



Defence Force Remuneration Tribunal Determination No. 4 of 2024, Salaries – Nuclear qualified submariners

The Defence Force Remuneration Tribunal, make this Determination under section 58H of the *Defence Act 1903*. It relates to Matter No. 7 of 2024 – Nuclear Submarine Workforce – Tranche 1.

Dated 22 July 2024

Bernadette O'Neill

President

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Adrian Morris

Member

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Major General Gerard Fogarty, AO Rtd

Member

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1 Name

1. This Determination is Defence Force Remuneration Tribunal Determination No.4 of 2024, Salaries – Nuclear qualified submariners.
2. This Determination may also be cited as DFRT Determination No. 4 of 2024.

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	1 August 2024

Note: This table relates only to the provisions of this instrument as originally made.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

Defence Force Remuneration Tribunal Determination No. 2 of 2017, *Salaries*, as amended,¹ is amended as set out in Schedule 1 of this Determination.

Schedule 1—Nuclear qualified submariners

DFRT Determination No. 2 of 2017, Salaries

1 Section A.1.9

Insert:

Nuclear qualified	Means the member has achieved one of the following specified qualifications: a. Completion of Nuclear Power Training Unit, or b. Completion of Officers Nuclear Operator Course Phase 2.
Nuclear Technician	Includes the following employment category streams: a. Machinist's Mate – SM. b. Electrician's Mate – SM. c. Electronics Technician – SM.

2 Section B.0.2

After Division 3, insert:

Division 3A Nuclear qualified submariners posted to a seagoing nuclear powered submarine

3 After Part B Division 3

Insert:

Division 3A: Nuclear qualified submariners posted to a seagoing nuclear powered submarine

B.3A.1 Purpose

This Division sets out the increment placement and the rate of salary that apply to nuclear qualified submariners who are posted to a seagoing nuclear powered submarine.

B.3A.2 Member this Division applies to

This Division applies to a member who is in one of the following employment categories and is posted to a seagoing nuclear powered submarine.

- a. Nuclear Powered Submarine Officer (SSNO).
- b. Nuclear Marine Engineer Officer Submariner (MESM-N).
- c. Nuclear Technician (NT).

B.3A.3 Salary ceases to be payable under other Divisions

A member who is entitled to the payment of salary under this Division ceases to be eligible for the following.

- a. The payment of salary under Division 2, Division 4 or Division 5.
- b. Any salary preservation that applied to the member on the day immediately before this Division applied to the member.

B.3A.4 Rate of salary and increment for a Nuclear Powered Submarine Officer

1. This section applies to an officer who meets all of the following.
 - a. They are in the Nuclear Powered Submarine Officer employment category at pay grade 7 under Part 2 of Schedule B.2.
 - b. They are posted to a seagoing nuclear powered submarine.
2. The officer's rate of salary is the rate under Part 3 of Schedule B.14 that is the higher of the following.
 - a. If the rate of salary payable to the member immediately before their posting to a seagoing nuclear powered submarine is specified in Part 3 of Schedule B.14, that rate of salary.
 - b. If the rate of salary payable to the member immediately before their posting to a seagoing nuclear powered submarine is not specified in Part 3 of Schedule B.14, the next higher rate of salary specified in Part 3 of Schedule B.14
3. The member's increment is the increment that is commensurate to the rate of salary payable under subsection 2.

B.3A.5 Rate of salary and increment for a Nuclear Marine Engineer Officer Submariner

1. This section applies to an officer who meets all of the following.
 - a. They are in the Nuclear Marine Engineer Officer Submariner employment category at pay grade 7 under Part 2 of Schedule B.2.
 - b. They are posted to a seagoing nuclear powered submarine.
2. The officer's rate of salary is the rate under Part 3 of Schedule B.14 that is the higher of the following.
 - a. If the rate of salary payable to the member immediately before their posting to a seagoing nuclear powered submarine is specified in Part 3 of Schedule B.14, that rate of salary.
 - b. If the rate of salary payable to the member immediately before their posting to a seagoing nuclear powered submarine is not specified in Part 3 of Schedule B.14, the next higher rate of salary specified in Part 3 of Schedule B.14
3. The member's increment is the increment that is commensurate to the rate of salary payable under subsection 2.

B.3A.6 Rate of salary and increment for a Nuclear Technician

1. This section applies to a member who meets all of the following.
 - a. They are in a Nuclear Technician employment category at pay grade 7 under Part 1 of Schedule B.11.
 - b. They are posted to a seagoing nuclear powered submarine.

