



Defence Force Remuneration Tribunal Determination No. 9 of 2023, Miscellaneous amendments

The Defence Force Remuneration Tribunal, make this Determination under section 58H of the *Defence Act 1903*.

Dated 23 May 2023

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. 9 of 2023, Miscellaneous amendments
2. This Determination may also be cited as DFRT Determination No. 9 of 2023.

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. Sections 1 to 3 and anything in this Instrument not elsewhere covered by this table.	The date of signature.
2. Schedule 1	Immediately after DFRT Determination No. 5 of 2023.
3. Schedule 2	Immediately after DFRT Determination No. 8 of 2023.

Note: This table relates only to the provisions of this instrument as originally made.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.
2. Defence Force Remuneration Tribunal Determination No. 2 of 2017, *Salaries*, as amended,² is amended as set out in Schedule 2 of this Determination.

NOTE

1. Defence Force Remuneration Tribunal Determination No. 11 of 2013, *ADF Allowances*, as amended by DRFT Determination Nos. 4, 5 and 7 of 2023.
2. Defence Force Remuneration Tribunal Determination No 1, 2, 3, 6 and 8 of 2023.

Schedule 1—Allowances amendment

DFRT Determination No. 11 of 2013, ADF allowances

1 Paragraph B.3.7.b

Repeal the section, substitute:

- b. The member does any of the following for more than 45 days.
 - i. They are absent from duty on a type of leave or absence, other than a medical absence.
 - ii. They have returned to the location where their dependants live.

2 At the end of paragraph B.9.4.2.b

Add:

- c. They are not in a non-deemed position within Sea Training Group.

3 After subsection B.9.4.2

Insert:

- 3. A member of the Permanent Forces or Reserves who is in a non-deemed position within Sea Training Group is eligible for the daily rate of maritime disability allowance on a day they meet all of the following.
 - a. They are serving in any of the following circumstances.
 - i. On a major fleet unit, which includes a seagoing ship.
 - ii. On a minor war vessel.
 - iii. In a seagoing submarine.
 - b. They meet any of the following.
 - i. They are required to live, and undertake duty, on a vessel for a calendar day.
 - ii. They are required to live, and undertake duty, on a vessel and in the field for a calendar day.
 - iii. Immediately after completing a calendar day of maritime service, they complete less than a calendar day of maritime service and that day is their last day of maritime service.

4 Subsection B.9.4.3

Re-number as subsection 4.

5 Subsection B.9.4.3

After "2.b" (wherever occurring), insert "or 3.b".

6 Section B.18.3
Omit “83”, substitute “82”.

7 Section C.1.2
Repeal the section, substitute:

C.1.2 Member this allowance applies to

Maritime sustainability allowance applies to members of the Permanent Forces and members of the Reserves who meet any of the following and are not in the Amphibious Ready Element or Maritime Deployable Support Element.

- a. They are eligible for maritime disability allowance.
- b. They are posted to a clearance diving team and eligible for clearance diver allowance under subsection B.14.4.1.

8 Subsection C.1.3.1 (table item 2)
Omit the table item, substitute:

2.	a daily rate of maritime disability allowance under subsection B.9.6.2	100 days or more in a calendar year	one year.
		any one day, up to 99 days in a calendar year	3.65 days.

9 Section C.4.1
Omit “posted to training establishments”.

10 Paragraph E.1.11.3.a
Omit “all”, substitute “one”.

Schedule 2—Salaries amendment

DFRT Determination No. 2 of 2017, Salaries

1 Schedule B.2 (Officer pay grades), Part 3, Pay grade 7, table item 14

Repeal the table item, substitute:

14.	Dental Officer (Non Dentist)	General Service Officer RPE Grade 7
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2 Schedule B.2 (Officer pay grades), Part 3, Pay grade 7, table item 16

After the table item, insert:

17.	Electrical Mechanical Engineering Aviation Officer	General Service Officer Grade 7
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3 Schedule B.2 (Officer pay grades), Part 3, Pay grade 8, table item 14

Repeal the table item, substitute:

14.	Infectious Diseases Researcher	General Service Officer Grade 8
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4 Schedule B.2 (Officer pay grades), Part 3, Pay grade 8, table item 17

Repeal the table item.

EXPLANATORY STATEMENT

Defence Force Remuneration Tribunal Determination No. 9 of 2023, Miscellaneous amendments

This Determination amends the Defence Force Remuneration Tribunal (DFRT) Determination No. 11 of 2013, ADF allowances (the allowances determination) and DFRT Determination No. 2 of 2017, Salaries (the salaries 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* (AI Act). The allowances determination sets out provisions dealing with allowances for members of the Australian Defence Force (ADF). The salaries determination sets out rules dealing with salary for members of the ADF.

