

DEFENCE FORCE REMUNERATION TRIBUNAL

DETERMINATION NO. 2 OF 2000

SALARIES OF LEGAL OFFICERS

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

Citation

1. This Determination may be cited as Determination No. 2 of 2000, Salaries of legal officers (Determination No. 6 of 1992 – Amendment).

Commencement

2. This Determination commences on 16 March 2000.

Amendment

3. Determination No. 6 of 1992, Salaries, as amended, is amended as set out in this Determination.

New clause 11A (Legal salary payable to certain legal officers not performing legal duties)

4. After clause 11, insert:

“11A.1 This clause applies to an officer who ceases, or has ceased, to perform the duties of a legal officer for reasons approved by the CDF and who:

- (a) is on short service commission or who has less than 6 years to serve until reaching compulsory retirement age: or
- (b) has applied for a short service commission before 16 March 2000 and is subsequently granted such a commission.

“11A.2 For subclause 11A.1, the CDF must have regard to:

- (a) the duties the officer will perform;
- (b) the expected period of these duties;
- (c) the relevance of these duties to the officer’s future responsibilities as a legal officer; and
- (d) the career progression of the officer within the legal stream.

“11A.3 The officer is entitled, during the relevant period, to the rate of salary that would otherwise be payable to the officer under Schedule 4A during the relevant period

“11A.4 In this clause, ‘the relevant period’ means:

(a) the period beginning on the day on which the officer ceases to perform the duties of a legal officer and ending 3 years after that day; or

(b) if the officer has ceased to perform legal duties before 16 March 2000 – the period beginning on 16 March 2000 and ending 3 years after that day”.

New clause 15A (Rate of salary – legal officer)

5. After clause 15, insert:

“15A.1 This clause applies to a legal officer whose rank is specified in column 1, 2 or 3 of Schedule 4A and who:

(a) is on a short service commission;

(b) has less than 6 years to serve until reaching compulsory retirement age; or

(c) has applied for a short service commission before 16 March 2000 and is subsequently granted such a commission”.

“15A.2 The rate of salary applicable to a legal officer is the rate specified in column 4 of Schedule 4A opposite the officer’s rank in column 1, 2 or 3”.

New clause 23A (Rate of salary – legal officer)

6. After clause 23, insert:

“23A. The rate of salary applicable to a legal officer is the rate specified in column 4 of Schedule 10A opposite the officer’s rank in column 1, 2 or 3’.

New Schedule 4A (Scale of annual rates – legal officer of the Permanent Forces)

7. After Schedule 4, insert the Schedule set out in Attachment A.

New Schedule 10A (Scale of annual rates – legal officer of the Reserve Forces)

8. After Schedule 10, insert the Schedule set out in Attachment B.

Dated this seventeenth day of February two thousand

The Hon Justice A J Boulton
President

Commissioner P L Leary
Member

Air Vice Marshal F D Cox AO (Retd)
Member

ATTACHMENT A

SCHEDULE 4A

SCALE OF ANNUAL RATES – LEGAL OFFICER OF THE PERMANENT FORCES

Column 1	Column 2	Column 3	Column 4	
Navy	Army	Air Force	Rate of salary \$ a year	
Sub Lieutenant	Lieutenant	Flying Officer	LL1	34236
Lieutenant	Captain	Flight Lieutenant	LL2*	40760 42351 43933 45516
			LL3*	55458 60243
Lieutenant Commander (a)	Major (a)	Squadron Leader (a)		51466 53126 54782 55458
Lieutenant Commander	Major	Squadron Leader	LL3*	64642 69428 71754 76413
			LL4*	82550 85550
Commander	Lieutenant Colonel	Wing Commander	LL4*	94950 98450
Captain	Colonel	Group Captain	LL5*	104748 108450
Commodore	Brigadier	Air Commodore	LL5*	114950

Notes:

(a) These rates apply to members transferring from another ADF category to the Legal Speciality category. Such members do not progress to the rates applying to the Legal level (LL) 3 competency until they have served 4 complete years of service in a legal position.

* Legal officers are not entitled to advance from Legal level (LL) 1 to Legal level (LL) 2, from Legal level (LL) 2 to Legal level (LL) 3 and from Legal level (LL) 3 to Legal level (LL) 4 and from Legal level (LL) 4 to Legal level (LL) 5 unless the officer's performance of legal duties meets the competency standards established by the CDF.

ATTACHMENT B

SCHEDULE 10A

SCALE OF DAILY RATES – LEGAL OFFICER OF THE RESERVE FORCES

Column 1	Column 2	Column 3	Column 4	
Navy	Army	Air Force	Rate of salary \$ a day	
Sub Lieutenant	Lieutenant	Flying Officer	LL1	84.42
Lieutenant	Captain	Flight Lieutenant	LL2*	100.50 108.33
			LL3*	136.75
Lieutenant Commander (a)	Major (a)	Squadron Leader (a)		126.90 135.08
Lieutenant Commander	Major	Squadron Leader	LL3*	159.39 176.93
			LL4*	203.55
Commander	Lieutenant Colonel	Wing Commander	LL4*	221.12 229.27
Captain	Colonel	Group Captain	LL5*	243.93
Commodore	Brigadier	Air Commodore	LL5*	267.69

Notes:

(a) These rates apply to officers transferring from another ADF category to the Legal Speciality category. Such officers do not progress to the rates applying to the Legal level (LL) 3 competency until they have served four complete years of service in a legal position.

* Legal officers are not entitled to advance from Legal level (LL) 1 to Legal Level (LL) 2, from Legal Level (LL) 2 to Legal level (LL) 3, from Legal level (LL) 3 to Legal level (LL) 4 and from Legal level (LL) 4 to Legal level (LL) 5 unless the officer's performance of legal duties meets the competency standards established by the CDF.