



# **Defence Determination, Conditions of service Amendment (Salaries and allowances modernisation) Determination 2021 (No. 5)**

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I, FIONA LOUISE McSPEERIN, Assistant Secretary, People Policy and Employment Conditions, make the following Determination under section 58B of the *Defence Act 1903*.

Dated 23 April 2021

Fiona Louise McSpeerin  
Assistant Secretary  
People Policy and Employment Conditions  
Defence People Group

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## **1 Name**

This instrument is the *Defence Determination, Conditions of service Amendment (Salaries and allowances modernisation) Determination 2021 (No. 5)*.

## **2 Commencement**

This instrument commences on 13 May 2021.

## **3 Authority**

This instrument is made under section 58B of the *Defence Act 1903*.

## **4 Schedules**

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Salary non-reduction

## Defence Determination 2016/19, Conditions of service

### 1 Section 3.2.58 (Movements between Reserve service and continuous full-time service)

After the section, insert:

#### 3.2.59 Member on salary non-reduction or salary preservation on 13 May 2021

1. This section applies to a member if all of the following apply in 13 May 2021.
  - a. The member was on one of the following.
    - i. A salary non-reduction period under this Division.
    - ii. A salary preservation provision under Part C of DFRT Determination No. 2 of 2017, *Salaries*.
  - b. The member's salary on 13 May 2021 is less than the sum of the following on 12 May 2021.
    - i. The member's salary payable under the non-reduction or salary preservation provision.
    - ii. Service allowance payable under Division B.2 of DFRT Determination No. 11 of 2013, *ADF allowances*, on 12 May 2021.
    - iii. Uniform allowance payable to the member under Chapter 10 Part 1, 12 May 2021.
2. The member is to be paid a fortnightly allowance calculated using the following.

$$\textit{allowance payable} = (A + B + C) - D$$

Where:

- A** is the member's fortnightly salary payable under the non-reduction or salary preservation provision, on 12 May 2021.
  - B** is the member's fortnightly Service allowance payable on 12 May 2021.
  - C** is the fortnightly amount of uniform allowance payable to the member on 12 May 2021.
  - D** is the fortnightly salary payable to the member from 13 May 2021.
3. The salary and service allowance rates under paragraph 1.b and subsection 2 are adjusted by the same proportion as any general salary increase applicable to members of the ADF.
  4. This section ceases to apply on the day the member ceases to be eligible for salary non-reduction or salary preservation.

# Schedule 2—Allowance reform and consequential amendments

## *Defence Determination 2016/19, Conditions of service*

### **1 Subsection 2.3.6.2 (Additional payment)**

Omit the subsection, substitute:

2. The member is to be paid an additional amount that is equal to the salary the member would have received between the following days had the member continued to serve during the period.
  - a. The day the member's service ends.
  - b. The last day of the 5 week period beginning the day the member was given the notice under section 24(2) of the Defence Regulation.

### **2 Subsection 2.3.6.3 (Additional payment)**

Omit the subsection.

### **3 Subsection 2.3.23.2 (Amount of special benefit)**

Omit the subsection.

### **4 Section 3.2.7 (Administration of salary and allowances)**

After the section, insert:

#### **3.2.7AA Salary and DFRT determinations – flexible service determinations**

1. This section applies to salary and allowances payable under a DFRT Determination to a member on a flexible service determination.
2. For the purpose of calculating a member's fortnightly salary, the value of a day of a nonworking period is the following.
  - a. For the first 4 days of a nonworking period in a fortnight — \$0.00.
  - b. For any other day of a nonworking period in a fortnight, the amount calculated using the following formula.

$$\text{day in a non- working period } (\$) = \frac{\text{Salary}}{365} \times 1.4$$

Where:

**Salary** means the member's annual salary.

**Note:** Under DFRT Determination No. 2 of 2017, a member is not paid for a nonworking period. A member's fortnightly salary is reduced by the value of the nonworking period for each day that in their nonworking period in the fortnight.

3. For the purpose of a DFRT allowance, the value of a day of a nonworking period is one of the following.
  - a. For the first 4 days of a nonworking period in a fortnight — \$0.00.
  - b. For every other day of a nonworking period in a fortnight, the amount calculated using the following formula.

$$\text{day in a non-working period (\$)} = \frac{\text{Allowance}}{365} \times 1.4$$

Where:

**Allowance** means the annual rate of a DFRT allowance payable to a member.

**Note:** Under DFRT Determination No. 11 of 2013, a member is not paid for a nonworking period. A member's fortnightly rate of the allowance is reduced by the value of the nonworking period for each day in their nonworking period in the fortnight.

## 5 **Subsection 3.2.7A (Administration of salary and allowances – member on a flexible service determination)**

Omit the section, substitute:

### 3.2.7A **Section 58B Allowances – flexible service determinations**

1. This section applies to an allowance under this Determination that has an annual rate and is payable to a member on a flexible service determination other than the following.
  - a. ADF District allowance under Chapter 4 Part 4 Division 1 and Division 2.
  - b. Scherger allowance under Chapter 4 Part 4 Division 4.
  - c. Antarctic allowance under Chapter 4 Part 4 Division 6.
  - d. Common duties allowance (Antarctic) under Chapter 4 Part 4 Division 6.
  - e. Antarctic parity allowance under Chapter 4 Part 4 Division 8.
2. If the member is eligible for the payment of an allowance, the allowance is paid for all of the following days.
  - a. Each full day of duty in a fortnight in the member's flexible service determination.
  - b. Each part day of duty in the fortnight that adds up to 8 hours when combined with another part day of duty in the fortnight.
3. The daily rate of an annual rate of an allowance under this Determination calculated using the following formula.

$$\text{daily rate} = \frac{\text{annual rate}}{365} \times 1.4$$

4. The maximum fortnightly rate payable to a member must not exceed the fortnightly rate of a member not on a flexible service determination.

