



# Defence Force Remuneration Tribunal Determination No. 3 of 2019, Salaries – Officer Aviation Pay Structure – Rotary Wing Aviation Officers – Amendment

The Defence Force Remuneration Tribunal, make this Determination under section 58H of the *Defence Act 1903*. It relates to Matter 6 of 2018 – Rotary Wing Aviation Officers.

Dated 11 September 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. 3 of 2019, Salaries – Officer Aviation Pay Structure – Rotary Wing Aviation Officers – Amendment.
2. This Determination may also be cited as DFRT Determination No. 3 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.

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<b>Commencement information</b>	
<b>Column 1</b>	<b>Column 2</b>
<b>Provisions</b>	<b>Commencement</b>
1. The whole of this instrument	1 July 2019.

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**Note:** This table relates only to the provisions of this instrument as originally made.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. 2 of 2017, *Salaries*, as amended,<sup>1</sup> is amended as set out in Schedule 1 of this Determination.

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**NOTE**

1. Defence Force Remuneration Tribunal Determination No. 2 of 2017, *Salaries*, as amended by DFRT Determination No. 1 of 2019.

**Schedule 1—Amendment**

**DFRT Determination No. 2 of 2017, Salaries**

**1 Section A.1.12 (Specialist officers), table**  
 Omit the entry for *Air Force Officer Aviation member*.

**2 Section A.1.12 (Specialist officers), table**  
 Omit the entry for *legacy employment category*, substitute:

legacy employment category	<p>Means the relevant of the following.</p> <ul style="list-style-type: none"> <li>a. For air traffic control employment categories — an officer who meets any of the following.           <ul style="list-style-type: none"> <li>i. The member is in an air traffic control employment category.</li> <li>ii. The member is under training for an air traffic control employment category.</li> <li>iii. The member was paid under the Air Traffic Controller system before 1 October 2009.</li> <li>iv. The member was paid under the joint battlefield airspace controller system between 1 October 2009 and 3 May 2018.</li> </ul> </li> <li>b. For officer aircrew categories — an officer who met any of the following before 1 October 2009.           <ul style="list-style-type: none"> <li>i. The member has been offered employment within an officer aircrew category.</li> <li>ii. The member is under training for an officer aircrew category.</li> <li>iii. The member has one of the flying terms listed in section A.1.10 included in the classification of their employment category under Schedule B.2.</li> </ul> </li> </ul>
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**3 Section A.1.12 (Specialist officers)**  
 Omit "Division 3", substitute "Division 3, Annex B.3.A, Annex, B.3.B, Annex B.3.C and Annex B.3.D".

**4 Section A.1.12 (Specialist officers), table**

After the entry of *Medical Officer*, insert:

Officer Aviation	Means any of the following competency streams. <ul style="list-style-type: none"><li>a. air battle management,</li><li>b. airborne electronics officer,</li><li>c. air mobility officer,</li><li>d. air traffic control,</li><li>e. aviation warfare officer,</li><li>f. fast jet pilot,</li><li>g. fixed wing pilot,</li><li>h. maritime patrol and response officer,</li><li>i. rotary wing pilot,</li><li>j. weapon systems officer.</li></ul>
Officer Aviation member	Means a member who meets all of the following. <ul style="list-style-type: none"><li>a. The member is one of the following.<ul style="list-style-type: none"><li>i. A Navy member who holds a rank between Acting Sub-Lieutenant and Captain, inclusive.</li><li>ii. An Army member who holds a rank between Lieutenant and Colonel, inclusive.</li><li>iii. An Air Force member who holds a rank between Pilot Officer and Group Captain, inclusive.</li></ul></li><li>b. The member is placed in an Officer Aviation Pay Structure pathway.</li><li>c. The member is placed in an Officer Aviation Pay Structure competency stream.</li></ul>

**5 Paragraph B.3.2.f (Member this Division applies to)**

Omit "Air Force".

**6 Section B.3.7 (Rate of salary for Air Force Officer Aviation member)**

Omit the section, substitute:

**B.3.7 Rate of salary for Officer Aviation member**

1. An Officer Aviation member is to be paid a rate of salary for their Officer Aviation increment and rank in either of the following Parts of Schedule B.14.
  - a. If the member is a member of the Permanent Force — Part 3.
  - b. If the member is a member of the Reserves — Part 4.

2. Despite subsection 1, Division 4A of Defence Determination 2016/19, *Conditions of service*, as in force from time to time, may vary the rate of salary for an Officer Aviation member in any of the following circumstances.
  - a. Immediately before becoming an Officer Aviation member the member was an Other Rank member.
  - b. Immediately before becoming an Officer Aviation member the member was an Officer in another salary structure.
  - c. The member is in the Navy and immediately before becoming an Officer Aviation member was an aviation specialist.
  - d. The member is in the Air Force and has been reduced in rank.

**7 Section B.3.8 (Officer Aviation Pay Structure pathways and competency streams)**

Omit the section, substitute:

**B.3.8 Officer Aviation Pay Structure pathways and competency streams**

1. The range of Officer Aviation increments available for each rank, pathway, and competency stream are set out in the following annexes.
  - a. The Command pathway – Annex B.3.A.
  - b. The Specialist pathway – Annex B.3.B.
  - c. The Staff pathway – Annex B.3.C.
  - d. The Generalist pathway – Annex B.3.D.
2. An Officer Aviation member in the Specialist pathway may advance through their competency stream by a single increment within the increment range provided in Annex B.3.B for the member's Service, competency stream and rank.
3. An Officer Aviation member in either of the following pathways may advance through their competency stream for each year in rank within the increment range provided in the specified annex for the member's Service, competency stream and rank.
  - a. The Command pathway – Annex B.3.A.
  - b. The Generalist pathway – Annex B.3.D.
4. An Officer Aviation member in the Staff pathway who is promoted may advance to the lowest increment provided under Annex B.3.C for the rank to which they are promoted in their competency stream on promotion.
5. Despite paragraph 3.a, for a Navy Aviation Officer in the Command Pathway a member holding the rank of Commander has a maximum Officer Aviation increment of OA28 unless the member has an aviation command appointment.
6. Despite paragraph 3.b, for an Army Aviation Officer in the Generalist Pathway the following apply.
  - a. A member holding the rank of Lieutenant Colonel has a maximum Officer Aviation increment of OA28 unless the member has been appointed to Unit Command.
  - b. A member holding the rank of Major has a maximum Officer Aviation increment of OA23 unless the member has been appointed to Sub-Unit Command.

