



Defence Determination 2009/1

I, BRIAN GARY PAULE, Director General Personnel Policy and Employment Conditions, make this Determination under section 58B of the *Defence Act 1903*.

Dated 7 January 2009

B G PAULE
Director General
Personnel Policy and Employment Conditions

1 Citation

This Determination is Defence Determination 2009/1, Additional remuneration for star rank officers – amendment.

2 Commencement

This Determination commences on the day it is signed.

3 Amendment

Defence Determination 2005/15, Conditions of Service, as amended,¹ is amended as set out in this Determination.

4 Clause 4.6.3 (Definitions)

substitute

In this Part, **star rank** means a member who holds a substantive rank of Brigadier or Major General. This includes a reference to that rank in relation to a member who is promoted for a specified period under regulation 35 of the *Defence (Personnel) Regulations 2002*.

5 Clause 4.6.8 (Privately-plated Defence vehicle)

omit

6 Clause 4.6.9 (Allowance instead of privately-plated Defence vehicle)

omit

7 Subclause 4.6.11.1 (Conditions for Operational Commander of the Northern Territory Emergency Response Task Force), table item 2

substitute

2.	Privately-plated vehicle	The member has the use of a vehicle provided through the Department of Families, Community Services and Indigenous Affairs.
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8 Clause 4.8.24 (Member this Division does not apply to)

substitute

A member is not entitled to attendance allowance if either of the following circumstances apply to them.

- a. The member is a legal officer who is entitled to a sessional fee.

See: Division 1, Legal officer sessional fee

- b. The member holds the substantive rank of Brigadier or Major General and is paid a total cash value package determined by the Defence Force Remuneration Tribunal (DFRT) s58H of the Act.

NOTE

- 1. Defence Determination 2005/15 commenced on 31 May 2005 and has been amended by Defence Determinations 2005/16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59; and 2006/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78; and 2007/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82; and 2008/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70. Certain provisions of the Determination have been modified by Determination No. 5 of 2005, Nos. 1 and 16 of 2006 and No. 5 of 2007, made under section 58H of the *Defence Act 1903*.

EXPLANATORY STATEMENT

Defence Determination 2009/1

This Determination amends Defence Determination 2005/15, Conditions of Service (the Principal Determination), made under section 58B of the *Defence Act 1903* (the Act). Chapter 4 of the Principal Determination sets out provisions dealing with allowances for members of the Australian Defence Force (ADF).

The purpose of this Determination is to amend the provisions in the Principal Determination relating to additional remuneration for star rank officers. In its Determination No. 23 of 2008, the Defence Force Remuneration Tribunal (DFRT) implemented a total cash value remuneration approach for members of the ADF who hold a substantive rank of Brigadier or Major-General. The total cash value approach includes a component for a vehicle.

Clause 1 of this Determination sets out the manner in which this Determination may be cited.

Clause 2 of this Determination provides that the Determination commences on the day on which it is made, as provided by subsection 58B(4) of the Act.

Clause 3 specifies that the amendment is made to the Principal Determination, as amended.

Clause 4 amends clause 4.6.3 of the Principal Determination. The definitions of 'Executive Vehicle Scheme guidelines', 'Privately-plated Defence vehicle', 'Salaries Determination' and 'Special Defence vehicle' have been removed as these terms are no longer used in Chapter 4 Part 6.

Clauses 5 and 6 omit clause 4.6.8 and clause 4.6.9, respectively, of the Principal Determination. These clauses are no longer required as the total cash value remuneration approach for star rank officers includes a component that can be used for a vehicle.

Clause 7 amends subclause 4.6.11.1 of the Principal Determination to remove a cross reference to clause 4.6.8 which is omitted by clause 5 of this Determination.

Clause 8 amends clause 4.8.24 of the Principal Determination. As Reserve star rank officers now have a component for a vehicle included as part of a total cash value package with their daily salary rate, they are no longer entitled to attendance allowance.

Criteria are provided for the exercise of discretions under the Principal Determination, as amended by this Determination. Adverse decisions are subject to merits review under the ADF redress of grievance system, including an appeal to the Defence Force Ombudsman.

Authority: Section 58B of the
Defence Act 1903