2. The member's rate of salary is the rate under Part 3 of Schedule B.14 that is the higher of the following.
 - a. If the rate of salary payable to the member immediately before their posting to a seagoing nuclear powered submarine is specified in Part 3 of Schedule B.14, that rate of salary.
 - b. If the rate of salary payable to the member immediately before their posting to a seagoing nuclear powered submarine is not specified in Part 3 of Schedule B.14, the next higher rate of salary specified in Part 3 of Schedule B.14
3. The member's increment is the increment that is commensurate to the rate of salary payable under subsection 2.

B.3A.7 Adjustments to increments and rate of salary

1. A member's increment may be adjusted by Defence Determination 2016/19, *Conditions of service*, Chapter 3 Part 2 Division 4B.
2. If a member's increment is adjusted under subsection 1, the member's rate of salary is the rate payable for the new increment.

Note: An ADF Workplace Remuneration Arrangement general salary adjustment adjusts the salary rates.

B.3A.8 Recognition of specified qualifications

1. On the day a member gains one of the following specified nuclear qualifications the member is to advance to the next increment level under Part 3 of Schedule B.14.
 - a. Nuclear Powered Submarine Officer – Prospective Nuclear Engineering Officer.
 - b. Nuclear Marine Engineer Officer Submariner – completion of Category A1 Board.
 - c. Nuclear Technician – Nuclear Propulsion Plant Supervisor.

Note 1: The advancement does not change the member's increment anniversary date as provided under section 3.2.47X of Defence Determination 2016/19, *Conditions of service*, as in force from time to time.

Note 2: The advancement does not count as an increment advancement for the purpose of subsection 3.2.47Z.2 of Defence Determination 2016/19, *Conditions of service*, as in force from time to time.

B.3A.9 Member ceases to be in a seagoing nuclear powered submarine position

If a member ceases to be in a seagoing nuclear powered submarine position, salary under this Division ceases to be payable and one of the following applies.

- a. If the member remains in the Nuclear Qualified workgroup, the member is placed at pay grade 7 at the salary rate the member was paid under this Division.
- b. If the member leaves the Nuclear Qualified workgroup, the member is placed at the pay grade for their employment category.

4 Section C.2.1

Renumber as section C.1.2.

5 Section C.3.1

Renumber as section C.1.3.

6 After section C.3.1

Insert:

C.1.4 Transition – Navy nuclear qualified submariners employment categories

1. This section applies to a member who meets all of the following.
 - a. The member transfers into one of the following employment categories.
 - i. Nuclear Powered Submarine Officer.
 - ii. Nuclear Marine Engineer Officer Submarine.
 - iii. Nuclear Technician.
 - b. The rate of salary for the member’s employment category is lower than the rate of salary payable for their previous employment category under Part B Division 2, Division 4 or Division 5.
2. Despite Part B, the member is paid the rate of salary payable immediately before they transferred, as varied by subsection 3, from the day the transfer takes effect.
3. The member’s rate of salary is adjusted by both of the following.
 - a. An advance in increment under Defence Determination 2016/19, Conditions of service, Chapter 3 Part 2 Division 3 or Division 4B.
 - b. An ADF Workplace Remuneration Arrangement general salary adjustment determined by the DFRT.
4. This section ceases to apply to a member on the earlier of the following.
 - a. Five years after the day the member transferred to the employment category.
 - b. A day the rate of salary payable to the member under subsection 2 is lower than the rate of salary that would be payable to the member under Part B, had this section not applied.

Note: If the member ceases to be in an employment category listed in paragraph 1.a they no longer meet the conditions of this section and it ceases to apply.

7 Schedule B.2 (Part 2, Pay Grade 3, after table item 11B)

Insert:

11C.	Nuclear Marine Engineer Officer Submariner (MESM-N)	Under Training
11D.	Nuclear Powered Submarine Officer (SSNO)	Under Training

8 Schedule B.2 (Part 2, Pay Grade 6, after table item 35B)

Insert:

35C.	Nuclear Marine Engineer Officer Submariner (MESM-N)	Primary Qualified
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9 Schedule B.2 (Part 2, Pay Grade 7, after table item 34)

Insert:

34A.	Nuclear Marine Engineer Officer Submariner (MESM-N)	Nuclear Qualified
34B.	Nuclear Powered Submarine Officer (SSNO)	Nuclear Qualified

10 Schedule B.11 (Part 1, Pay Grade 2, after table item 11)

Insert:

11A.	Nuclear Technician – SM	Grade 1
11B.	Nuclear Technician – Electrician’s Mate – SM (NT-EM)	Grade 1
11C.	Nuclear Technician – Electronics Technician – SM (NT-ET)	Grade 1
11D.	Nuclear Technician – Machinist’s Mate – SM (NT-MM)	Grade 1

