



**Australian Government**  
**Defence Force Remuneration Tribunal**

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## STATEMENT

Defence Act 1903  
s.58H—Functions and powers of Tribunal

### **AUSTRALIAN DEFENCE FORCE: ROTARY WING AVIATION OFFICERS**

(Matter 6 of 2018)

MS I. ASBURY, PRESIDENT

MR A. MORRIS, MEMBER

CANBERRA, 9 SEPTEMBER 2019

RADM J. GOLDRICK AO CSC RAN RTD, MEMBER

[1] This statement should be read in conjunction with our earlier decision<sup>1</sup> in relation to this matter published in May 2019. That decision resulted in a new salary structure provided to remunerate Navy and Army rotary wing aviation officers under DFRT Determination 3 of 2019 with effect from 01 July 2019.

[2] Since that time the ADF states it has been “*finalising the mapping of the affected aviation members in Navy and Army*” and has now become aware of “*a small group of rotary aviation officers who did not quite fit the provisions set out in the submission*”.<sup>2</sup> We met with the ADF on 15 August 2019 to discuss these implications and subsequently agreed to modify some transition time periods, gateways and transition triggers to accommodate those circumstances. We accept that were we to apply the previously agreed provisions to those officers they may suffer financial disadvantage.

[3] While we make every effort to avoid retrospective commencement dates, subsection 58H(8) of the *Defence Act 1903* makes provision as long as the criteria of that subsection are met; we are satisfied this determination meets those criteria. Accordingly, Determination 3 of 2019 takes effect from 01 July 2019.

MS I. ASBURY, PRESIDENT  
MR A. MORRIS, MEMBER  
RADM J. GOLDRICK AO CSC RAN RTD, MEMBER

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<sup>1</sup> [https://www.dfrt.gov.au/sites/default/files/decision- adf\\_rotary\\_wing\\_aviation\\_0.pdf](https://www.dfrt.gov.au/sites/default/files/decision- adf_rotary_wing_aviation_0.pdf)

<sup>2</sup> Letter DMR/OUT/2019/23 Matter 6 of 2018 – Rotary Wing Aviation officers – amending determination dated 14 August 2019.