



Defence Force Remuneration Tribunal Determination No. 4 of 2023, ADF allowances – Navy Submarine Capability Assurance Payment Eligibility Adjustment – amendment

The Defence Force Remuneration Tribunal, make this Determination under section 58H of the *Defence Act 1903*. It relates to Matter No. 2 of 2023 – Navy Submarine Capability Assurance Payment – Eligibility Adjustment.

Dated 23 March 2023

Ingrid Asbury
President

Adrian Morris
Member

Major General Gerard Fogarty, AO Rtd
Member

1 Name

1. This Determination is Defence Force Remuneration Tribunal Determination No. 4 of 2023, ADF Allowances – Navy Submarine Capability Assurance Payment Eligibility Adjustment – amendment.
2. This Determination may also be cited as DFRT Determination No. 4 of 2023.

2 Commencement

Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information	
Column 1	Column 2
Provisions	Commencement
1. The whole of this instrument	Date of signature.

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

3 Authority

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

4 Schedules

1. Defence Force Remuneration Tribunal Determination No. 11 of 2013, *ADF Allowances*, as amended,¹ is amended as set out in Schedule 1 of this Determination.

NOTE

1. Defence Force Remuneration Tribunal Determination No. 11 of 2013, *ADF Allowances*, commenced on 12 September 2013 and has been amended by DFRT Determination Nos. 13, 19 and 20 of 2013; Nos. 6 and 9 of 2014; Nos. 5, 11, 12, 13, 14 and 16 of 2015; Nos. 1, 2, 5, 6 and 8 of 2016; Nos. 1, 4, 7, 9 and 10 of 2017; Nos. 1, 4 and 9 of 2018; Nos. 2, 5 and 9 of 2019; Nos. 2 and 10 of 2020; Nos. 1, 4, 5, 14, 15, and 17 of 2021; No. 4 of 2022.

Schedule 1— Navy Submarine Capability Assurance Payment Eligibility amendment

DFRT Determination No. 11 of 2013, ADF Allowances

- 1** **Paragraph D.1.6.c**
Repeal the paragraph.

EXPLANATORY STATEMENT

Defence Force Remuneration Tribunal Determination No. 4 of 2023, ADF allowances – Navy Submarine Capability Assurance Payment Eligibility Adjustment – amendment

This Determination amends Defence Force Remuneration Tribunal (DFRT) Determination No. 11 of 2013, *ADF Allowances* (the Allowances Determination), made under section 58H of the *Defence Act 1903* (the Act) and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (AIA Act). The Allowances Determination sets out provisions dealing with salary related allowances for members of the Australian Defence Force (ADF).

The purpose of this Determination is to amend section D.1.6 of the Allowances Determination which sets out the conditions for eligibility for the Navy's Submarine Capability Assurance Payment.

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

Section 2 of this Determination provides that the Determination commences on the date of signature.

Section 3 provides that this instrument has authority under section 58H of the *Defence Act 1903*.

Section 4 provides that 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 – Navy Submarine Capability Assurance Payment Eligibility Adjustment amendment.

Section 1 amends section D.1.6 of the Allowances Determination which sets out the eligibility conditions for receiving the Submarine Capability Assurance Payment. The section is amended to remove paragraph D.1.6.c which provides a restriction on eligibility that prevents a submariner receiving the payment if they are serving a period of undertaking towards an individual or employment category bonus scheme related to submarine capability under section 58B of the Act.

Authority: Section 58H of the
Defence Act 1903