



## Defence Determination 2009/4

I, INGRID CECILIE SINGH, Acting Director General Personnel Policy and Employment Conditions, make this Determination under section 58B of the *Defence Act 1903*.

Dated 13 January 2009

I C SINGH  
Acting Director General  
Personnel Policy and Employment Conditions  
People Strategies and Policy Group

**1 Citation**

This Determination is Defence Determination 2009/4, Salary non-reduction – amendment.

**2 Commencement**

This Determination is to be taken to have commenced on 4 September 2008.

**3 Amendment**

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

**4 Annex 3.2.A (Salary non-reduction – members with the rank of Warrant Officer Class 2 or lower)**

*substitute the Annex set out in the Attachment*

---

**NOTE**

1. Defence Determination 2005/15 commenced on 31 May 2005. For previous amendments see Note to Defence Determination 2009/1 and see also Defence Determinations 2009/2 and 3.

**ATTACHMENT**

**Annex 3.2.A: Salary non-reduction – members with the rank of Warrant Officer Class 2 or lower**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Relevant employment category</b>	<b>Date of effect</b>	<b>Date of cessation</b>
<b>ARMY</b>		
<b>Pay grade 1</b> Crewman (Reserve)	The day that the last M113A1 vehicle ceases to be available in the member's Unit.	The day 3 years after the date of effect.
<b>Pay grade 2</b> Clerk Finance Grade 1 Crewman Grade 1	1 July 2008 The day that the last M113A1 vehicle ceases to be available in the member's Unit.	30 December 2009 The day 3 years after the date of effect.
<b>Pay grade 3</b> Clerk Finance Advanced Crewman Grade 2	1 July 2008 The day that the last M113A1 vehicle ceases to be available in the member's Unit.	30 December 2009 The day 3 years after the date of effect.
<b>Pay grade 4</b> Clerk Finance Financial Services Manager Clerk Finance Unit Financial Services Supervisor Crewman Commander	1 July 2008 1 July 2008  The day that the last M113A1 vehicle ceases to be available in the member's Unit.	30 December 2009 30 December 2009  The day 3 years after the date of effect.
<b>Pay grade 5</b> Supervisor Squadron Operations	The day that the last M113A1 vehicle ceases to be available in the member's Unit.	The day 3 years after the date of effect.
Supervisor Troop Operations	The day that the last M113A1 vehicle ceases to be available in the member's Unit.	The day 3 years after the date of effect.
<b>AIR FORCE</b>		
<b>Pay grade 3</b> Clerk Supply 3 <sup>1</sup>	1 July 2008	30 June 2010

**Notes:**

1. This employment category applies only to members at the rank of Aircraftsman or Leading Aircraftsman.

# EXPLANATORY STATEMENT

## Defence Determination 2009/4

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 3 of the Principal Determination sets out provisions dealing with salaries and bonuses for members of the Australian Defence Force (ADF).

In its Determination No. 25 of 2008, Graded Other Ranks Pay Structure, the Defence Force Remuneration Tribunal (DFRT) implemented its decision in relation to the structural reform of ADF pay for Other Rank members. A new pay structure has been implemented with 10 pay grades rather than the previous 16. The purpose of this Determination is to provide a transitional arrangement for members who were covered by non-reduction provisions based on the 16 grade pay structure and who require a non-reduction salary rate under the new 10 grade pay structure.

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 is to be taken to have commenced on 4 September 2008.

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

Clause 4 amends Annex 3.2.A of the Principal Determination. The employment category descriptions listed have been placed into the 10 grade pay structure. Some members will receive a small windfall from this transition. While the yearly rates of salary for members at the rank of Warrant Officer Class 2 in pay grades 1 and 2 in the new structure are lower, the members at the Warrant Officer Class 2 rank occupy the employment categories listed in the Annex under pay grades 1 and 2 and so no member is disadvantaged by the clause.

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.

The retrospective application of this Determination does not affect the rights of a person (other than the Commonwealth) in a manner prejudicial to that person, nor does it impose any liability on such person.

**Authority:** Section 58B of the  
*Defence Act 1903*