

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO. 15 OF 2008

SALARIES

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

PART A - ADMINISTRATION

A.1.1 Commencement

This Determination commences on 1 July 2008.

A.1.2 Repeal and Transition

1. Determination No. 6 of 1992, Salaries, is repealed.

1A. Subject to clause B.1.4, any salary or total cash value that has been determined for an individual senior officer under a determination, other than any of the following, ceases to apply from 17 March 2011:

- (a) Determination No. 7 of 2010, Salary of Chief Joint Operations; and
- (b) Determination No. 8 of 2010, Salary of Chief Capability Development Group; and
- (c) a salary or total cash value determined for a senior officer who is a dental, legal or medical officer.

2. A person who was eligible for a benefit under the repealed determination is taken to be eligible for the corresponding benefit under this Determination.

3. An exercise of administrative discretion under the repealed determination is taken to have been an exercise of the corresponding discretion under this Determination.

A.1.3 Purpose

This Determination sets salaries to be paid to members of the Australian Defence Force.

A.1.4 Contents

Part A Administration

Part B Salaries

Division 1 – Salary (Senior officers)

Division 2 – Salary (Officers)

Division 3 – Salary (Specialist officers)

Division 4 – Salary (Warrant Officer Class 1)

Division 5 – Salary (Other Ranks)

Division 6 – Salary (Trainees)

A.1.5 Administration of salary

This Determination does not limit the capacity for Defence Determination 2005/15, Conditions of Service, as amended from time to time, made under section 58B of the *Defence Act 1903* to provide for administrative matters relating to the payment of salary.

A.1.6 Definitions

1. This table defines terms used in this Determination.

Term	Definition
ADF	Means the Australian Defence Force.
CDF	Means Chief of the Defence Force.
equivalent rank	Means a corresponding rank in Regulation 8 of the <i>Defence Force Regulations 1952</i> as in force from time to time.
Force	Means either the Permanent Force or the Reserve Force of the ADF.
pay grade	Means the pay grade under which is listed the employment category and any additional requirements applicable to the member's rank in the following schedules: (a) Officer, Schedule B.2; (b) Warrant Officer Class 1, Schedule B9; (c) Other Rank member, Schedule B.11.
Rank	Includes equivalent rank.
Rate	Includes a scale of rates.
senior officer	Means an officer at the rank of Brigadier or higher.

A.1.7 Exercise of powers by Chief of Defence Force

In this Determination, a reference to the CDF includes a reference to a person the CDF has authorised to exercise administrative powers vested in the CDF under this Determination.

A.1.8 Salary not payable

Salary is not payable to a member under this Determination for any period when the member:

- (a) is on leave without pay (except part-time leave without pay); or
- (b) is undertaking service with the United Nations or a multi-national force.

A.1.9 ...

PART B - SALARIES

The relevant Division applies to a member according to his or her rank, appointment and employment category.

Division 1: Salary (Senior Officers)

B.1.1 Application

This Division applies to Senior Officers except:

- (a) the Chief, Capability Development Executive; and
- (b) the Chief of Joint Operations; and
- (c) any Medical Officer; and
- (d) any statutory or judicial office holder to whom salary is payable under a determination made by the Remuneration Tribunal.

B.1.2 Pay grade for a senior officer

1. A senior officer's pay grade is set out in the following table:

Item	A member at the rank of...	who held this pay grade in their previous rank...	now holds this pay grade...
1.	Brigadier	any up to 7	1
		8 or 9	2
		10	3
2	Major-General	any or none	1
3.	Lieutenant-General	any or none	1
4.	General	any or none	1

2. A senior officer, who did not hold an officer pay grade before promotion to Brigadier, is taken to have held the pay grade that would have applied to their officer category if this Determination had commenced before their promotion.

B.1.3 Rate of salary for a senior officer

1. A senior officer, other than a senior officer who is a dental officer or a legal officer, is to be paid the rate of salary in Schedule B.1 that corresponds to:

- (a) the senior officer's Force in Part 1 or 2 of Schedule B.1; and
- (b) the senior officer's rank and increment; and
- (c) the senior officer's pay grade.

Note: 1. This is the senior officer superannuation salary.

2. Non-salary benefits, such as housing assistance, may be provide under section 58B of the Act.

2. A senior officer who is a dental officer is to be paid salary under Part 1 or 2 of Schedule B.16, according to the officer's Force, rank and competency level.

3. A senior officer who is a legal officer is to be paid salary under Part 1 or 2 of Schedule B.17, according to the officer's Force, rank and competency level.