- c. A member holding the rank of Captain has a maximum Officer Aviation increment of OA17 unless the member has been appointed to Troop Command.

**8 Section B.3.9 (Officer ceases to be an Air Force Officer Aviation member), title**

Omit the title, substitute:

**B.3.9 Officer in the Air Force ceases to be an Officer Aviation member**

**9 Subsection B.3.9.1 (Officer ceases to be an Air Force Officer Aviation member)**

Omit "under Division 4A", substitute "under Chapter 3 Part 2 Division 4A".

**10 Subsection B.3.9.3 (Officer ceases to be an Air Force Officer Aviation member)**

Omit the subsection.

**11 Section B.3.9 (Officer ceases to be an Air Force Officer Aviation member)**

After the section, insert:

**B.3.10 Officer ceases to be an Officer Aviation member**

1. Subject to the following, a member who ceases to be an Officer Aviation member will be remunerated under Division 2 or Division 3.
  - a. Section B.3.9.
  - b. Subsection 2 and 3.
2. If the member was previously an aviation specialist, sections B.3.5 to B.3.8 do not apply.
3. If the member is a member of the Navy or Army, the member may not be paid under Division 2 for the following employment categories.
  - a. Any of the following Navy employment categories.
    - i. Pilot Competency Progression.
    - ii. Pilot Competency Progression ADQUAL.
    - iii. Pilot Time Progression.
    - iv. Pilot Time Progression ADQUAL.
    - v. Maritime Aviation Warfare Officer Competency Progression.
    - vi. Maritime Aviation Warfare Officer Competency Progression ADQUAL.
    - vii. Maritime Aviation Warfare Officer Time Progression.
    - viii. Maritime Aviation Warfare Officer Time Progression ADQUAL.

- b. Either of the following Army employment categories.
  - i. Pilot — Competency Progression.
  - ii. Pilot — Time Based Progression.



## Schedule 2—Amendment

### DFRT Determination No. 2 of 2017, Salaries

#### 1 Annex B.3.A (Officer Aviation Pay Structure Command Pathway — Increment Ranges)

Omit the annex, substitute:

### Annex B.3.A: Officer Aviation Pay Structure Command Pathway — Increment Ranges

#### Part 1 – Navy

##### Rotary Wing Pilot competency stream

Column 1 Rank range	Column 2 Years in rank						
	0	1	2	3	4	5	6 +
Captain	OA35	OA36					
Commander	OA27	OA28	OA29	OA30			
Lieutenant Commander	OA21	OA22	OA23	OA24	OA25		
Lieutenant Sub-Lieutenant	OA9	OA10	OA11	OA13	OA15	OA17	OA19
Lieutenant Sub-Lieutenant Acting Sub-Lieutenant	OA0	OA1	OA2	OA3	OA4		

##### Aviation Warfare Officer competency stream

Column 1 Rank range	Column 2 Years in rank						
	0	1	2	3	4	5	6 +
Captain	OA35	OA36					
Commander	OA27	OA28	OA29	OA30			
Lieutenant Commander	OA21	OA22	OA23	OA24	OA25		
Lieutenant Sub-Lieutenant	OA8	OA9	OA11	OA13	OA15	OA17	OA19
Lieutenant Sub-Lieutenant Acting Sub-Lieutenant	OA0	OA1	OA2	OA3	OA4		

## Part 2 – Air Force

### Fast Jet Pilot competency stream

Column 1 Rank	Column 2 Years in rank						
	0	1	2	3	4	5	6 +
Group Captain	OA36	OA37					
Wing Commander	OA27	OA28	OA29	OA30			
Squadron Leader	OA22	OA23	OA24	OA25			
Flight Lieutenant	OA9	OA10	OA12	OA14	OA16	OA18	OA20

### Fixed Wing Pilot competency stream

Column 1 Rank	Column 2 Years in rank						
	0	1	2	3	4	5	6 +
Group Captain	OA35	OA36	OA37				
Wing Commander	OA26	OA27	OA28	OA29			
Squadron Leader	OA21	OA22	OA23	OA24			
Flight Lieutenant	OA8	OA9	OA11	OA13	OA15	OA17	OA19

### Remote Pilot competency stream

Column 1 Rank	Column 2 Years in rank						
	0	1	2	3	4	5	6 +
Group Captain	OA34	OA35	OA36	OA37			
Wing Commander	OA24	OA25	OA26	OA27			
Squadron Leader	OA18	OA19	OA20	OA21			
Flight Lieutenant	OA7	OA8	OA9	OA10	OA12	OA14	OA16

### Weapon Systems competency stream

Column 1 Rank	Column 2 Years in rank						
	0	1	2	3	4	5	6 +
Group Captain	OA34	OA35	OA36	OA37			
Wing Commander	OA24	OA25	OA26	OA27			
Squadron Leader	OA18	OA19	OA20	OA21			
Flight Lieutenant	OA7	OA8	OA9	OA10	OA12	OA14	OA16

### Maritime Patrol Response competency stream

Column 1 Rank	Column 2 Years in rank						
	0	1	2	3	4	5	6 +
Group Captain	OA33	OA34	OA35	OA36			
Wing Commander	OA23	OA24	OA25	OA26			
Squadron Leader	OA17	OA18	OA19	OA20			
Flight Lieutenant	OA6	OA7	OA8	OA9	OA11	OA13	OA15

### Air Battle Management competency stream

Column 1 Rank	Column 2 Years in rank						
	0	1	2	3	4	5	6 +
Group Captain	OA32	OA33	OA34	OA35			
Wing Commander	OA22	OA23	OA24	OA25			
Squadron Leader	OA16	OA17	OA18	OA19			
Flight Lieutenant	OA5	OA6	OA7	OA8	OA10	OA12	OA14

### Air Traffic Control competency stream

Column 1 Rank	Column 2 Years in rank						
	0	1	2	3	4	5	6 +
Group Captain	OA35	OA36	OA37				
Wing Commander	OA26	OA27	OA28	OA29			
Squadron Leader	OA21	OA22	OA23	OA24			
Flight Lieutenant	OA6	OA8	OA10	OA12	OA15	OA17	OA19

### Air Mobility competency stream

Column 1 Rank	Column 2 Years in rank						
	0	1	2	3	4	5	6 +
Group Captain	OA33	OA34	OA35	OA36			
Wing Commander	OA23	OA24	OA25	OA26			
Squadron Leader	OA17	OA18	OA19	OA20			
Flight Lieutenant	OA6	OA7	OA8	OA9	OA11	OA13	OA15

