's rank in column 1 and relevant former competency level and increment (if any) in column 2.

4. A Permanent Force Legal Officer holding the rank of Major (or equivalent) who is placed at legal level LL4-1 on commencement of this determination, is to progress to LL 4-3 in Schedule B.7 at their next increment advancement.

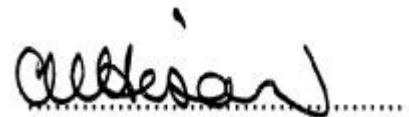
Note: On 31 January 2013, the following Legal Officers become eligible for non-reduction of salary under paragraph 3.2.41.d of Defence Determination 2005/15, Conditions of Service, made under section 58B of the *Defence Act 1903*:

(a) A Permanent Force Legal Officer holding the rank of Major (or equivalent) who is placed at legal level LL4-1; and

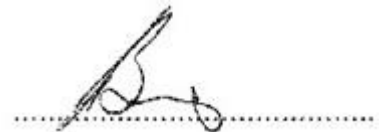
(b) A Reserve Force Legal Officer holding the rank of Major (or equivalent) who is placed at legal level LL4-1.

Dated this twenty-third day of November two thousand and twelve.

The Honourable A Harrison
President

A handwritten signature in black ink, appearing to read 'A Harrison', written over a horizontal dotted line.

The Honourable Arch Bevis
Member

A handwritten signature in black ink, appearing to read 'Arch Bevis', written over a horizontal dotted line.

Schedule 1

Term	Definition
approved category	<p>Means a class of members which the CDF, having regard to:</p> <ul style="list-style-type: none"> (a) the special skills or qualifications held; and (b) the special positions or offices held; and (c) the nature of the duties normally performed, <p>by a class of Reserve members, approves as normally performing a large part of their duties within periods of duty less than 2 hours.</p> <p>Note: Current approved categories are medical, dental and legal officers and chaplains.</p>
aviation specialist	<p>Means a member who is:</p> <ul style="list-style-type: none"> (a) at the rank of Captain (03) or Major (04) or, if the member's Service Chief approves, a higher rank; and (b) placed in the aviation specialist stream; and (c) not subject to a period determined by a Service Chief under the <i>Defence (Personnel) Regulations 2002</i>, which the member must complete in relation to initial training, qualification or appointment.
compulsory medical residency	<p>Means training in a hospital undertaken by a medical officer as a condition of entry into the medical profession. This does not include a year for which salary is payable to the member as a trainee.</p>
Dental Officer	<p>Means a member who is eligible to be registered as a dental practitioner under the law of a State or Territory and who meets either of the following conditions:</p> <ul style="list-style-type: none"> (a) the member is serving in a health branch of the ADF; or (b) the member is serving in another position approved by the CDF for career management purposes for a period of less than 3 years. <p>In considering whether to approve such a position the CDF will have regard to:</p> <ul style="list-style-type: none"> (i) the duties the officer will perform in the position; and (ii) the relevance of the duties to the officer's responsibilities as a Dental Officer; and (iii) the career progression of the officer within the dental or health stream.

Term	Definition
legal level	<p>Means the competency level relevant to a Legal Officer. There are two parts to the legal level (LL) number:</p> <p>(a) the first number in a legal level (for example 'LL2') indicates the competency level which is the level of qualification and skill; and</p> <p>(b) the second character may be either numeric or alphabetic, representing increment and specialisation, respectively.</p>
Legal Officer	<p>Means a member of a Specialist Career Structure who is admitted as a barrister or solicitor of the High Court or the Supreme Court of a State or Territory and who has been appointed as a legal officer, but does not include a member who is a Judge of the Federal Court or a Judge of a Supreme Court of a State or Territory, nor any other statutory or judicial office holder to whom salary is payable under a determination made by the Remuneration Tribunal.</p>
medical level	<p>Means the competency level relevant to a medical officer position approved for a member under clause 3.2.38 of Defence Determination 2005/15, Conditions of service. There are two parts to the medical level (ML) number:</p> <p>(a) the first number in a medical level (for example 'ML2') indicates the competency level which is the level of qualification and skill; and</p> <p>(b) the second number (for example '-3') indicates the increment level the member has achieved.</p>
Medical Officer	<p>Means a member who is a registered medical practitioner under the law of a State or Territory and who meets either of the following conditions:</p> <p>(a) the member is serving in a health branch of the ADF; or</p> <p>(b) the member is serving in another position approved by the CDF for career management purposes for a period of less than 3 years.</p> <p>In considering whether to approve such a position the CDF will have regard to:</p> <p>(i) the duties the officer will perform in the position; and</p> <p>(ii) the relevance of the duties to the officer's responsibilities as a Medical Officer; and</p> <p>(iii) the career progression of the officer within the medical or health stream.</p>
specified qualification	<p>Means the member holds a specified qualification described in paragraph 3.2.34A.2.b of Defence Determination 2005/15, Conditions of service.</p>

