



**Australian Government**  
**Defence Force Remuneration Tribunal**

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## STATEMENT

*Defence Act 1903*  
s.58H—Functions and powers of Tribunal

### **2018 SPECIAL OPERATIONS REVIEW**

(Matter 9 of 2018)

MS I. ASBURY, PRESIDENT

MR A. MORRIS, MEMBER

CANBERRA, 13 DECEMBER 2018

RADM J. GOLDRICK AO CSC RAN RTD, MEMBER

[1] Subsection 58H(6) of the *Defence Act 1903* (the Act) prescribes that: “*where a determination of the Tribunal in respect to the salaries and relevant allowances to be paid to members is in force, the Tribunal shall inquire into and make a further determination in respect of those salaries and allowances:*

- a. Within two years of the first-mentioned determination taking effect; or*
- b. If the Minister, by notice in writing given to the President, requires the tribunal to make a further determination in respect of those salaries and allowances within a shorter period of the first mentioned determination taking place – within the shorter period”.*

[2] Pursuant to this obligation, each year as part of an Annual Review of Determinations the Australian Defence Force (ADF) submits determinations made by the Tribunal two years prior for review.<sup>1</sup>

[3] During each of the Annual Reviews held from 2016 to 2018, we agreed that the determinations made in Matter 16 of 2013 – *Review of Specialist Forces, Paratrooper and Allowances for Specialist Operations* would benefit from more detailed assessment than permitted by the legislated two-year period. We agreed that they would be reviewed independently rather than as part of any Annual Review and this matter constitutes that separate review.

## Background

[4] The review of Special Forces and Special Operations conducted in Matter 16 of 2013 determined remunerative recognition for the additional skills and demands placed on Special Forces members and support staff, as well as specific niche workforces within the Special Forces environment. A decision giving effect to this matter was issued on 18 September 2018.<sup>2</sup>

[5] A series of eight separate salary and salary related allowances were determined in relation to Special Forces Disability Allowance; Paratrooper Allowance; Allowance for Specialist Operations and Unpredictable Explosives Allowance.

[6] In a related matter, the Tribunal conducted a review of Field Allowance in Matter 7 of 2014 and issued their decision in September 2015.<sup>3</sup> In conjunction with this review, we agreed that the determination made for Field Allowance would also benefit from a multi-faceted approach to review and it has been included in our deliberations.

[7] Written evidence concerning some aspects of this matter is of such a security classification as to not be reproduced or expanded upon in this decision.

## Submissions

[8] The ADF submission detailed eight Special Operations determinations, in addition to the determination on Field Allowance, for review:<sup>4</sup>

Determination	Effect	Outcome
14 of 2013 <i>Allowance for Specialist Operations</i>	Amended a now obsolete determination	Any review is redundant however has been included for completeness.
18 of 2013 <i>Allowance for Specialist Operations</i>	Corrected a typographical error in Determination 14 of 2013	No review was required.
11 of 2014 <i>Special Forces Salary</i>	Increased the minimum standard for remuneration for base level Commandos in support of the SF Direct Recruiting scheme.	The increase in the minimum standard for basic Commando categorisation was successfully implemented. <sup>5</sup>
	Increased work value of Commandos at Sergeant and Warrant Officer Class One and Two ranks.	There is a shortfall at the rank of Sergeant reflective across Army. <sup>6</sup>

1 of 2015 <i>Combat Controller and Combat Control Officers</i>	Simplified the nomenclature and allowances without changing the substance of the combat control roles within Air Force	Achieved the desired effect of simplifying eligibility for allowances and consistent nomenclature. <sup>7</sup>
10 of 2015 <i>Special Forces Salary</i>	Amended the nomenclature and remuneration structure for Commando and Special Air Service officers.	Transition to the new structure was to occur within five years; the transition is “tracking well”. <sup>8</sup>
11 of 2015 <i>Special Forces Allowances</i>	Determined the trigger points and rates for payment of disability allowance to eligible Special Forces, Clearance Divers and Combat Control Controllers and Combat Control Officers.	The eligibility criteria and the timing for placing a member in a Special Forces employment category are considered appropriate and aligns with their contribution to capability. The rates remain valid and related to disability. <sup>9</sup>
12 of 2015 <i>Clearance Divers and Unpredictable Explosives Allowance</i>	Established a single discrete allowance to group deep sea diving, experimental diving and clearance diving. Simplified the allowances and nomenclature.	Changes in the Mine Warfare and Clearance Diving workforce has meant a ‘needs analysis’ has commenced to identify whether the current conditions and rules of the allowances require any realignment with the new workforce structure. <sup>10</sup>
	Determined better alignment between explosive ordnance disposal activities with the associated disabilities. Introduced a low risk search on-occurrence rate.	Achieved more fidelity in reporting, although more administration is required to process the on-occurrence allowance. <sup>11</sup>
13 of 2015 <i>Paratrooper Allowances</i>	Introduced minor amendments to paratrooper allowance provisions and supported the transition of the paratrooper capability to Special Operations Command.	Should parachuting duties and responsibilities be completely transferred to those exclusively in Special Operations Command at any point the allowance would be reviewed. <sup>12</sup>
	Amended eligibility requirements for some instructors when posted away from parachute duties.	This has led to some variation in interpretation; the anomalies are being investigated. <sup>13</sup>
16 of 2015 <i>Field Allowance</i>	Made administrative changes to definitions and eligibility criteria; maintained on-occurrence payments in a two-tiered structure; set new daily rates.	The changes have led to application that is more consistent; the removal of the qualifying period between maritime disability and field allowance has simplified administration. <sup>14</sup>