### Airborne Electronics competency stream

Column 1 Rank	Column 2 Years in rank						
	0	1	2	3	4	5	6 +
Group Captain	OA32	OA33	OA34	OA35			
Wing Commander	OA22	OA23	OA24	OA25			
Squadron Leader	OA16	OA17	OA18	OA19			
Flight Lieutenant	OA5	OA6	OA7	OA8	OA10	OA12	OA14

### Officer Aviation Candidate competency stream

Column 1 Rank	Column 2 Years in rank				
	0	1	2	3	4
Flying Officer	OA0	OA1	OA2	OA3	OA4
Pilot Officer	OA0	OA1	OA2	OA3	OA4

## Schedule 3—Amendment

### *DFRT Determination No. 2 of 2017, Salaries*

**1 Annex B.3.B (Officer Aviation Pay Structure Specialist Pathway — Increment Ranges)**

Omit the annex, substitute:

### **Annex B.3.B: Officer Aviation Pay Structure Specialist Pathway — Increment Ranges**

#### **Part 1 – Navy**

Column 1 Rank	Column 2 Competency streams increment range	
	Rotary Wing Pilot	Aviation Warfare Officer
Captain	OA35 – OA36	OA35 – OA36
Commander	OA27 – OA30	OA27 – OA30
Lieutenant Commander	OA21 – OA28	OA21 – OA28
Lieutenant	OA9 – OA25	OA8 – OA25

#### **Part 2 – Army**

Column 1 Rank	Column 2 Rotary Wing Pilot competency stream increment range
Lieutenant Colonel	OA27 – OA30
Major	OA21 – OA28
Captain	OA8 – OA23

### Part 3 – Air Force

Column 1 Rank	Column 2 Competency streams increment range								
	Fast Jet Pilot	Fixed Wing Pilot	Remote Pilot	Weapon Systems	Maritime Patrol Response	Air Mobility	Air Battle Management	Airborne Electronics	Air Traffic Control
Group Captain	OA36 – OA37	OA35 – OA37	OA34 – OA37	OA34 – OA37	OA33 – OA36	OA33 – OA36	OA32 – OA35	OA32 – OA35	OA35 – OA37
Wing Commander	OA27 – OA37	OA26 – OA37	OA24 – OA37	OA24 – OA37	OA23 – OA36	OA23 – OA36	OA22 – OA35	OA22 – OA35	OA26 – OA37
Squadron Leader	OA22 – OA30	OA21 – OA29	OA18 – OA27	OA18 – OA27	OA17 – OA26	OA17 – OA26	OA16 – OA25	OA16 – OA25	OA21 – OA29
Flight Lieutenant	OA9 – OA25	OA8 – OA24	OA7 – OA21	OA7 – OA21	OA6 – OA20	OA6 – OA20	OA5 – OA19	OA5 – OA19	OA6 – OA24

**Schedule 4—Amendment**

***DFRT Determination No. 2 of 2017, Salaries***

**1 Annex B.3.C (Officer Aviation Pay Structure Staff Pathway — Increment Ranges)**

After Annex B.3.C, insert:

**Annex B.3.D: Officer Aviation Pay Structure Generalist Pathway — Increment Ranges**

**Army Rotary Wing Pilot competency stream**

Column 1 Rank range	Column 2 Years in rank						
	0	1	2	3	4	5	6 +
Colonel	OA35	OA36					
Lieutenant Colonel	OA27	OA28	OA29	OA30			
Major	OA21	OA22	OA23	OA24	OA25		
Captain	OA8	OA9	OA11	OA13	OA15	OA17	OA19
Lieutenant	OA0	OA1	OA2	OA3	OA4		

## **Schedule 5—Amendment**

### ***DFRT Determination No. 2 of 2017, Salaries***

**1            Schedule B.14 (Specialist officer salary rates – aviation), Part 3**

Omit from Part title "Air Force".

**2            Schedule B.14 (Specialist officer salary rates – aviation), Part 3**

Omit from header row column 3 "for officers below Wing Commander", substitute "for Major and below".

**3            Schedule B.14 (Specialist officer salary rates – aviation), Part 3**

Omit from header row column 4 "Wing Commander and Group Captain", substitute "Lieutenant Colonel and Colonel".

**4            Schedule B.14 (Specialist officer salary rates – aviation), Part 4**

Omit from Part title "Air Force".

**5            Schedule B.14 (Specialist officer salary rates – aviation), Part 4**

Omit from header row column 3 "for officers below Wing Commander", substitute "for Major and below".

**6            Schedule B.14 (Specialist officer salary rates – aviation), Part 4**

Omit from header row column 4 "Wing Commander and Group Captain", substitute "Lieutenant Colonel and Colonel".

## Schedule 6—Transitions

### 1 Officer Aviation increment

For the purpose of this Schedule, an Officer Aviation increment means an increment under Part 3 or Part 4 of Schedule B.14 of DFRT Determination No. 2 of 2017, *Salaries*.

### 2 Transition – Navy Officer

#### Guide to this section

In general, this section deals with transitioning certain members of the Navy into the Officer Aviation Pay Structure.

Section 2 identifies to whom this section applies.

Section 3 sets the pathway and competency stream for a member.

Sections 4 to 7 sets the Officer Aviation increment for members.

1. For the purpose of this section all of the following apply.
  - a. Pilot employment category means any of the following Navy employment categories under Schedule B.3 Part 2 of DFRT Determination No. 2 of 2017, *Salaries*.
    - i. Pilot Competency Progression.
    - ii. Pilot Competency Progression ADQUAL.
    - iii. Pilot Time Progression.
    - iv. Pilot Time Progression ADQUAL.
  - b. Maritime Aviation Warfare Officer employment category means any of the following employment categories under Schedule B.3 Part 2 of DFRT Determination No. 2 of 2017, *Salaries*.
    - i. Maritime Aviation Warfare Officer Competency Progression.
    - ii. Maritime Aviation Warfare Officer Competency Progression ADQUAL.
    - iii. Maritime Aviation Warfare Officer Time Progression.
    - iv. Maritime Aviation Warfare Officer Time Progression ADQUAL.
  - c. For the purpose of Annex B.3.A, if a member holds a command appointment the member's 'year in rank' is the year that corresponds with the members Officer Aviation increment under subsection 6.
2. This section applies to an officer in the Navy who meets both of the following on the day immediately before the commencement of this Determination.
  - a. The member meets either of the following.
    - i. The member holds a rank between Lieutenant and Captain and is on the top increment for their rank and pay grade under Schedule B.3 of DFRT Determination No. 2 of 2017, *Salaries*.