4. If a senior officer, who is a legal officer or a dental officer, and who is covered by an individual determination, transfers from the Permanent Force to the Reserve Force then the member is to be paid at a daily rate based on the annual rate the member received as a member of the Permanent Force immediately before transfer to the Reserve Force.

5. A senior officer who is paid salary under clause B.1.3 is not eligible for a circumstance benefit.

B.1.4 Rate of salary on transition from individual determination

1. This clause applies to a senior officer who on 16 March 2011 is eligible for a rate of salary determined for that individual senior officer.

2. The rate of salary payable to the senior officer is the higher of:

(a) the amount of total cash value payable to the senior officer under the individual determination; or

(b) if the senior officer starts a new posting after 17 March 2011, the rate of salary, exclusive of circumstance benefit, payable to the senior officer under the individual determination; or

(c) the rate of salary that is payable to the senior officer under clause B.1.3.

3. A senior officer may elect to be paid salary under clause B.1.3, even if their total cash value under paragraph B.1.4.2 (a) is higher than that salary.

Division 2: Salary (Officers)

B.2.1 Application

This Division applies to officers of the Permanent Force and Reserves not covered by Divisions 1 or 3.

B.2.2 Pay grade for an officer

1. An officer is placed in the pay grade specified in Schedule B.2 for the Service, employment category and classification (if any) applying to the officer.
2. If Schedule B.2 does not specify a pay grade that applies to the officer, the officer is placed in pay grade 2.
3. If an officer is liable to serve in more than one employment category and more than one pay grade applies under Schedule B.2, the higher pay grade is taken to apply.
4. A pay grade listed in Schedule B.2 applies to an officer only during the period the officer meets the requirements for the relevant employment category and classification (if any), including any required levels of qualification, experience or skill.
5. The pay grade for an officer of the Royal Australian Air Force who is not in an aircrew employment category is increased by one if the member:
 - (a) is in a pay grade below pay grade 10; and
 - (b) is appointed to, and exercises, a command position.

B.2.3 Rate of salary for an officer

An officer is to be paid the rate of salary in Schedule B.3 that corresponds to:

- (a) the officer's Force in Parts 1, 2 or 3 of Schedule B.3; and
- (b) the officer's rank and increment; and
- (c) the officer's pay grade.

B.2.4 Rate of salary on advancement from Other Rank – Sergeant and above

1. This clause applies to an officer who held non-commissioned rank at or above Sergeant immediately before being appointed and commissioned as an officer.
2. An officer to whom this clause applies is to be paid the highest of:
 - (a) the rate of salary in Schedule B.4 that corresponds to the officer's Force, rank and increment and is next above the rate of salary that he or she was paid immediately before appointment as an officer; or
 - (b) the rate of salary payable under clause B.2.3; or
 - (c) the rate of salary he or she was paid immediately before appointment as an officer.

B.2.5 Rate of salary on advancement from Other Rank – other situations

1. This clause applies to an officer who held non-commissioned rank at or below Corporal immediately before being appointed and commissioned as an officer.
2. An officer to whom this clause applies will be paid the higher of:
 - (a) the rate of salary payable under clause B.2.3; or
 - (b) the rate of salary he or she was paid immediately before appointment as an officer.

B.2.6 Discounted rate of salary for certain Reserve Force officers

1. This clause applies to an officer of the Army Reserve Force who holds the rank of Brigadier or below and who meets the following conditions:
 - (a) the officer does not hold the professional competencies to be deployed in his or her employment category; and
 - (b) the officer is not a specialist officer; and
 - (c) in the last five years, the officer has not served in either of:
 - (i) the High Readiness Reserve; or
 - (ii) the Permanent Force.
2. The rate of salary payable to the officer under sub clause B.2.6.1 is the rate for the officer's rank and increment in Part 3 of Schedule B.3.

Division 3: Salary (Specialist officers)

B.3.1 Application

1. This Division applies to officers in the following classes:
 - (a) Chaplain;
 - (b) Dental Officer;
 - (c) Legal Officer;
 - (d) Medical Officer;
 - (e) Aviation specialist;
 - (f) an approved category, as defined in clause B3.2.

2. ...

B.3.2 Definitions

This table defines terms used in this Division.

Term	Definition
approved category	Means a class of members which the CDF, having regard to: <ol 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, by a class of Reserve members, approves as normally performing a large part of their duties within periods of duty less than 2 hours. Note: Current approved categories are medical, dental and legal officers and chaplains.
aviation specialist	Means a member who is: <ol 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	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.