The purpose of this Determination is to do the following:

- Amend the allowances determination to update cross references, insert an exception and to clarify the eligibility requirements for maritime sustainability allowance.
- Amend the salaries determination to re insert and correctly place employment categories as a consequence of errors made by DFRT Determination No. 8 of 2023.

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 in accordance with the following:

- Section 1 to 4 commence on signature of the Determination.
- Schedule 1 commences immediately after the commencement of DFRT Determination No. 5 of 2023.
- Schedule 2 commences immediately after the commencement of DFRT Determination No. 8 of 2023, which commenced on 3 May 2023.

The commencement of Schedule 2 is retrospective in nature, but does not adversely affect the interests of a person, other than the Commonwealth.

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—Allowances amendments

Item 1 amends paragraph B.3.7.b of the allowances determination which specifies when a members ceases to be eligible for separation allowance. The amendment removes home location from the rule, as it is no longer necessary following changes made by DFRT Determination No. 5 of 2023. The amendment also provides an exception to the rule and enabling members who are on a medical absence for more than 45 days to continue to be eligible for separation allowance if they remain in their posting location. The redrafting of the paragraph provides greater clarity that separation allowance only ceases after the 45 days of the member meeting one of the listed criteria.

Item 2 amends section B.9.4.2 which provides the eligibility criteria for maritime disability allowance. The amendment adds a new paragraph that excludes members in a non-deemed position within Sea Training Group from receiving this allowance under this subsection. These members may be eligible for the allowance under amendments made by item 3.

Item 3 inserts a new subsection after subsection B.9.4.2 to provide eligibility for members in a non-deemed position within Sea Training Group as a consequence of changes made by item 2.

Item 4 renumbers subsection B.9.4.3 to B.9.4.4.

Item 5 amends subsection B.9.4.3 (as numbered before item 3 commences) which provides the circumstances when a member is not required to satisfy specific eligibility criteria for the purpose maritime disability allowance. The subsection is amended to include references to paragraph 3.b as a consequence of changes made by item 3.

Item 6 amends section B.18.3 of the allowances determination which provides the rate of maritime deployable support element allowance. The amendment corrects a cross-reference.

Item 7 amends section C.1.2 of the allowances determination which specifies who Division C.1 of the allowances determination applies to. The amendment expands eligibility for the allowance by adding members posted to a clearance diving team who are eligible for clearance diver allowance under section B.14.4.1, but excludes a member who is also receiving Maritime Deployable Support Element, which is a new allowance inserted into the allowances determination by DFRT Determination No. 5 of 2023.

Item 8 amends subsection C.1.3.1 which specifies how sea service is calculated. The items amends table item 2, removing the reference to clearance diver allowance and updating the amount of sea service a member accrues.

Item 9 amends section C.4.1 which provides the purpose of training sustainment allowance. The section is amended to ensure consistency between the purpose of the allowance and the operation of the rules.

Item 10 amends section E.1.11 which provides a transitional provision for changes made to separation allowance by DFRT Determination No. 5 of 2023. The item amends paragraph E.1.11.3.a replacing 'all' with 'one'.

Schedule 2—Salaries amendments

Item 1 amends schedule B.2 (Officer pay grades), Part 3, Pay grade 7, table item 14 of the salaries determination by repealing and substituting 14. The amendment re-inserts Dental Officer (Non Dentist), General Service Officer RPE Grade 7, which was removed in error by DFRT Determination No. 8 of 2023.

Item 2 amends schedule B.2 (Officer pay grades), Part 3, Pay grade 7 of the salaries determination by inserting a new table item for Electrical Mechanical Engineering Aviation Officer, General Service Officer Grade 7, which was removed in error by DFRT Determination No. 8 of 2023.

Item 3 amends schedule B.2 (Officer pay grades), Part 3, Pay grade 8, table item 14 of the salaries determination by repealing and substituting table item 14. The amendment replaces Infectious Diseases Officer, General Service Officer Grade 8, with Infectious Diseases Researcher, General Service Officer Grade 8 to implement employment category name changes.

Item 4 amends schedule B.2 (Officer pay grades), Part 3, Pay grade 8, table item 17 of the salaries determination by repealing the table item as a consequence of employment category name changes.

Authority: Section 58H of the
Defence Act 1903