

DEFENCE FORCE REMUNERATION TRIBUNAL

PARATROOPER ALLOWANCE

DECISION

The Australian Defence Force (ADF) has sought changes to the structure and rates of Parachutist Allowance and has proposed that the allowance be renamed Paratrooper Allowance to reflect the distinction between civilian and military parachuting and to recognise the relationship between the parachuting skill and the role of the soldier.

Parachutist Allowance is paid to members of the ADF in recognition of the stresses and skills associated with parachuting. The allowance is not paid to members who receive the disability element of Special Action Forces Allowance.

Background

Parachutist Allowance was last reviewed by the Tribunal in 1993. As a result of the 1993 review, Parachutist Allowance and 3RAR Parachutist Allowance were combined into a single allowance and a new four level structure was introduced to reflect “the training undertaken by members and the skills and disabilities associated with tactical and non-tactical jumping”. The Tribunal then said that the new structure would result in better targeting of the allowance to recognise the different levels of skill and disability involved.

Aspects considered by the Tribunal at that time in assessing the quantum of the allowance were:

- “the level of training and skills required and the duration of the courses involved;
- the disabilities referred to by the ADF and especially the high risk of injury and inherent dangers associated with parachute jumps; and
- the changing role of 3RAR and the new requirements imposed on members as a consequence including the significant number of tactical jumps at night.”

The ADF submitted during the Two Yearly Review hearing in May 2000 (Matter No 4 of 2000) that Parachutist Allowance was a high priority for review and that the matter was to be brought before the Tribunal as soon as possible.

Inspections

On 15 – 16 November 2000 the Tribunal undertook inspections at the Parachute Training School (PTS), the 3rd Battalion, Royal Australian Regiment (3RAR) and the 4th Battalion, Royal Australian Regiment (Commando) (4RAR (Cdo)).

At the PTS the Tribunal was briefed on the paratrooper courses conducted by the unit and witnessed static displays that included: Static Line Ground Training; Free Fall Ground Training; Parachute Packing and High Altitude Parachute Operations (HAPO) equipment.

At 3RAR the Tribunal was briefed on the role and responsibility of the 3RAR Parachute Battalion Group followed by a practical demonstration of the personal loads required to be carried by the unit members in the paratrooper role.

At 4RAR (Cdo) the Tribunal was briefed on parachute operations relating specifically to the commando role of the unit. The Tribunal also witnessed a number of static displays including a “load-follow” exercise in water.

Submissions and Evidence

Australian Defence Force (ADF)

The ADF submitted that a restructure of the allowance and increases at each tier are required for the following reasons:

- “the allowance is overdue for review, having not been reviewed by the Tribunal for 7 years;
- the nature and difficulty of parachuting work have increased since the allowance was last reviewed by the Tribunal;

- the current Parachutist Allowance does not fit well within other ADF allowances. That is, since the last review, allowances remunerating exposure to similar disabilities and with broadly comparable qualifications and skill have been introduced with disproportionately higher quanta;
- the proposed restructure and revised quanta reflects the correlation between exposure to disabilities and the level of skill of the paratrooper; and
- the restructure and retitle reflects the work value of military parachutists and their connection to operational requirements.”

The current structure and quanta of Parachutist Allowance is summarised as follows:

Tier	Qualification	Amount
a.	Parachute Jump Instructor performing the duties of a Parachute Jump Instructor	\$2488
b.	Parachute Jump Master performing the duties of a Parachute Jump Master	\$2178
c.	Parachutist undertaking tactical jumps in specified units	\$1554
d.	Parachutist undertaking non tactical jumps in other parachute units	\$933
e.	Parachutist undertaking non tactical jumps not in a parachute unit per jump limited to 30 jumps per year	\$18.68
f.	Parachute Jump Instructor not posted to a parachute unit for a period of three years from the day the member ceases to be posted to a parachute unit	\$933

The structure and quanta of Paratrooper Allowance proposed by the ADF are:

Tier	Qualification	Amount
1.	Free Fall Instructor at the Parachute Training School performing the duties of a Free Fall instructor	\$6800
2.	Parachute Jump Instructor at the PTS performing the duties of a Parachute Jump Instructor	\$5500
3.	Parachute Jump Instructor performing the duties of a Parachute Jump Instructor at a unit conducting parachute operations	\$3800
4.	Parachute Jump Master/Free Faller at any unit conducting parachute operations	\$2900
5.	Paratrooper conducting tactical jumps at 3RAR, 4RAR, PTS, 1Cdo, 126 Cdo Sig Sqn, or equivalent overseas unit	\$2400
6.	Paratrooper, non tactical posted to other parachute units	\$1200
7.	On occurrence rate (to a maximum of 30 jumps per year)	\$25.00
8.	FFI or PJI not posted to a parachute unit for a period of three years from the day the member ceases to be posted to a parachute unit:	
	a. FFI	\$1500
	b. PJI	\$1200
9.	High Altitude Parachute Operations	
	a. per descent	\$188.70
	b. per hour of each descent (up to 5 hours)	\$ 19.38

The ADF proposed the introduction of a Tier 1 for members performing the duties of Free Fall Instructors (FFIs) at the PTS submitting that this tier recognises the specific disabilities experienced and the very high levels of qualification and special skills required for this group.