Term	Definition
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.
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>The competency level relevant to a medical officer position approved for a member under clause 3.2.38 of Defence Determination 2005/15, <i>Conditions of service</i>. There are two parts to the medical level (ML) number:</p> <ul style="list-style-type: none"> (a) the first number in a medical level (for example 'ML2') indicates the competency level which is the level of qualification and skill; and (b) the second number (for example '-3') indicates the increment level the member has achieved.

Term	Definition
Medical Officer	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: (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. In considering whether to approve such a position the CDF will have regard to: (i) the duties the officer will perform in the position; and (ii) the relevance of the duties to the officer's responsibilities as a Medical Officer; and (iii) the career progression of the officer within the medical or health stream.
specified qualification	Holds a specified qualification described in paragraph 3.2.34A.2.b of Defence Determination 2005/15, Conditions of service.

B.3.3 Rate of salary for specialist officer

1. The following table sets out the salary payable to a specialist officer covered by this Division.

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 on a fixed tenure or fixed period appointment	under Schedule B.7 according to the officer's Force, rank and competency 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	at the procedural specialist pay point in Schedule B.8 Part 1 or 2, according to the officer's Force.

		<p>speciality; and</p> <p>(b) approved by the Surgeon General ADF to perform duty in that area of specialty for a period of Procedural Specialist Service; and</p> <p>(c) either of the following:</p> <p>(i) deployed overseas for the purpose of practising in that area; or</p> <p>(ii) required to practice in that area on a regular basis for the majority of the period of Procedural Specialist Service.</p>	
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	<p>specialist career structure because the member:</p> <p>(a) has not yet gained the required qualifications for a medical level; and</p> <p>(b) is in a position no higher than ML4; and</p> <p>(c) the CDF has deemed the member competent for a period ending no later than 1 May 2013</p>	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	specialist career structure	under Schedule B.15 Part 1 or

	officer who is a senior officer		2, according to the officer's Force, rank and medical level.
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2. Officers not described in the table in subclause 1 may be paid under Division B.2.

B.3.4 Rate of salary for aviation specialist – conditions

1. On the day that a member first becomes an aviation specialist, salary is payable at the following rate:

- (a) For a member at the rank of Major (04) or Captain (03) -- the rate in Schedule B.14 equal to or next above the rate of salary payable to the member immediately before that day; or
- (b) For a member at the rank of Lieutenant-Colonel (05) or a higher rank --- the rate in Schedule B.14 that is equal to or next above the amount that is the difference between:
 - (i) the rate of salary that was payable to the member immediately before that day and the relevant of either:
 - (ii) if the member is in the Permanent Force -- the annual rate of Service Allowance, (as determined from time to time under DFRT Determination No. 11 of 1994, Service Allowance); or
 - (iii) if the member is in the Reserve Force -- the daily rate of Reserve Allowance (as determined from time to time under DFRT Determination No. 22 of 2008, Service Allowance).

2. On the day after the member completes 12 months of continuous full-time service in an experience level, the member's salary rate increases to the next experience level in Schedule B.14.

3. On exit from the aviation specialist stream, a member is taken to return to their previous Schedule B.2 'Legacy' employment category and pay grade, unless the member is placed in an employment category with a competency-based progression structure.

Division 4: Salary (Warrant Officer Class 1)

B.4.1 Application

This Division applies to the Service Warrant Officers and to Warrant Officers Class 1 in the Permanent Force and Reserves.

B.4.2 Tiers

Warrant Officer Class 1 positions are in Tiers as follows:

Tier	Description
Tier A	applies to positions involving direct application of trade skills or entry level Regimental Sergeant Major (all corps) or Warrant Office Disciplinary positions at, or higher than, any of: (a) the unit level in the case of Army; (b) the unit or squadron level in the case of Air Force; or (c) the department level in the case of Navy.
Tier B	applies to positions involving application of managerial skills (applied with or without reference to trade knowledge) at, or higher than, any of: (a) the formation level in the case of Army; (b) the wing level in the case of Air Force; or (c) the unit level in the case of Navy.
Tier C	applies to positions involving high level management and representational duties, applied generally at a functional or environmental command level.
Tier D	applies to Service Warrant Officer positions.

B.4.3 Pay grade for a Warrant Officer Class 1

1. A Warrant Officer Class 1, other than a Service Warrant Officer, is placed in the pay grade specified in Schedule B.9 for the Service, employment category and tier applying to the member.
2. If Schedule B.9 does not specify a pay grade that applies to the member, the member is placed in pay grade 2.
3. If more than one pay grade applies to a Warrant Officer Class 1 under Schedule B.9, the higher pay grade is taken to apply.
4. A pay grade listed in Schedule B.9 applies to a Warrant Officer Class 1 only during the period the member meets the requirements for the relevant employment category and tier, including any required levels of qualification, experience or skill.