- ii. The member holds the rank of Lieutenant or Lieutenant Commander and the Director Navy People Career Management Agency decides that this section is to apply to the member.
  - b. The member is in one of the employment categories specified in subsection 1.
3. The member is placed in the Command Pathway and one of the following competency streams.
    - a. If the member is in a Pilot employment category — Rotary Wing Pilot competency stream.
    - b. If the member is in a Maritime Aviation Warfare Officer employment category — Aviation Warfare Officer competency stream.
  4. A member who holds a rank of Lieutenant or Lieutenant Commander has an Officer Aviation increment that has a salary that is equal to the rate of salary payable immediately before the commencement of this Determination, or the Officer Aviation increment that has the next higher salary.
  5. A member who holds the rank of Commander and is not aviation command qualified has the Officer Aviation increment that is equal to the rate of salary payable immediately before the commencement of this Determination, or the Officer Aviation increment that has the next higher salary.
  6. A member who holds the rank of Commander and is aviation command qualified has the following Officer Aviation increment.
    - a. If the member holds a command appointment and has held the appointment for less than 12 months and paragraph c does not apply, their Officer Aviation increment is OA29.
    - b. If the member holds a command appointment and has held the appointment for 12 months or more, their Officer Aviation increment is OA30.
    - c. If the member has previously held a command appointment, their Officer Aviation increment is OA30.
  7. A member who holds the rank of Captain has the Officer Aviation increment OA37.

### **3 Transition – Army Officer Generalist stream – without command appointment**

#### **Guide to this section**

In general, this section deals with transitioning certain members of the Army into the Officer Aviation Pay Structure.

Section 1 identifies to whom this section applies.

Sections 2 to 6 provide the salary calculations for paragraph 1.f and sets the Officer Aviation increment for members.

Section 7 sets the pathway and competency stream for a member.

1. This section applies to an officer in the Army who meets all of the following on the day immediately before the commencement of this Determination.
  - a. The member holds a rank between Lieutenant and Colonel.
  - b. The member meets either of the following.

- i. The member is in the Pilot – Competency Progression employment category under Schedule B.3 Part 2 of DFRT Determination No. 2 of 2017, *Salaries*.
    - ii. The member is in the Pilot – Time Based Progression employment category under Schedule B.3 Part 2 of DFRT Determination No. 2 of 2017, *Salaries*, and agrees to transfer to the Officer Aviation Pay Structure.
  - c. The member has graduated from the Regimental Officer Basic Course – Program (aviation).
  - d. The member has not held a troop command, sub-unit command or unit command appointment.
  - e. The member is in the generalist stream of the Army Aviation Officer Employment Specification.
  - f. The member's rate of salary in the Generalist pathway and the Rotary Wing Pilot competency stream for the relevant Officer Aviation increment, set out in subsections 2 to 6, is equal to or higher than the member's rate of salary for their rank, increment and pay grade.
2. A member who holds the rank of Lieutenant has the Officer Aviation increment specified in the following.
  - a. If the member has less than 12 months experience as a Lieutenant, their Officer Aviation increment is OA1.
  - b. If the member has 12 months or more experience as a Lieutenant, their Officer Aviation increment OA1 that is increased by one Officer Aviation increment for each 12 months completed as Lieutenant, up to a maximum of OA4.
3. A member who holds the rank of Captain has the Officer Aviation increment specified in the following.
  - a. If the member has less than 12 months as a Captain, their Officer Aviation increment is OA8.
  - b. If a member with 12 months or more experience as a pilot at the rank of Captain, their Officer Aviation increment is OA8 that is increased by one Officer Aviation increment for each 12 months completed as Captain, up to a maximum of OA17.
4. A member who holds the rank of Major has the Officer Aviation increment specified in the following.
  - a. If the member has less than 12 months experience as a Major, their Officer Aviation increment is OA21.
  - b. If the member has 12 months or more experience as a Major, their Officer Aviation increment is OA21 that is increased by one for each 12 months completed as Major, up to a maximum of OA23.
5. A member who holds the rank of Lieutenant Colonel has the Officer Aviation increment specified in the following.
  - a. If the member has less than 12 months experience as a Lieutenant Colonel, their Officer Aviation increment is OA27.
  - b. If the member has 12 months or more experience as a Lieutenant Colonel, their Officer Aviation increment is OA28.
6. A member who holds the rank of Colonel has the Officer Aviation increment specified in the following.

- a. If the member has less than 12 months experience as a Colonel, their Officer Aviation increment is OA35.
  - b. If the member has 12 months or more experience as a Colonel, their Officer Aviation increment is OA36.
7. The member is placed in the Generalist Pathway and the Rotary Wing Pilot competency stream.

#### 4 Transition – Army Officer Generalist stream – with command appointment

##### **Guide to this section**

In general, this section deals with transitioning certain members of the Army into the Officer Aviation Pay Structure.

Section 2 identifies to whom this section applies.

Sections 3 to 5 provide the salary calculation for paragraph 2.f and sets the Officer Aviation increment for members.

Section 6 sets the pathway and competency stream for a member.

1. For the purpose of this section if a member holds a command appointment the member's 'years in rank' under Annex B.3.D of DFRT Determination No. 2 of 2017, *Salaries*, is the year that corresponds with the members Officer Aviation increment under this section.
2. This section applies to an officer in the Army who meets all of the following on the day immediately before the commencement of this Determination.
  - a. The member holds a rank between Captain and Lieutenant Colonel.
  - b. The member meets either of the following.
    - i. The member is in the Pilot – Competency Progression employment category under Schedule B.3 Part 2 of DFRT Determination No. 2 of 2017, *Salaries*.
    - ii. The member is in the Pilot – Time Based Progression employment category under Schedule B.3 Part 2 of DFRT Determination No. 2 of 2017, *Salaries*, and agrees to transfer to the Officer Aviation Pay Structure.
  - c. The member has graduated from the Regimental Officer Basic Course – Program (aviation).
  - d. The member holds, or has held, a troop command, sub-unit command or unit command appointment.
  - e. The member is in the generalist stream of the Army Aviation Officer Employment Specification.
  - f. The member's rate of salary for the relevant Officer Aviation increment in the Generalist pathway and the Rotary Wing Pilot competency stream, set out in subsections 3 to 5, is equal to or higher than the member's rate of salary for their rank, increment and pay grade.
3. A member who holds the rank of Captain has the Officer Aviation increment OA19 when they meet both of the following.
  - a. The member has completed six years or more as a Captain.
  - b. The member meets either of the following.

