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OIA-2022-4577

22nd December 2022

O Woodward
fyi-request-21244-6052005a@requests.fyi.org.nz

Dear O Woodward

I refer to your request of 26 November 2022 seeking, under the Official Information Act 1982 (OIA), *all correspondence provided to the CDF relating to the decision to amend the DFO3 in October 2021 in relation to base salary and mil factor being used as a measure of whether an ab initio trainee was being paid minimum wage or not.*

As part of the 2021 remuneration review process, part of a 20 August 2021 Director Human Resources Policy, Remuneration and Benefits Minute to the Chief of Defence Force (through the Chief People Officer) stated:

Amendments to DFO 3

6. In accordance with the direction given by EXCO [Executive Committee],¹ amendments to minimum wage policy provisions in DFO 3 have been developed and are detailed at annex D. It is proposed that these changes be approved for implementation with effect 1 Apr 21.

¹ EXCO Meeting Action and Decision Record of 25 Jun 21.

Annex D of the Minute is enclosed for your reference. The change to DFO 3 regarding minimum wage policy follows the Cabinet decision on 9 December 2020 to increase the adult minimum wage. The Chief of Defence Force was not in breach of DFO 3 prior to the amendment.

You have the right, under section 28(3) of the OIA, to ask an Ombudsman to review this response to your request. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that responses to official information requests are proactively released where possible. This response to your request will be published shortly on the NZDF website.

Yours sincerely


AJ WOODS
Air Commodore
Chief of Staff HQNZDF

Enclosure:

1. Annex D of DIR HRPR Minute 09/2021

DFO 3 POLICY AMENDMENTS

1. The DFO 3 policy amendments in Table 1 below are effective from 1 Apr 21.

DFO 3 Paragraph	Current Wording	Revised Wording
7.2.17	... The base salary for members of the Regular Forces who have not qualified on a Service recruit or initial officer training course is to be indexed to the statutory minimum wage.	... The combined value of the base salary and military factor for members of the Regular Forces who have not qualified on a Service recruit or initial officer training course is to be indexed to the statutory minimum wage.
7.3.23	Members of the Territorial Forces classified in Pay Category A are to be paid minimum wage rates unless they are in receipt of a protected rate of TR. Territorial Forces Pay Category A rates of TR are indexed to the prevailing New Zealand statutory minimum wage.	The combined value of the base salary and military factor for members of the Territorial Forces who have not qualified on a Service recruit or initial officer training course is to be indexed to the statutory minimum wage.

Table 1: Amendments to DFO 3