

# EXPLANATORY STATEMENT

## Defence (Individual Benefits Determination No. 6) Amendment Determination (No. 1) 2025

This Determination amends Defence (Individual benefits) Determination (No. 6) 2025 (the Principal Determination), made under section 58B of the *Defence Act 1903* and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (AI Act).

Determinations made under section 58B of the Defence Act are disallowable legislative instruments subject to the *Legislation Act 2003*. These instruments are also subject to the interpretation principles in the AI Act.

This Determination amends the Principal Determination, which sets the rate of higher duties allowance payable to a member when undertaking the duties of a senior officer position.

### Purpose

The purpose of this Determination is to update the details of the position for which the member is to receive higher duties allowance.

### Operational details

Details of the operation of the Determination are provided at annex A.

### Retrospective application

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.

### Human rights compatibility

The statement of compatibility under subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* for this Determination is at annex B.

### Review options

Decisions that are made under the Principal Determination, as amended by this Determination, may be subject to inquiry under the ADF redress of grievance system provided under Part 7 of the Defence Regulation. Also, a person may make a complaint to the Defence Force Ombudsman.

### Consultation

Before this Determination was made, the consultation was undertaken with the Directorate of Senior Officer Management.

The rule maker was satisfied that further consultation was not required.

**Approved by:**

**Jake Gumley**

Acting First Assistant Secretary  
People Policy and Development

**Authority:**

Section 58B of the  
*Defence Act 1903*

***Defence (Individual Benefits Determination No. 6) Amendment Determination (No. 1) 2025***

***Operational details***

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

Section 2 provides the Determination commences on the day after the instrument is registered.

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

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—Individual benefits amendments***

Item 1 amends section 7 of the Principal Determination which provides the rate of higher duties allowance that is payable to the member. The section has been updated to substitute “undertaking higher duties in the position with position number 00717608” with “performing the duties usually undertaken by a person occupying the position with position number 00621386” to update the details of the position for which the member is to receive higher duties allowance.

***Defence (Individual Benefits Determination No. 6) Amendment Determination (No. 1) 2025***

***Statement of Compatibility with Human Rights***

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

**Overview of the Determination**

The purpose of this Determination is to update the details of the position for which the member is to receive higher duties allowance.

***Assessment of compatibility***

Schedule 1 makes amendments to the Principal Determination which does not change the underlying policies or benefits. As such, it does not engage with any of the applicable rights or freedoms.

**Conclusion**

This Determination is compatible with human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.