5. If a member of the Army is in a Special Forces capacity listed in the following table, then the member's pay grade is increased by the number listed in column 3, up to the maximum pay grade listed in column 4.

Column 1 Item	Column 2 Special Forces capacity	Column 3 Number of pay grades	Column 4 Maximum pay grade
1.	Incident Response Regiment trained member	1	7
2.	Special Forces Signaller posted to any of 126, 152 or 301 Signals Squadrons	1	8
3.	Incident Response Regiment trained (additional specialist)	2	8

6. If a member of the Army is liable to be employed in a Special Forces capacity listed in the following table, then the member's pay grade is increased to the pay grade listed in column 3.

Column 1 Item	Column 2 Special Forces capacity	Column 3 pay grade
1.	Commando Grade 2 (Tier A)	7
2.	Commando Grade 3 (Tier A)	
3.	Commando Grade 4 (Tier A)	8
4.	Section Commander Commando (Tier A)	
5.	Supervisor Commando Platoon Operations (Tier A)	
6.	Supervisor Commando Operations	
7.	Special Air Service Trooper Grade 1 (Tier A)	9
8.	Special Air Service Trooper Grade 2 (Tier A)	
9.	Special Air Service Trooper Grade 3 (Tier A)	10

B.4.4 Rate of salary for a Warrant Officer Class 1

A Warrant Officer Class 1, other than a Service Warrant Officer, is to be paid the rate of salary in Schedule B.10 that corresponds to:

- (a) the member's Force in Parts 2, 3 or 4 of Schedule B.10; and
- (b) the member's tier and increment; and
- (c) the member's pay grade.

B.4.5 Rate of salary for Service Warrant Officers

A Service Warrant Officer is to be paid the rate of salary listed in Part 1 of Schedule B.10.

Division 5: Salary (Other Ranks)

B.5.1 Application

This Division applies to Other Ranks members of the Permanent Force and Reserves not covered by Divisions 4 and 6.

B.5.2 Pay grade for a member below the rank of Warrant Officer Class 1

1. A member is placed in the pay grade specified in Schedule B.11 for the Service and employment category applying to the member.
2. If more than one pay grade applies to a member under Schedule B.11, the higher pay grade is taken to apply.
3. A pay grade listed in Schedule B.11 applies to a member only during the period the member meets the requirements for the relevant employment category, including any required levels of qualification, experience or skill.
4. If a member of the Army is in a Special Forces capacity listed in the following table, then the member's pay grade is increased by the number listed in column 3, up to the maximum pay grade listed in column 4.

Column 1 Item	Column 2 Special Forces capacity	Column 3 Number of pay grades	Column 4 Maximum pay grade
1.	Incident Response Regiment trained member	1	7
2.	Member posted to any of 126, 152 or 301 Signals Squadrons	1	8
3.	Incident Response Regiment trained (additional specialist)	2	8

5. If a member of the Army is liable to be employed in a Special Forces capacity listed in the following table, then the member's pay grade is increased to the pay grade listed in column 3.

Column 1 Item	Column 2 Special Forces capacity	Column 3 pay grade
1.	Commando Grade 2	7
2.	Commando Grade 3	
3.	Commando Grade 4	8
4.	Section Commander Commando	
5.	Supervisor Commando Platoon Operations	
6.	Supervisor Commando Operations	
7.	Special Air Service Trooper Grade 1	
8.	Special Air Service Trooper Grade 2	9
9.	Special Air Service Trooper Grade 3	10

B.5.3 Rate of salary for a member below the rank of Warrant Officer Class 1

1. A member below the rank of Warrant Officer Class 1 is to be paid the rate of salary in Schedule B.12 that corresponds to:

- (a) the member's Force in Parts 1, 2 or 3 of Schedule B.12; and
- (b) the member's rank and increment; and
- (c) the member's pay grade.

2. ...

Division 6: Salary (Trainees)

A member undertaking training in a capacity listed in Schedule B.13 shall be paid the applicable rate in column 3 for that capacity and stage (if any) of training.

Dated this sixth day of June two thousand and eight.

Senior Deputy President R N Cartwright
President

Mr G D John
Member

Rear Admiral B L Adams, AO (Ret'd)
Member

TABLE A

Table A Application, saving or transitional provisions

1. Transitional provision

1.1 Clause 3 of DFRT Determination No. 23 of 2008, "If the amendments made by this Determination would reduce a Senior Officer's annual rate of salary, the amendments have no effect in relation to the officer until the day a determination which sets a rate of salary for the member as part of an individual total cash value package commences."