- i. The member holds a troop command appointment.
  - ii. The member has previously held a troop command appointment for 12 months or more.
- 4. A member who holds the rank of Major has the Officer Aviation increment specified in the following.
  - a. If the member holds a sub-unit command appointment and has held the appointment for less than 12 months, or has previously held a sub-unit command appointment for less than 12 months, their Officer Aviation increment is OA24.
  - b. If the member holds a sub-unit command appointment and has held the appointment for 12 months or more, or has previously held a sub-unit command appointment for 12 months or more, their Officer Aviation increment is OA25.
- 5. A member who holds the rank of Lieutenant Colonel has the Officer Aviation increment specified in the following.
  - a. If the member holds a unit command appointment and has held the appointment for less than 12 months, or has previously held a unit command appointment for less than 12 months, their Officer Aviation increment is OA29.
  - b. If the member holds a unit command appointment and has held the appointment for 12 months or more, or has previously held a unit command appointment, their Officer Aviation increment is OA30.
- 6. The member is placed in the Generalist Pathway and the Rotary Wing Pilot competency stream.

## 5 Transition – Army Officer Specialist stream

### **Guide to this section**

In general, this section deals with transitioning certain members of the Army into the Officer Aviation Pay Structure.

Section 1 identifies to whom this section applies.

Section 2 sets the pathway and competency stream for a member.

- 1. This section applies to an officer in the Army who meets all of the following on the day immediately before the commencement of this Determination.
  - a. The member meets either of the following.
    - i. The member holds the rank of Major and has held the rank for eight years or more.
    - ii. The member holds the rank of Lieutenant Colonel and has held the rank for four years or more.
  - b. The member meets either of the following.
    - i. The member is in the Pilot – Competency Progression employment category under Schedule B.3 Part 2 of DFRT Determination No. 2 of 2017, *Salaries*.
    - ii. The member is in the Pilot – Time Based Progression employment category under Schedule B.3 Part 2 of DFRT Determination No. 2 of 2017, *Salaries* and agrees to transfer to the Officer Aviation Pay Structure.

- c. The member is qualified as a test pilot or flight instructor and has held the qualification for the relevant of the following periods.
    - i. For a member at the rank of Major — eight years or more.
    - ii. For a member at the rank of Lieutenant Colonel — four years or more.
  - d. The member is in the specialist stream of the Army Aviation Officer Employment Specification.
2. The member is placed in the Specialist Pathway and the Rotary Wing Pilot competency stream at the relevant of the following.
- a. For a member at the rank of Major — Officer Aviation increment OA28.
  - b. For a member at the rank of Lieutenant Colonel — Officer Aviation increment OA30.

# EXPLANATORY STATEMENT

## Defence Force Remuneration Tribunal Determination No. 3 of 2019, Salaries – Officer Aviation Pay Structure – Rotary Wing Aviation Officers – Amendment

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 introduce Navy rotary wing pilots and aviation warfare officers and Army rotary wing pilots into the Officer Aviation Pay Structure.

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 July 2019. While the DFRT and ADF make every effort to avoid retrospective commencement dates, subsection 58H(8) of the Act, makes provision for retrospectivity as long as the instrument meets the criteria set out in that subsection. The ADF has confirmed that the instrument does meet those conditions.

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 sets out amendments to DFRT Determination No. 2 of 2017, *Salaries*

Section 1 removes the term and definition for 'Air Force Officer Aviation member' from the table in section A.1.12 of the Principal Determination. This table provides a list of terms and definitions which apply to Part B Division 3 of the Principal Determination. With Navy and Army aviation officers being introduced into the Officer Aviation Pay Structure by this Determination, a tri-Service term and definition are inserted into this table by section 4 of this Determination.

Section 2 substitutes the definition for 'legacy employment category' in the table in section A.1.12 of the Principal Determination. Only the header phrase for paragraph a. and b. have been modified to be consistent with the wording used in other definitions in this table. The changes are policy neutral and do not change the meaning or applications of the term.

Section 3 amends the reference to Division 3 in section A.1.12 which provides definitions specific to Specialist Officers. The section has been amended to include specific annexes in which the definitions are used, those being Annex B.3.A, B.3.B, B.3.C and B.3.D of the Principal Determination.

Section 4 inserts two new terms and their definitions into the table in section A.1.12 of the Principal Determination, as a consequence of Navy and Army aviation officers being introduced into the Officer Aviation Pay Structure by this Determination. The definition for 'Officer Aviation' now includes the two new competency streams, aviation warfare officer and rotary wing pilot.

The new tri-Service term, 'Officer Aviation member', has had the previous definition for 'Air Force Officer Aviation member' expanded in paragraph a (which set out the rank range eligibility criterion) to now prescribe the rank range relevant to officers of the Navy (subparagraph i.) and Army (subparagraph ii).

Section 5 removes the words 'Air Force' from paragraph B.3.2.f of the Principal Determination. This section provided a list of officers for whom Division 3 applies. The removal of these descriptive words, means that the term is no longer confined to members of Air Force, but may now apply to officers in Navy and Army as well.

Section 6 substitutes the entire section B.3.7 in the Principal Determination which set out the rate of salary for an Air Force Officer Aviation member. The section header and the rule have been modified to

remove confinement of application to Air Force officers, and now made applicable to all Officer Aviation members in the ADF, regardless of Service.

Subsection 1 provides that an Officer Aviation member is to be paid a rate of salary for their Officer Aviation increment (designed by 'OA[number]') and their rank in either Part 3 of Schedule B.14 for members of the Permanent Force, or Part 4 of Schedule B.14 for members of the Reserves.

Subsection 2 provides that Division 4A of the Defence Determination 2016/19, Conditions of service, as in force from time to time, may vary the rate of salary for an Officer Aviation member in any of the listed circumstances:

- paragraph a. refers to a member who was an Other Rank member immediately before becoming an Officer Aviation member – refer section 3.2.47G Chapter 3 Part 2 Division 4A of Defence Determination 2016/19;
- paragraph b. refers to an officer in another salary structure immediately before becoming an Officer Aviation member – refer section 3.2.47G Chapter 3 Part 2 Division 4A of Defence Determination 2016/19
- paragraph c. refers to an officer who was an aviation specialist immediately before becoming an Officer Aviation member – refer section 3.2.47G Chapter 3 Part 2 Division 4A of Defence Determination 2016/19
- paragraph d. refers to an Air Force officer who was reduced in rank – refer section 3.2.47G Chapter 3 Part 2 Division 4A of Defence Determination 2016/19

Section 7 substitutes the entire section B.3.8 of the Principal Determination which set out how an Air Force Officer Aviation member could advance through the pathways and competency streams contained within the Officer Aviation Pay Structure. The provisions of section B.3.8 have been modified to include Navy's rotary wing pilot and aviation warfare officer competency streams in both its Command pathway and Specialist pathway, as well as Army's rotary wing pilot competency stream in its Generalist pathway and Specialist pathway.