The Defence Force Advocate submitted that FFIs at the PTS must have completed a total of 250 free fall descents and have undergone 38 weeks of formal training. They hold Certificate 2 in Basic Parachuting, Certificate 3 in free fall parachuting, Certificate 4 in drop zone supervision and have completed the Parachute Leadership course and a Diploma of Vocational Instruction. To reach this level of expertise takes between six and twelve years.

Tier 2 recognises the high level of training and level of disabilities experienced by Parachute Jump Instructors (PJIs) at PTS. Tier 3 applies to members trained to the level of PJI and posted as a PJI to a unit conducting tactical parachute activities. Tier 4 recognises the advanced qualifications of the Parachute Jump Master (PJM) and Free Faller posted for parachute duties to a unit where tactical parachute operations are conducted. Tier 5 recognises the skills and disabilities associated with paratroopers qualified at the basic parachuting level and posted to a unit conducting tactical parachute jumps. A new payment is proposed for High Altitude Parachute Operations (HAPO) descents.

It was submitted that the structure proposed better acknowledges the distinction between the various levels of skill and qualification and the parachuting activities conducted by ADF paratroopers. The proposed structure recognises the sophisticated level of skill and qualification of the FFI and the significantly higher rate of descents and instructional responsibility associated with a posting to PTS. The proposed structure places the FFI at the pinnacle of paratrooping operations.

Under the proposed structure, PJIs posted to PTS are placed at Tier 2 and those PJIs posted to other units are at Tier 3. This placement recognises the skills and qualifications of the PJI, but distinguishes the higher numbers of descents and additional instructional responsibility of the PJIs posted to PTS. Furthermore it was submitted that the PJIs at PTS spend a great deal of time in military aircraft, assess a number of trainees simultaneously and complete approximately 270 airborne hours per year.

In recognition of the skill level required the PJM and the military Free Faller are placed at Tier 4.

FFIs and PJIIs not posted to a parachute unit are placed at tier 8 for three years.

Tier 9 introduces a new on-occurrence payment for HAPO.

The ADF called three witnesses.

Lieutenant Colonel A A Nikolic, the Commanding Officer and Chief Instructor of PTS, gave evidence about courses now conducted by PTS. These courses include the Parachute Jump Master Free Fall course, the RAM Air Parachute Static Line course, the Free Fall Tandem and Tandem Master courses, the Free Fall Cameraman course, the Basic Parachute course water module and the HAPO course. These courses have been introduced since the last review of the Allowance.

Lieutenant Colonel P K Singh, the Commanding Officer of 3RAR gave evidence about the operational employment of the 3RAR Parachute Group and the impact on unit members. Lieutenant Colonel Singh also gave evidence about the serious attraction and retention problems for Officers and Senior Non Commissioned Officers.

Lieutenant Colonel J J Senglemen, the Commanding Officer of 4RAR (Cdo) gave evidence about the roles and tasks of 4RAR and emphasised the special parachuting requirements of a commando unit. He said that in addition to Static Line insertion techniques Commandos maintain a range of amphibious insertion techniques that employ parachuting. These techniques are Parachute Load Follow, Parachute/Ship Rendezvous and Beach Parallel insertions.

In addition the Tribunal had before it witness statements from the following members: Captain B Rhodes (3RAR); Warrant Officer Class 2 G Mychael (PTS); Dr D Watson (RAAF Institute of Aviation Medicine); Captain M Graves (3RAR); Major C G Wallis (4RAR (Cdo)); Warrant Officer Class 2 K P Lloyd (4RAR (Cdo)) and Sergeant S J McAndrew (3RAR).

The Commonwealth

The Commonwealth submitted that the proposed structure of Paratrooper Allowance was supported and the majority of the rates were agreed. The parties however could not agree on the Tier 1, Tier 2, Tier 4 and Tier 8 proposed rates.

The Commonwealth submitted that the review could be progressed under the ADF Enterprise Productivity Arrangement: 1999 – 2002 and under the allowance and work value principles established by the Australian Industrial Relations Commission.

The Commonwealth said that the ADF proposal reflects a contemporary approach to the structure and quanta of the allowance and addresses changes in the nature of work performed by military parachutists since the last review of the allowance in 1993.

The Commonwealth argued that the rate of \$6800 proposed by the ADF could not, in its view, be justified and proposed a rate of \$5800 which, it submitted, would provide fair and reasonable compensation for the nature of the training, skills, responsibilities and disabilities of FFIs.

The Commonwealth agreed that the PJI at PTS should receive a high rate of the allowance but less than the rate for the FFI. The Commonwealth proposed a rate of \$4800 as being appropriate.

The Commonwealth argued that the training, skills, responsibilities and disabilities of the PJM warranted a slightly higher rate of allowance than that applying to the Free Fall Paratrooper and proposed a differential of \$100.