Schedule 2

Item	If the member is ...	in the ...	then the member is to be paid salary ...
1.	a chaplain	specialist career structure on a fixed tenure or fixed period appointment	under Schedule B.5 according to the officer's Force, rank and competency level.
2.	a dental officer	specialist career structure on a fixed tenure or fixed period appointment	under Schedule B.6 Part 1 or 3 according to the officer's Force, rank and competency level.
		Permanent Force but is not on the specialist career structure as the member did not accept a fixed tenure appointment before 31 October 2003	under Schedule B.6 Part 2 according to the officer's rank and competency level.
3.	a legal officer	specialist career structure	under Schedule B.7 according to the officer's Force, rank and legal level.
4.	a medical officer	specialist career structure	under Schedule B.8 Part 1 or 2, according to the officer's Force, rank and medical level.
		specialist career structure, and is: (a) registered to practice in Australia in an area of medical speciality; and (b) approved by the Surgeon General ADF to perform duty in that area of specialty for a period of Procedural Specialist Service; and (c) either of the following: (i) deployed overseas for the purpose of practising in that area; or (ii) required to practice in that area on a regular basis for the majority of the period of Procedural Specialist Service.	at the procedural specialist pay point in Schedule B.8 Part 1 or 2, according to the officer's Force.

5.	a medical officer who did not accept a fixed tenure or fixed term appointment before 12 August 2003	non-specialist career structure	under Schedule B.8 Part 3 or 4, according to the officer's Force, rank and increment.
6.	a medical officer who was in service at 1 May 2004	specialist career structure because the member: (a) has not yet gained the required qualifications for a medical level; and (b) is in a position no higher than ML4; and (c) the CDF has deemed the member competent for a period ending no later than 1 May 2013	at the bottom increment of the deemed medical level under Schedule B.8 Part 1 or 2, according to the officer's Force and rank.
7.	an officer on a fixed tenure or fixed period appointment	specialist career structure and performing a year of compulsory medical residency	at the level "resident" under Schedule B.8 Part 1 or 2, according to the officer's Force.
8.	an aviation specialist	aviation specialist stream	under Schedule B.14 for the officer's Force and experience level.
9.	a medical officer who is a senior officer	specialist career structure	under Schedule B.15 Part 1 or 2, according to the officer's Force, rank and medical level.

Schedule 3

Schedule B.7

Specialist Officer – Legal Officer

Part 1: Member of the Permanent force on Specialist Career Structure

Column 1 Rank			Column 2 Legal level	Column 3 Rate of salary \$ a year
Navy	Army	Air Force		
Sub Lieutenant	Lieutenant	Flying Officer	LL 1	\$55,564
Lieutenant	Captain	Flight Lieutenant	LL 1	\$63,877
			LL 2-1	\$66,048
			LL 2-2	\$68,601
			LL 2-3	\$71,147
			LL 2-4	\$73,687
			LL 2-5	\$76,245
			LL 2-6	\$78,794
			LL 3-1	\$89,709
			LL 3-2	\$97,454
Lieutenant Commander	Major	Squadron Leader	LL 2-1	\$83,253
			LL 2-2	\$85,941
			LL 2-3	\$88,618
			LL 2-4	\$89,709
			LL 3-1	\$104,571
			LL 3-2	\$112,308
			LL 3-3	\$116,071
			LL 3-4	\$123,606
			LL 4-1	\$128,522
			LL 4-2	\$131,606
			LL 4-3	\$134,895
			LL 4-4	\$138,387
Commander	Lieutenant Colonel	Wing Commander	LL 3-1	\$144,814
			LL 3-2	\$149,159
			LL 4-1	\$153,594
			LL 4-2	\$159,258
			LL 5	\$164,349

Column 1			Column 2	Column 3
Rank			Legal level	Rate of salary \$ a year
Captain	Colonel	Group Captain	LL 3 (higher duties or temporary duty only)	\$156,754
			LL 4	\$164,349
			LL 5-1	\$169,443
			LL 5-2	\$175,431

Part 2: Member of the Reserve Force on Specialist Career Structure

Column 1 Rank			Column 2 Legal level	Column 3 Rate of salary \$ a day
Navy	Army	Air Force		
Sub Lieutenant	Lieutenant	Flying Officer	LL 1	\$152.23
Lieutenant	Captain	Flight Lieutenant	LL 1	\$175.01
			LL 2-1	\$180.95
			LL 2-2	\$187.95
			LL 2-3	\$194.92
			LL 2-4	\$201.88
			LL 2-5	\$208.90
			LL 2-6	\$215.88
			LL 3-1	\$245.78
			LL 3-2	\$267.00
			LL-B	\$436.32
			LL-A	\$450.27
Lieutenant Commander	Major	Squadron Leader	LL 2-1	\$228.09
			LL 2-2	\$235.45
			LL 2-3	\$242.79
			LL 2-4	\$245.78
			LL 3-1	\$286.50
			LL 3-2	\$307.69
			LL 3-3	\$318.00
			LL 3-4	\$338.65
			LL 4-1	\$352.12
			LL 4-2	\$360.56
			LL 4-3	\$369.58
			LL 4-4	\$379.14
			LL-B	\$436.32
			LL-A	\$450.27
Commander	Lieutenant Colonel	Wing Commander	LL 3-1	\$396.75
			LL 3-2	\$408.65
			LL 4-1	\$420.81
			LL 4-2	\$436.32
			LL 5	\$450.27
			LL-B	\$436.32
			LL-A	\$450.27