Subsection 1 provides that the increment ranges available in the Command pathway are set out in Annex B.3.A, the increment ranges in the Specialist pathway can be found in Annex B.3.B, the increment ranges in the Staff pathway can be found in Annex B.3.C, and the increment ranges in the Generalist pathway can be found in Annex B.3.D.

Subsection 2 specifies that an Officer Aviation member in the Specialist pathway may only advance through their competency stream by a single increment level for the member's Service, competency stream and rank as provided in Annex B.3.B.

Subsection 3 specifies that an Officer Aviation member in the Command and Generalist pathways may only advance through their competency stream by a single increment or double increment level as prescribed under the relevant annexes for the relevant Command (Annex B.3.A) and Generalist pathways (Annex B.3.D).

Subsection 4 provides that an Officer Aviation member in the Staff pathway may only advance to a higher increment in their competency stream on promotion, as there are only single Officer Aviation (OA) increments for each rank and competency stream in Annex B.3.C.

Subsection 5 provides a specific provision for a Navy Aviation Officer who is in the Command Pathway and holding the rank of Commander, in which such a member may not exceed Officer Aviation increment OA28 unless the member has an aviation command appointment.

Subsection 6 provides specific provisions for an Army Aviation Officer who is in the Generalist Pathway and for whom the following conditions and increments apply:

- a) If the Army Aviation Officer holds the rank of Lieutenant Colonel and has not been appointed to Unit Command—the maximum increment is OA28.
- b) If the Army Aviation Officer holds the rank of Major and has not been appointed to Sub-Unit Command—the maximum increment is OA23.
- c) If the Army Aviation Officer holds the rank of Captain and has not been appointed to Troop Command—the maximum increment is OA17.

Section 8 modifies the header of section B.3.9 of the Principal Determination.

Section 9 substitutes a more accurate cross reference to Chapter 3 Part 2 Division 4A of Defence Determination 2016/19, Conditions of service.

Section 10 removes subsection B.3.9.3 of the Principal Determination which provided that an Air force Officer Aviation member could cease to be an Officer Aviation member for disciplinary reasons or administrative sanction as imposed or provided under other acts and instruments. This provision has been retained (albeit in a different manner) and is now covered by the provision set out in a new section B.3.10, introduced by section 11 of this Determination.

Section 11 introduces a new section B.3.10 to the Principal Determination. This section provides that when an officer ceases to be an Officer Aviation member, and therefore leaves the Officer Aviation Pay Structure, the member will be remunerated under Division 2 if they are an Officer, or Division 3 if they are an aviation specialist (as defined in the table at section A.1.12 of the Principal Determination). It has been made express that if a member ceases to be an Officer Aviation member, such a member must not be placed in any of the listed employment categories and paid the associated rate of salary under Division 2. In addition, such a member must not be placed in the aviation specialist stream and paid a rate of salary under sections B.3.5 to B.3.9 of the Principal Determination.

#### Schedule 2 sets out amendments to DFRT Determination No. 2 of 2017, *Salaries*

Section 1 substitutes a revised Annex B.3.A (Officer Aviation Pay Structure Command Pathway – increment ranges) of the Principal Determination with one which includes the increment ranges for Navy's Rotary Wing Pilot competency stream and Aviation Warfare Officer competency stream. Part 1 is reserved for Navy's Command Pathway and Part 2 is reserved for Air Force's Command Pathway.

#### Schedule 3 sets out amendments to DFRT Determination No. 2 of 2017, *Salaries*

Section 1 substitutes a revised Annex B.3.B (Officer Aviation Pay Structure Specialist Pathway – increment ranges) of the Principal Determination with one which includes the increment ranges for Navy's Rotary Wing Pilot competency stream and Aviation Warfare Officer competency stream, and Army's Rotary Wing Pilot competency stream. Part 1 is reserved for Navy's Specialist Pathway, Part 2 is reserved for Army's Specialist Pathway, and Part 3 is reserved for Air Force's Specialist Pathway.

#### Schedule 4 sets out amendments to DFRT Determination No. 2 of 2017, *Salaries*

Section 1 inserts a new Annex B.3.D (Officer Aviation Pay Structure Generalist Pathway – increment ranges) after Annex B.3.C of the Principal Determination. The new Annex B.3.D provides the increment ranges for Army's Rotary Wing Pilot competency stream in the Generalist Pathway.

#### Schedule 5 sets out amendments to DFRT Determination No. 2 of 2017

Sections 1 to 8 of this Schedule amend various bits in Schedule B.14 of the Principal Determination to remove references which would limit their meaning or application to just Air Force, and now make them relevant to Officer Aviation members in the ADF.

#### Schedule 6 sets out transition provisions

Sections 1 to 5 of this Schedule provide the transition provisions for Navy and Army aviation officers which will occur on the date of commencement of this Determination.

Section 1 makes express that reference to 'Officer Aviation increment' means an increment under Part 3 or Part 4 of Schedule B.14 of the Principal Determination.

Section 2 provides the transition provisions for a Navy officer.

Subsection 1 provides definitions for terms used in this section. Paragraph a. provides the meaning for Pilot employment category, and paragraph b. provides the meaning for Maritime Aviation Warfare Officer, both of which underpin the provisions set out in this section for Navy officers. Paragraph c makes express that where a member holds a command appointment, the member's 'years in rank' in the table at Annex B.3.A, correlates to the member's Officer Aviation increment under subsection 6 of this section.



Subsection 2 makes express that this section applies to an officer in the Navy who meets both of the conditions set out in the two paragraphs on the day immediately before the commencement of this Determination.