11 Schedule B.11 (Part 1, Pay Grade 3, after table item 32)

Insert:

32A.	Nuclear Technician – SM	Grade 2
32B.	Nuclear Technician – Electrician’s Mate – SM (NT-EM)	Grade 2
32C.	Nuclear Technician – Electronics Technician – SM (NT-ET)	Grade 2
32D.	Nuclear Technician – Machinist’s Mate – SM (NT-MM)	Grade 2

12 Schedule B.11 (Part 1, Pay Grade 7, after table item 41)

Insert:

42.	Nuclear Technician – Electrician’s Mate – SM (NT-EM)	Grade 3
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43.	Nuclear Technician – Electronics Technician – SM (NT-ET)	Grade 3
44.	Nuclear Technician – Machinist's Mate – SM (NT-MM)	Grade 3

EXPLANATORY STATEMENT

Defence Force Remuneration Tribunal No. 4 of 2024, Salaries – Salaries – Nuclear qualified submariners

This Determination amends Defence Force Remuneration Tribunal (DFRT) Determination No. 2 of 2017, Salaries (the Principal 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 Principal Determination sets out provisions dealing with salary for members of the Australian Defence Force (ADF).

The purpose of this Determination is to implement the salary and increment structure for nuclear qualified submariners who are posted to a seagoing nuclear powered submarine.

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 1 August 2024

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 – Nuclear Qualified submariners

Item 1 amends section A.1.9 of the Principal Determination which provides defined terms used within the determination. The terms 'Nuclear Qualified' and 'Nuclear Technician' have been included consequential to the change made by item 3 of this Schedule.

Item 2 amends section B.0.2 of the Principal Determination which provides the contents of Part B of the determination. A new entry for Division 3A has been included consequential to the change made by item 3 of this Schedule.

Item 3 inserts a new Division 3A into the Principal Determination which provides the increment placement and the rate of salary for nuclear qualified submariners who are posted to a seagoing nuclear powered submarine. The Division provides the following.

- Section B.3A.1 provides the purpose of the Division.
- Section B.3A.2 provides the Division applies to a member in a specified employment category who is posted to a seagoing nuclear powered submarine.
- Section B.3A.3 provides that when a member is entitled to salary under the Division ceases to be eligible for salary under Division 2, Division 4 or Division 5 of the determination, or any salary preservation that may have applied to the member. This section ensures that the member is not eligible for salary payable under more than 1 Division.
- Sections B.3A.4 to B.3A.6 provide the salary and increment placement in Part 3 of Schedule B.14 for members in the nuclear qualified submariner employment categories.
- Section B.3A.7 provides how a member's increment or rate of salary may be adjusted.
- Section B.3A.8 provides that when a member gains a specified nuclear qualification the member is to advance to the next increment level.
- Section B.3A.9 provides that a member ceases to be eligible for salary under the Division when they cease to be in a seagoing nuclear powered submarine position. The member will cease to receive salary paid under Part 3 of Schedule B.14 and they will receive salary under either Schedule B.3 if they are an officer or Schedule B.12 if they are an other rank member. The section also provides the member's placement and paygrade when the Division ceases to apply.

Items 4 and 5 amend sections C.2.1 and C.3.1 of the Principal Determination to correct the numbering of the sections.

Item 6 inserts a new section C.1.4 into the Principal Determination which provides a transitional provision for member's who transition to a Navy nuclear qualified submariner employment category. The purpose of this section is to provide salary non-reduction for a member who transfers to a nuclear qualified submariner employment category if their pay grade before their transfer is higher than that of the level of the nuclear qualified submariner employment category. The section ceases to apply when the member's salary that has been preserved is lower than that payable for their nuclear qualified submariner employment category or 5 years after they transferred, whichever is earlier.

Items 7 to 9 amend Part 2 of Schedule B.2 of the Principal Determination which provides the Navy employment categories for officers. The schedule has been amended to insert the new employment categories of Nuclear Marine Engineer Officer Submariner and Nuclear Powered Submarine Officer into pay grades 3, 6 and 7.

Items 10 to 12 amend Part 1 of Schedule B.11 of the Principal Determination which provides the Navy employment categories for other rank members. The schedule has been amended to insert the new employment categories of Nuclear Technician – SM, Nuclear Technician – Electrician's Mate – SM, Nuclear Technician – Electronics Technician – SM, and Nuclear Technician – Machinist's Mate – SM, into pay grades 2, 3 and 7.

Authority: Section 58H of the
Defence Act 1903