**6 Subsection 3.2.25.2 (Salary – member undergoing recategorisation training)**

Omit the subsection, substitute:

2. The member is to be paid the relevant of the following amounts for the duration of the training.
  - a. For a member of the Permanent Forces or a member of the Reserves on continuous full-time service — the rate of salary for the rank, pay grade or specialist level and increment that they held immediately before they began training.
  - b. For a member on Reserve service — the daily rate of salary for the rank, pay grade or specialist level and increment that they held immediately before they began training.
  - c. For a member of the Reserves who transfers to the Permanent Forces or undertakes a period of continuous full-time service for the period of their training — the rate of salary for the rank, pay grade or specialist level and increment that they would have held if they were on continuous full-time service immediately before they began training.

**7 Section 4.4.38 (Definitions)**

Omit from the definition of ADF amount “ , service allowance”.

**8 Section 4.8.11 (Rate of entitlement)**

Omit the section, substitute:

**4.8.11 Rate of additional payment**

A member is eligible for an additional payment at the end of each 3-month period calculated using the following formula.

$$\text{additional payment} = \frac{A - (B + C)}{4}$$

Where:

- A** The annual salary the member would have received if they were paid by the hospital.
- B** The member’s annual salary.
- C** The annual rate of district allowance payable to the member, if applicable.

**9 Section 4.8.25 (Additional allowance)**

Omit the section, substitute:

**4.8.25 Refresher training allowance**

1. A member is eligible for an allowance payable at the end of each 3-month period if all of the following are met.

- a. The member's refresher training takes place at a civilian hospital.
  - b. The member's salary is less than the salary the member would have received if they were paid by the hospital.
2. The allowance payable under subsection 1 is calculated using the following formula.

$$allowance = \frac{A - B}{4}$$

Where:

- A** The annual salary the member would have received if they were paid by the hospital.
- B** The member's annual salary.

**10 Subsection 4.9.7.2 (Disposable income for ADF members), Note 1**

Omit the note.

**11 Section 4.9.18 (Definitions)**

Omit the section.

**12 Subsection 4.9.20.1 (Payments for periods of isolation associated with military service), Note 2**

Omit "and Reserve allowance".

**13 Subsection 4.9.20.2 (Payments for periods of isolation associated with military service)**

Omit "and Reserve allowance".

**14 Subsection 4.9.20.3 (Payments for periods of isolation associated with military service)**

Omit "and Reserve allowance".

**15 Subsection 4.9.21.2 (Payment following a Defence activity)**

Omit "and Reserve allowance".

**16 Subsection 4.9.21.3 (Payment following a Defence activity)**

Omit "and Reserve allowance".



- 17 Subsection 4.9.22.2 (Payment for an inability work a pattern of Reserve service)**  
Omit “and Reserve allowance”.
- 18 Subsection 4.9.23.2 (Payment for COVID-19)**  
Omit “and Reserve allowance”.
- 19 Subsection 5.3.9.1 (Payment of salary and allowances on a medical absence), Exception**  
Omit the exception.
- 20 Subsection 5.4.23.2 (Approval to purchase recreation leave)**  
Omit “Service allowance”.
- 21 Subsection 5.4.24.2 (Payment)**  
Omit the subsection, substitute:
2. The member’s fortnightly payment is calculated as follows.
- $$\text{fortnightly payment} = \left( \frac{A}{365} \times \frac{B}{8} \right) \div C$$
- Where:
- A** is the member’s annual rate of salary.
  - B** is the number of hours of leave the member is purchasing.
  - C** is the number of pay periods over which the member has elected to make the payments.
- 22 Subsection 5.4.24.3 (Payment)**  
Omit the subsection.
- 23 Paragraph 7.4.38.c (Basis)**  
Omit “ship’s galley”, substitute “ship’s or submarine’s galley”.
- 24 Section 7.4.41 (Conditions for member posted to a seagoing submarine)**  
Omit the section.

- 25 Section 7.4.49 (Laundry allowance for seagoing member in temporary accommodation ashore)**  
Omit the section.
- 26 Paragraph 7.9.5.2.b (Casual meal charges)**  
Omit the paragraph, substitute:
- b. They are a member with dependants (unaccompanied) and any of the following apply.
    - i. The member is not receiving food allowance.
    - ii. The member is not on a flexible service determination while they are on a nonworking period.
- 27 Paragraph 7.9.5.2.c (Casual meal charges), exceptions**  
After exception 2, insert:
- 3. A member without dependants who is posted to a seagoing submarine.
- 28 Paragraph 7.9.6.1.b (Fortnightly meal charges), exceptions**  
After exception 2, insert:
- 3. A member without dependants who is posted to a seagoing submarine.
- 29 Section 7.9.12 (Eligibility and rate of submarine food allowance for member posted to a seagoing submarine)**  
Omit the section.
- 30 Chapter 10 Part 1 (Uniform allowance)**  
Omit the Part.
- 31 Subsection 10.5.3.3 (Eligibility for Service police investigator plain clothes allowance), note**  
Omit the note.
- 32 Subsection 10.5.3.3 (Eligibility for Service police investigator plain clothes allowance), see note**  
Omit the see note.

## Schedule 3—Savings provision

### 1 Uniform allowance – savings

1. This section applies to a member who is undertaking basic recruit training on 12 May 2021.
2. The member is eligible for uniform allowance as payable under Chapter 10 Part 1 of Defence Determination 2016/19, *Conditions of service*, as in force on 12 May 2021.
3. The member ceases to be eligible for uniform allowance on the day the member completes basic recruit training.