Paragraph a. sets out the first of two conditions: subparagraph i. applies to a member who holds a rank between Lieutenant and Captain, inclusive, and is on the top increment for their rank and pay grade under Schedule B.3 of the Principal Determination; and subparagraph ii. applies to a member who holds a rank of either Lieutenant or Lieutenant Commander, and Director Navy People Career Management Agency decides this section should apply to them. The decision maker, Director Navy People Career Management Agency, is required to assure equitable treatment of all the relevant people for transition due to the absence of consistent transition criteria for a member's career and Graded Officer Pay Structure (GOPS) remuneration profile. The decision maker is therefore required to assess a Navy officer's projected career and GOPS remuneration profile, based on the member's forecast rank increment advancements and skill grade increases that would apply to them as a Graded Officer Pay Structure (GOPS) pilot or maritime aviation warfare officer. This ensures a member would not be disadvantaged financially in transition to the Officer Aviation Pay Structure.

Paragraph b. sets out the second of two conditions: the member must be in either a Pilot or Maritime Aviation Warfare Officer employment category of the GOPS.

Subsection 3 places a member who has met the conditions set out in subsection 2 in the Officer Aviation Pay Structure. Such a member will be placed in the Command Pathway and either the Rotary Wing Pilot competency stream (for a member who was a Pilot) or the Aviation Warfare Officer competency stream (for a member who was a Maritime Aviation Warfare Officer) of the Officer Aviation Pay Structure.

Subsections 4 to 7 set out the methodology used to decide the relevant Officer Aviation increment that should apply to the member. Subsection 4 provides that a member who holds the rank of Lieutenant or Lieutenant Commander is placed on an Officer Aviation increment which has the associated rate of salary that is equal to or next above the member's rate of salary immediately before the commencement of this Determination. The resulting increment may be outside the increment range for the member's competency stream and rank.

Subsection 5 provides that a member who holds the rank of Commander and is not aviation command qualified is placed on an Officer Aviation increment which has the associated rate of salary that is equal to or next above the member's rate of salary immediately before the commencement of this Determination. The resulting increment may be outside the increment range for the member's competency stream and rank.

Subsection 6 deals with a member who holds the rank of Commander and is aviation command qualified. This member is placed on an Officer Aviation increment according to the relevant of the following:

Paragraph a. prescribes the Officer Aviation increment of OA29 if the member currently holds a command appointment, has held that appointment for 12 months or less, and paragraph c. does not apply.

Paragraph b. prescribes the Officer Aviation increment of OA30 if the member currently holds a command appointment, and has held that appointment for 12 months or more.

Paragraph c. prescribes the Officer Aviation increment of OA30 if the member has at some point in the past held a command appointment. This placement recognises the enduring value of command throughout a member's career.

The Officer Aviation increments prescribed by this subsection correspond to the specified command increments in the Officer Aviation Pay Structure at the Commander rank.

Subsection 7 provides that a member who holds the rank of Captain is placed on Officer Aviation increment OA37.

Section 3 provides the transition provisions for an Army officer in the generalist aviation career stream without a command appointment.

Subsection 1 makes express that this section applies to an officer in the Army who meets all of the conditions set out in the paragraphs on the day immediately before the commencement of this Determination.

Paragraph a. requires the member to hold a rank between Lieutenant and Colonel, inclusive.

Paragraph b. requires the member to be in a Graded Officer pay Structure pilot employment category under Schedule B.3 of the Principal Determination, that being either Pilot – Competency Progression or Pilot – Time Based progression. There is an important point of difference between the two classes of members under this eligibility condition, that being, that those who are in the Pilot – Time Based employment category must also agree to transfer to the Officer Aviation Pay Structure.

Paragraph c requires the member to have graduated from the Regimental Officer Basic Course – Program (aviation).

Paragraph d. makes clear that the member cannot have held a troop, sub-unit or unit command appointment at any point in the past.

Paragraph e. requires the member to be in the ‘generalist stream’ of the Army Aviation Officer Employment Specification. The Army Aviation Officer Employment Specification governs Army’s pilots from a career management perspective. Army’s Aviation Personnel Capability Management Board decides whether an Army pilot will be career managed in the ‘generalist stream’ or the ‘specialist stream’. This is an internal career/administrative decision point that is not reliant on the operation of the Officer Aviation Pay Structure; rather, the Officer Aviation Pay Structure supports Army’s career management of pilots in a remunerative sense. The ‘generalist stream’ of the Army Aviation Officer Employment Specification is separate from the ‘Generalist Pathway’ of the Officer Aviation Pay Structure.

Paragraph f. requires that the member’s rate of salary in the Generalist Pathway and the Rotary Wing Pilot competency stream for the relevant Officer Aviation increment as set out in subsections 2 to 6, is equal to or higher than the member’s rate of salary for their rank, increment and pay grade in the GOPS.

Subsections 2 to 6 set out the methodology used to decide the relevant Officer Aviation increment that should apply to the member.

Subsection 2 applies to a member who holds the rank of Lieutenant. Paragraph a. prescribes the Officer Aviation increment of OA1 if the member has less than 12 months experience at this rank. Paragraph b. provides an additional Officer Aviation increment above OA1 for each 12 months completed as a Lieutenant, up to a maximum of OA4. There is no provision for pro rata recognition of experience at rank.

Subsection 3 applies to a member who holds the rank of Captain. Paragraph a. prescribes the Officer Aviation increment of OA8 if the member has less than 12 months experience at this rank. Paragraph b. provides an additional Officer Aviation increment above OA8 for each 12 months completed as a Lieutenant, up to a maximum of OA17, and in accordance with the increment advancements for Generalist Pathway, pilot competency stream, and rank of Captain as prescribed in Annex B.3.D. There is no provision for pro rata recognition of experience at rank.

Subsection 4 applies to a member who holds the rank of Major. Paragraph a. prescribes the Officer Aviation increment of OA21 if the member has less than 12 months experience at this rank. Paragraph b. provides an additional Officer Aviation increment above OA21 for each 12 months completed as a Major, up to a maximum of OA23. There is no provision for pro rata recognition of experience at rank.

Subsection 5 applies to a member who holds the rank of Lieutenant Colonel. Paragraph a. prescribes the Officer Aviation increment of OA27 if the member has less than 12 months experience at this rank. Paragraph b. prescribes the Officer Aviation increment of OA28 if the member has 12 months or more experience at this rank.

Subsection 6 applies to a member who holds the rank of Colonel. Paragraph a. prescribes the Officer Aviation increment of OA35 if the member has less than 12 months experience at this rank. Paragraph b. prescribes the Officer Aviation increment of OA36 if the member has 12 months or more experience at this rank.

Subsection 7 places a member who has met the conditions set out in subsection 1 in the Officer Aviation Pay Structure. Such a member will be placed in the Generalist Pathway and the Rotary Wing Pilot competency stream of the Officer Aviation Pay Structure.