Column 1			Column 2	Column 3
Rank			Legal level	Rate of salary \$ a day
Captain	Colonel	Group Captain	LL 3 (higher duties or temporary duty only)	\$429.46
			LL 4	\$450.27
			LL 5-1	\$464.23
			LL 5-2	\$480.63
			LL-B	\$436.32
			LL-A	\$450.27

Schedule 4

Schedule B.13
Trainee salary rates

Part 1: Permanent Force

Column 1 Item	Column 2 Training capacity	Column 3 Rate of salary \$ a year
1.	Normal entry recruit during basic recruit training	\$33,619
2.	Member undergoing initial category or trade or employment training	
	0-6 months	\$38,422
	6-12 months	\$40,823
	12 months +	\$43,224
3.	Trainee, other than a member referred to in item 2 or 3, undertaking a Certificate of Technology course:	
	1st year	\$26,415
	2nd year	\$31,218
	3rd year	\$36,020
4.	Member undertaking a combination of degree course and officer training, or study in preparation for such a course:	
	while undertaking matriculation or equivalent studies	\$23,478
	1st year of training	\$28,696
	2nd year of training	\$33,913
	3rd year of training	\$39,131
	4th year of training	\$44,348
5.	Member participating in the undergraduate entry scheme:	
	with 4 years to graduation	\$28,696
	with 3 years to graduation	\$33,913
	with 2 years to graduation	\$39,131
	in final year	\$44,348
	First postgraduate legal year	\$52,174
	Year of internship (first postgraduate medical year)	\$66,048
6.	Member participating in the Officer Tertiary Recruitment Scheme who immediately before entering the scheme was not a member rendering continuous full-time service:	
	with 6 years to graduation	\$23,478
	with 5 years to graduation	\$23,478
	with 4 years to graduation	\$28,696
	with 3 years to graduation	\$33,913
	with 2 years to graduation	\$39,131
	in final year	\$44,348

Column 1 Item	Column 2 Training capacity	Column 3 Rate of salary \$ a year
7.	Member undergoing officer training and not undertaking a degree course: in the case of a member of the Army or the Air Force Ground Defence Officer specialisation undergoing an 18-month course of military studies: <ul style="list-style-type: none"> • for the first 6 months of the course • for the final 12 months of the course in the case of any other member of the Army or Air Force: <ul style="list-style-type: none"> • without a degree • with a degree in the case of a member of the Navy: <ul style="list-style-type: none"> • without a degree (1st year) • without a degree (2nd year) • with a degree 	 \$39,131 \$44,348 \$39,131 \$44,348 \$39,131 \$44,348 \$44,348
8.	Member participating in the graduate medical scheme who immediately before entering the scheme was not a member rendering continuous full-time service: <ul style="list-style-type: none"> 1st year 2nd year 3rd year 4th year year of internship (first postgraduate medical year) 	 \$55,564 \$57,541 \$59,607 \$61,704 \$66,048

Part 2: Reserve Force

Column 1 Item	Column 2 Training capacity	Column 3 Rate of salary \$ a day
1.	Recruit during basic recruit training	\$80.13
2.	Private or equivalent not having completed category training, or military trade skill test	\$94.74
3.	Student at Officer Training Unit:	
	without a degree	\$93.27
	with a degree	\$105.71

Schedule 5

Conversion table

Specialist Officer – Reserve Force Legal Officer

Column 1 A Reserve Force legal officer who holds the rank of ...			Column 2 and holds a competency level – increment prior to the commencement date of this determination of ...	Column 3 is taken to hold a legal level – increment in the Revised Legal Officer Specialist Officer Career Structure of ...
Navy	Army	Air Force		
Sub Lieutenant	Lieutenant	Flying Officer	CL 1	LL 1
Lieutenant	Captain	Flight Lieutenant	CL 1	LL 1
			CL 2-1	LL 2-1
			CL 2-2	LL 2-2
			CL 3	LL 3-1
Lieutenant Commander	Major	Squadron Leader	CL 2-1	LL 2-1
			CL 2-2	LL 2-2
			CL 3-1	LL 3-1
			CL 3-2	LL 3-2
			CL 4	LL 4-1
Commander	Lieutenant Colonel	Wing Commander	CL 3	LL 3-1
			CL 4-1	LL 4-1
			CL 4-2	LL 4-2
			CL 5	LL 5
Captain	Colonel	Group Captain	CL 3	LL 3
			CL 4	LL 4
			CL 5	LL 5-1