The Commonwealth also proposed a lower rate for on-occurrence jumps.

Returned and Services League of Australia

Armed Forces Federation of Australia

The Returned and Service League of Australia and the Armed Forces Federation of Australia supported the restructure and rates sought by the ADF.

Consideration

The ADF has sought a restructure and revised rates for Parachutist Allowance and has proposed that the allowance be renamed Paratrooper Allowance to reflect the distinction between civilian and military parachuting and to recognise the relationship between the parachuting skill and the role of the soldier.

In the course of the review and inspections, the Tribunal had the benefit of comprehensive briefings and demonstrations by PTS, 3RAR and 4RAR (Cdo). The Tribunal wishes to express its appreciation to Commanding Officers and all unit members for the high quality of the briefings and demonstrations.

The ADF and Commonwealth agreed to the need for a restructure of the allowance and for increases to the quanta.

The Tribunal has considered the evidence and the submissions presented and is satisfied that the changes in work value and in the skill and responsibility required of paratroopers since the last review in 1993 are sufficient to justify an increase in the rates currently applying. The Tribunal agrees that a restructure of the allowance can be supported to reflect the differences between, and the introduction of, new capabilities. We have also considered other ADF allowances and the skills and disabilities relevant to them.

The Tribunal noted in particular the evidence of Lieutenant Colonel Nikolic that the FFIs course is the pinnacle of achievement in military parachuting. The Tribunal also notes the significant formal training and considerable time required to reach that level of skill and expertise. FFIs are required to demonstrate an ability to “fly” in very close proximity to students and to be able to correct student faults in the air whilst falling at over 200 kilometres per hour. FFIs are also required to take life saving measures to remedy a free fall emergency caused by trainee instability. We agree with the proposed structure which provides for the FFIs to receive the highest level of the allowance.

Apart from their instructional and research roles, the FFIs and PJIs are required to spend a considerable amount of time flying in aircraft but do not qualify for Flying Allowance or receive compensation for the flying disabilities encountered in the course of their duties.

The Tribunal notes that HAPO is a new capability, having been introduced since the 1993 Determination. From the submissions and evidence presented, we are satisfied that an allowance is justified and that there should be an on-occurrence rate for these operations. However, on the basis of the material presented, we have concerns about whether the hourly payment component of the allowance sought can be justified. Additionally, we consider that an hourly payment, if awarded, may give rise to undesirable administrative complexities, such as the need to keep logs and the recording of durations that would be difficult to determine with accuracy.

On the evidence to date, the Tribunal is of the view that any allowance for HAPO should be all encompassing, in one single payment.

During the hearing it was submitted that HAPO descents are generally conducted by members of the Special Air Service Regiment (SASR) and by FFIs at the PTS, in the course of Research and Development activities and the instruction of SASR students. We note that SASR members are not eligible to receive the Paratrooper Allowance.

In the circumstances and before finally determining the matters relating to HAPO we are of the view that the parties should address our concerns and to that end we ask them to submit written submissions on the issues we have identified by the 26 February 2001. In the event that any party wishes to respond to those written submissions they should file submissions in reply by 2 March 2001. The submissions should also address which members should be eligible to receive the on-occurrence payment.

Given the circumstances, we propose to withhold a decision on HAPO payments until we have considered the parties' further submissions. However the operative date for any HAPO payment will be the same date as for all other components of the allowance.

We note that the Commonwealth has proposed different rates for the allowance at various levels but in our judgement the rates proposed by the ADF, supported by the Returned and Services League of Australia and the Armed Forces Federation of Australia, are more appropriate and maintain a relative position to other ADF allowances.

The Tribunal in coming to its decision had two concerns which were raised in the course of the proceedings.

The first concern relates to Special Action Forces Allowance (SAFA). Those members who are in receipt of SAFA are not entitled to receive Paratrooper Allowance on the basis that the paratrooping skills and disabilities encountered by SASR members are reflected in SAFA. We consider that SAFA should be reviewed without delay to ensure that members of SASR are not disadvantaged. We also are of the view that a review of SAFA is necessary to address the issues raised in respect to HAPO and its application to SASR members.

The second concern relates to Unpredictable Explosives Allowance. We note that this allowance has not been considered by the Tribunal since 1993 and accordingly we are of the view that a review is necessary to ensure that members in receipt of this allowance are being treated equitably.

The new structure and rates for Paratrooper Allowance will take effect on and from 1 February 2001.

Appearances: R Kenzie QC, Defence Force Advocate, with Lieutenant Commander A Bradshaw, for the Australian Defence Force

M Frawley with L Cullen for the Commonwealth

J Dainer for the Returned and Services League of Australia

G Howatt for the Armed Forces Federation of Australia

Date and Place of Hearing

13 December 2000 Canberra

Inspections

15 November 2000 Parachute Training School, Nowra

16 November 2000 3rd Battalion Royal Australian Regiment, Holsworthy

16 November 2000 4th Battalion Royal Australian Regiment (Commando), Holsworthy