Section 4 provides the transition provisions for an Army officer in the generalist aviation career stream with a command appointment.

Subsection 1 makes express that for the purpose of this section, the member's 'years in rank' under Annex B.3.D of DFRT Determination No. 2 of 2017, *Salaries*, represents the time the member has completed in their current rank or the time the member has completed in their current command appointment, and corresponds to the member's Officer Aviation increment.

Subsection 2 makes express that this section applies to an officer in the Army who meets all of the conditions set out in the paragraphs on the day immediately before the commencement of this Determination.

Paragraph a. requires the member to hold a rank between Captain and Lieutenant Colonel, inclusive.

Paragraph b. requires the member to be in a Graded Officer pay Structure pilot employment category under Schedule B.3 of the Principal Determination, that being either Pilot – Competency Progression or Pilot – Time Based progression. There is an important point of difference between the two classes of members under this eligibility condition, that being, that those who are in the Pilot – Time Based employment category must also agree to transfer to the Officer Aviation Pay Structure.

Paragraph c. requires the member to have graduated from the Regimental Officer Basic Course – Program (aviation).

Paragraph d. requires the member to have held in the past, or currently holds, a troop command, a sub-unit command or a unit command appointment.

Paragraph e. requires the member to be in the 'generalist stream' of the Army Aviation Officer Employment Specification. The 'generalist stream' of the Army Aviation Officer Employment Specification is separate from, and not to be confused with, the 'Generalist Pathway' of the Officer Aviation Pay Structure as previously stated.

Paragraph f. requires that the member's rate of salary in the Generalist Pathway and the Rotary Wing Pilot competency stream for the relevant Officer Aviation increment as set out in subsections 3 to 5, is equal to or higher than the member's rate of salary for their rank, increment and pay grade in the GOPS.

Subsections 3 to 5 set out the methodology used to decide the relevant Officer Aviation increment that should apply to this member.

Subsection 3 applies to a member holding the rank of Captain. This subsection prescribes that a member who has completed six years or more as a Captain, and either holds a troop command appointment (no time period is prescribed) or has held a troop command appointment for 12 months or more at some point in the past, has an Officer Aviation increment of OA19.

Subsection 4 applies to a member holding the rank of Major. Paragraph a. prescribes that a member who holds, or has held, a sub-unit command appointment for less than 12 months (either at some point in the past, or in their current command appointment), has the Officer Aviation increment of OA24. Paragraph b. prescribes that a member who holds, or has held, a sub-unit command appointment for 12 months or more (either at some point in the past, or in their current command appointment), has an Officer Aviation increment of OA25.

Subsection 5 applies to a member holding the rank of Lieutenant Colonel. Paragraph a. prescribes that a member who holds, or has held, a unit command appointment for less than 12 months (either at some point in the past, or in their current command appointment), has the Officer Aviation increment of OA29. Paragraph b. prescribes that a member who holds, or has held, a unit command appointment for 12 months or more (either at some point in the past, or in their current command appointment), has an Officer Aviation increment of OA30.

Subsection 6 places a member who has met the conditions set out in subsection 2 in the Officer Aviation Pay Structure. Such a member will be placed in the Generalist Pathway and the Rotary Wing Pilot competency stream of the Officer Aviation Pay Structure

Section 5 provides the transition provisions for an Army officer in the specialist aviation career stream.

Subsection 1 makes express that this section applies to an officer in the Army who meets all of the conditions set out in the paragraphs on the day immediately before the commencement of this Determination.

Paragraph a. sets out the first condition: the member must either hold the rank of Major and held that rank for eight years or more, or hold the rank of Lieutenant Colonel and held that rank for four years or more.

Paragraph b. sets out the second condition: the member must be in a Graded Officer pay Structure pilot employment category under Schedule B.3 of the Principal Determination, that being either Pilot – Competency Progression or Pilot – Time Based progression. There is an important point of difference between the two classes of members under this eligibility condition, that being, that those who are in the Pilot – Time Based employment category must also agree to transfer to the Officer Aviation Pay Structure.

Paragraph c. requires the member to have qualified as a test pilot or flight instructor, and has held the qualification for the relevant of the following periods: for a Major, the member must have held that qualification for eight years or more, and for a Lieutenant Colonel, the member must have held that qualification for four years or more.

Paragraph d. requires the member to be in the ‘specialist stream’ of the Army Aviation Officer Employment Specification. The Army Aviation Officer Employment Specification governs Army’s pilots from a career management perspective. Army’s Aviation Personnel Capability Management Board decides whether an Army pilot will be career managed in the ‘generalist stream’ or the ‘specialist stream’. This is an internal career/administrative decision point that is not reliant on the operation of the Officer Aviation Pay Structure; rather, the Officer Aviation Pay Structure supports Army’s career management of pilots in a remunerative sense. The ‘specialist stream’ of the Army Aviation Officer Employment Specification is separate from the ‘Specialist Pathway’ of the Officer Aviation Pay Structure.

Subsection 2 places a member who has met the conditions set out in subsection 1 in the Officer Aviation Pay Structure. Such a member will be placed in the Specialist Pathway and the Rotary Wing Pilot competency stream of the Officer Aviation Pay Structure. Paragraph a. prescribes that where a member holding the rank of Major has met the relevant conditions for the rank set out in subsection 1, the member has an Officer Aviation increment of OA28. Paragraph b. prescribes that where a member holding the rank of Lieutenant Colonel has met the conditions for the rank set out in subsection 1, the member has an Officer Aviation increment of OA30.

To remove doubt, the transition provisions set out in Section 5 of this Schedule do not apply to the following members:

- A member holding the rank of Captain, and who has held that rank for greater than seven years and is a qualified test pilot or flight instructor;
- A member holding the rank of Major, has held that rank for less than eight years, and who has held their qualification as test pilot or flight instructor for less than eight years; and
- A member holding the rank of Lieutenant Colonel, has held that rank for less than four years, and who has held their qualification as test pilot or flight instructor for less than four years.

The transition provisions for these members will be set out in a separate determination made by the Defence Force Remuneration Tribunal.

Criteria are provided for the exercise of discretions under the Principal Determination, as amended by this Determination. Adverse decisions may be subject to inquiry under the ADF redress of grievance system. A person may make a complaint to the Defence Force Ombudsman.

The retrospective application of this Determination does not affect the rights of a person (other than the Commonwealth) in a manner prejudicial to that person, nor does it impose any liability on such person.

**Authority:** Section 58H of the  
*Defence Act 1903*