[9] The Commonwealth noted that the ADF has a number of Special Operations aspects that are under internal consideration and state it “*may come forward again at a later date, should the Commonwealth wish to seek to address any concerns.*”<sup>15</sup>

### **Consideration**

[10] We considered that “*key performance indicators were not specifically identified in the original matters and the evaluation occurred through identifying statements of intended effects within ADF and Commonwealth submissions, Tribunal statements and determinations and comparing them with effects subsequently reported by the ADF.*”<sup>16</sup>

[11] We consider that, on the evidence presented, the determinations appear to be addressing the problems that the ADF sought to resolve in Matter 16 of 2013 and that they continue to recognise the unique nature of Special Forces service.

[12] We considered the evidence that some of the constraints addressed by the ADF in Matter 16 of 2013 were based on operational assumptions that are no longer relevant. We accept that issues of recognition and equity have arisen as the roles of Special Forces Support Staff, who are drawn from a variety of employment categories, have evolved.

### **Conclusion**

[13] We agree that the determinations have, largely, brought simplification and a degree of flexibility that continues to enable adaptation to evolving operational environments.

[14] We accept that the ADF does not seek to amend any allowance or salary as a result of this review and considered their written evidence that “*in general the remuneration rates and structures remain valid and appropriate*”.<sup>17</sup>

[15] We note that the ADF has identified nine issues<sup>18</sup> under internal consideration and an intention to continue to analyse them, with the Commonwealth also drawing attention to these topics.<sup>19</sup> As a result, we require the ADF to report back to us no later than June 2020 on the progress and analysis of each of these nine items.

[16] Having inquired into each of the determinations and taken into account the ADF submission, we do not intend to issue a further determination in respect to salaries or allowances reviewed in this matter. The consideration of these determinations, and this Statement, are to constitute review as required under the Act.

MS I. ASBURY, PRESIDENT  
MR A. MORRIS, MEMBER  
RADM J. GOLDRICK AO CSC RAN RTD, MEMBER

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<sup>1</sup><https://www.dfrt.gov.au/sites/default/files/Decision-Annual-review-2017.pdf>

<sup>2</sup><https://www.dfrt.gov.au/sites/default/files/Review-of-Special-Forces%2C-Paratrooper-and-Allowance-for-Specialist-Operations-18.9.2015.pdf>

<sup>3</sup>[https://www.dfrt.gov.au/sites/default/files/field\\_allowance\\_decision.pdf](https://www.dfrt.gov.au/sites/default/files/field_allowance_decision.pdf)

<sup>4</sup>ADF submission *2018 Special Operations Review: A combined Review of Special Operations salary and Allowance determinations* dated 4 December 2018.

<sup>5</sup>ADF submission page 17 paragraph 2.02.01

<sup>6</sup>ADF submission page 17 paragraph 2.02.03

<sup>7</sup>ADF submission page 22 paragraph 2.04.08

<sup>8</sup>ADF submission page 20 paragraphs 2.03.05 – 2.03.07.

<sup>9</sup>ADF submission page 25 paragraph 2.05.11

<sup>10</sup>ADF submission page 28 paragraph 2.07.09.

<sup>11</sup>ADF submission page 30 paragraph 2.07.15

<sup>12</sup>ADSF submission page 33 paragraph 2.08.08

<sup>13</sup>ADF submission page 33 paragraph 2.08.06

<sup>14</sup>ADF submission page 39 paragraph 2.11.08

<sup>15</sup>Commonwealth submission Matter 9 of 2018 – *Special Operations Review* dated 29 November 2018

<sup>16</sup>ADF submission page 17 paragraph 2.01.01

<sup>17</sup> ADF submission page 41 paragraph 3.02.01

<sup>18</sup> ADF submission page 40 paragraph 3.01.03

<sup>19</sup> Commonwealth submission page 2.