



Defence Force Remuneration Tribunal No. 2 of 2019, Allowances – Navy Retention Incentive Payment

The Defence Force Remuneration Tribunal, make this Determination under section 58H of the *Defence Act 1903*. It relates to Matter 2 of 2019 – Navy Retention Incentive Payment.

Dated 6 May 2019

Ingrid Asbury
President

Adrian Morris
Member

Rear Admiral James Goldrick AO CSC RAN Rtd
Member

1 Name

1. This Determination is Defence Force Remuneration Tribunal Determination No. 2 of 2019, Navy Retention Incentive Payment.
2. This Determination may also be cited as DFRT Determination No. 2 of 2019.

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 July 2019

Note: This table relates only to the provisions of this instrument as originally made.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. 11 of 2013, *ADF Allowances*, as amended,² is amended as set out in Schedule 1 of this Determination.

NOTE

1. DFRT Determination No. 11 of 2013 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.

Schedule 1—Amendment

DFRT Determination No. 11 of 2013, ADF Allowances

1 Section A.1.4 (Contents)

Omit "Division D.1 – Submarine capability assurance payment", substitute:
"Division D.1 – Submarine capability assurance payment
Division D.2 – Navy Retention Incentive Payment".

2 Part D – Other Allowances Division D.1 (Submarine capability assurance payment)

After the Division, insert:

Division D.2: Navy retention incentive payment

D.2.1 Purpose

The purpose of this Division is to provide a payment to select members of the Navy as a retention incentive.

D.2.2 Eligibility for payment – Before 30 June 2020

1. This section applies to a member who reaches a service milestone specified in section D.2.4 between 1 July 2019 and 30 June 2020.
2. The member is eligible to receive a payment of \$20,000 on the day they meet all of the following.
 - a. They are a member of the Permanent Force.
 - b. They hold one of the following ranks.
 - i. Lieutenant Commander.
 - ii. Lieutenant.
 - iii. Sub Lieutenant.
 - iv. Petty Officer.
 - v. Leading Seaman.
 - vi. Able Seaman.
 - c. They have met their individual readiness requirements for at least 10 out of the 12 months preceding the date of payment.

- d. They continuously met their mandatory annual awareness training requirements during the 12 months preceding the date of payment.
3. The member is not eligible for the payment under subsection 2 if any of the following apply to a member in the 12 months preceding the date of payment.
 - a. They were subject to an initial minimum period of service.
 - b. They were subject to a return of service obligation.
 - c. They applied to the CDF to be transferred to another arm of the Defence Force under section 15 of the *Defence Regulation 2016*.
 - d. They applied to voluntarily reduce their period of service under section 18 of the *Defence Regulation 2016*.
 - e. They were reduced in rank under section 14(1)(a) of the *Defence Regulation 2016*.
 - f. They had a censure or formal warning imposed.
 - g. They were convicted of any of the following.
 - i. An offence under the *Defence Force Discipline Act 1982*.
 - ii. A civilian criminal offence.
 4. The CDF may decide that paragraphs 2.c and 2.d do not apply if it is reasonable in the circumstances.

D.2.3 Eligibility for payment – From 1 July 2020

1. This section applies to a member who meets a service milestone specified in section D.2.4 on or after 1 July 2020.
2. A member is eligible for a payment of \$20,000 if they meet all of the following at a service milestone.
 - a. They are a member of the Permanent Force.
 - b. They hold one of the following ranks.
 - i. Lieutenant Commander.
 - ii. Lieutenant.
 - iii. Sub Lieutenant.
 - iv. Petty Officer.
 - v. Leading Seaman.
 - vi. Able Seaman.

- c. They have met their individual readiness requirements for at least 10 out of the 12 months preceding the date of payment.
 - d. They have continuously met their mandatory annual awareness training requirements during the 12 months preceding the date of payment.
- 3. The CDF may decide that paragraphs 2.c and 2.d do not apply if it is reasonable in the circumstances.
- 4. The member is not eligible for the payment under subsection 2 if any of the following apply to the member in the 12 months preceding the service milestone.
 - a. They were subject to an initial minimum period of service.
 - b. They were subject to a return of service obligation.
 - c. They applied to the CDF to be transferred to another arm of the Defence Force under section 15 of the *Defence Regulation 2016*.
 - d. They applied to voluntarily reduce their period of service under section 18 of the *Defence Regulation 2016*.
 - e. They were reduced in rank under section 14(1)(a) of the *Defence Regulation 2016*.
 - f. They were imposed with a censure or formal warning.
 - g. They were convicted of any of the following.
 - i. An offence under the *Defence Force Discipline Act 1982*.
 - ii. A civilian criminal offence.

D.2.4 Service milestone

A service milestone is any of the following.

- a. For a member who had an initial minimum period of service associated with the Australian Defence Force Academy and whose employment category is Aviation Warfare Officer or Rotary Wing Pilot it is either of the following.
 - i. 12 years' accrued service.
 - ii. 15 years' accrued service.
- b. For a member not specified in paragraph a. any of the following.
 - i. 7 years' accrued service.
 - ii. 8 years' accrued service.
 - iii. 12 years' accrued service.

Note: A member may be eligible to receive more than one payment.

D.2.5 Accrued service

1. For the purpose of this Division, subject to subsection 2, accrued service is the sum of the following.
 - a. A period of continuous full-time service.
 - b. A period of prior Reserve service to which all the following apply.
 - i. Reserve service of six hours or more in a day counts as one day of service.

Note: Less than six hours of Reserve service on a day is not counted towards accrued service.
 - ii. Thirty days of Reserve service counts as one month of service.
2. The following periods do not count towards accrued service.
 - a. A period the member is absent from duty without leave that is more than one day.
 - b. A period the member is on unpaid leave that is more than three months that is not leave to which the *Defence (Parliamentary Candidates) Act 1969* applies.
 - c. A period the member is not entitled to salary or allowances as a consequence of being convicted of an offence under the *Defence Force Discipline Act 1982* or a civilian criminal offence.
 - d. A period a member was suspended from duty.

D.2.6 Interaction with other allowances

1. A member is not eligible for payment under this Division if, in the 12 months prior to the day they are eligible to receive the payment, they meet any of the following.
 - a. They received one of the following payments.
 - i. Submarine capability assurance payment under Division D.1.
 - ii. A completion bonus under Chapter 3 Part 5 of *Defence Determination 2016/19, Conditions of service*.
 - b. They were subject to an undertaking for further service for a retention bonus under Chapter 3 Part 5 of *Defence Determination 2016/19, Conditions of service*.
2. A member who is Aviation Warfare Officer or Rotary Wing Pilot is not eligible for payment under this Division if the following apply.
 - a. But for this subsection, they would be eligible for a payment on completion of 15 years' accrued service.

- b. They are, or will be, eligible to receive the retention benefit provided in Part 8 of the *Military Superannuation and Benefits Act 1991*, as saved by Schedule 4 of the *Defence Legislation Amendment Act (No.1) 2005* on completion of 15 years' eligible service as defined in that Act.

D.2.7 Division ceases to have effect

This Division ceases to have effect on 30 June 2024.

3 Section D.1.12 (Interactions with other allowances)

Omit the subsection, substitute:

A member who has received payment under this division may not be eligible for the Navy retention incentive payment.

See: Division D.2, Navy retention incentive payment