

18 DECEMBER 2003

DEFENCE FORCE REMUNERATION TRIBUNAL

SPECIALIST SALARY STRUCTURE LEGAL OFFICERS

MATTER NO 21 OF 2003

STATEMENT

IN FEBRUARY 2000 THE AUSTRALIAN DEFENCE FORCE (ADF) SOUGHT THE INTRODUCTION OF A SPECIALIST SALARY AND CAREER STRUCTURE FOR ADF LEGAL OFFICERS. THIS WAS THE FIRST SPECIALIST STRUCTURE TO COME BEFORE THE TRIBUNAL. THE LEGAL OFFICERS STRUCTURE WAS APPROVED BY THE TRIBUNAL AND CAME INTO EFFECT FROM 16 MARCH 2000.

ON 9 DECEMBER 2003 THE ADF SUBMITTED TO THE TRIBUNAL IN CONFERENCE THAT THERE WERE INADEQUATE PAY POINTS WITHIN THE EXISTING STRUCTURE TO APPROPRIATELY REMUNERATE MEMBERS WHO ARE EITHER: REQUIRED TO ACT IN POSITIONS FOR WHICH THEY DO NOT HOLD THE REQUISITE COMPETENCY LEVEL AND/OR RANK; OR PROMOTED IN RANK BUT DO NOT MEET THE COMPETENCY LEVEL REQUIREMENT.

THE ADF ALSO SOUGHT TRANSITIONAL ARRANGEMENTS FOR A SMALL NUMBER OF LEGAL OFFICERS WHO ARE CURRENTLY BEING PAID ABOVE THEIR COMPETENCY LEVEL WHILE ACTING IN A HIGHER RANK.

THE ADF PROPOSAL WAS SUPPORTED BY THE COMMONWEALTH.

THE TRIBUNAL IS SATISFIED THAT THE ADDITIONAL SALARY POINTS, AS SOUGHT BY THE ADF, ARE APPROPRIATE AND ARE CONSISTENT WITH THE OTHER SPECIALIST STRUCTURES APPROVED BY THE TRIBUNAL. WE HAVE, THEREFORE, DECIDED TO APPROVE THE RATES AS SOUGHT.

IN REGARD TO THE TRANSITIONAL ARRANGEMENTS PROPOSED BY THE ADF, WE DO NOT CONSIDER IT APPROPRIATE THAT MEMBERS WHO ARE REMUNERATED WITHIN A SPECIALIST STRUCTURE SHOULD BE PAID AT A RATE BEYOND THEIR ACTUAL COMPETENCY LEVEL. WE HAVE THEREFORE DECIDED NOT TO APPROVE THE PROPOSED TRANSITIONAL ARRANGEMENTS. MEMBERS WHO ARE REQUIRED TO ACT IN POSITIONS FOR WHICH THEY DO NOT HOLD THE REQUISITE COMPETENCY LEVEL AND/OR RANK SHOULD BE PAID THE HIGHER DUTIES RATE AT THEIR CURRENT COMPETENCY LEVEL.

THE NEW RATES ARE TO APPLY ON AND FROM 1 JANUARY 2004.