Defence Force Remuneration Tribunal

DECISION

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

ROYAL AUSTRALIAN NAVY: REMOTE PILOT WARFARE OFFICER
(Matter 13 of 2020)

MS I. ASBURY, PRESIDENT

MR A. MORRIS, MEMBER

CANBERRA, 12 NOVEMBER 2020

RADM J. GOLDRICK AO CSC RAN RTD, MEMBER

[1] This decision concerns a listing application[1] made by the Australian Defence Force (ADF) under Section 58H of the *Defence Act 1903* to establish a new Remote Pilot Warfare Officer competency stream within the Officer Aviation Pay Structure. This workforce will be responsible for the operation of Navy's maritime tactical remotely piloted aerial systems.[2]

[2] In circumstances where the current COVID-19 pandemic limits the capacity of the Tribunal from conducting in-person hearings and with the consent of the parties, we considered this matter by video conference on 26 October 2020 and again by video in hearing on 5 November 2020. Mr J. Phillips SC appeared for the ADF and Mr P. Hoang for the Commonwealth. Subject matter expertise was provided in conference by Commanders J. Choat and A. Faulconbridge RAN, and Lieutenant Commander J. Sime RAN

Background

[3] This is the first time the Tribunal has considered a Navy Remote Pilot Warfare Officer (RPWO) stream. However, the proposed workforce has a connection to the roles, duties and responsibilities of Navy's Rotary Wing Pilots and Aviation Warfare Officers (AvWO's) as established in Matter 6 of 2018 – *ADF Rotary Wing Aviation Officers.*[3] Additionally, an Air Force Remote Pilot competency stream was introduced in Matter 5 of 2016 – *Officer Aviation Pay Structure*.[4]

Submissions

ADF

[4] The ADF submits that, in line with the *Defence White Paper 2016*[5] and the *2020 Force Structure Plan*[6], Navy is developing a "*dedicated maritime unmanned aircraft systems operator workforce in order to crew 12 Flights at sea supporting the Arafura Class Offshore Patrol Vessels and Major Fleet Units.*"[7] As a result, the ADF proposes to introduce an RPWO category to ensure Navy is "*positioned to achieve the experimental requirements of maritime unmanned aircraft systems in the immediate term, while also building a robust workforce for the long term capability requirements*."[8]

[5] The ADF submits that a Navy Remote Pilot Working Group considered various remuneration options for this new workforce recognising that *"appropriate remuneration structures are key components of the workforce strategy to address sustainment and supply issues as well as being crucial mechanisms for incentivising members to seek increased responsibility and advanced specialisation."*[9]

[6] Navy advises it has utilised a temporary work force structure since establishing 822X Squadron in October 2018. 822X Squadron now has 33 members comprised of four Pilots/AvWO's, 25 Aviation sailors and four personnel in support roles of maintenance, engineering and operations support. The Squadron is presently staffed by Air Technical/Aviation Support sailors performing the role of air vehicle operator with oversight provided by Pilots and AvWO's.[10] The RPWO will perform the role of both air vehicle operator (currently performed by Aviation Technicians) and mission commander (currently performed by Rotary Wing Pilots and AvWO's).

[7] The ADF proposal outlines that RPWO's will require a "*relatively short*" period of training compared to traditional manned aircrew. It considers this represents an "*attraction and retention mechanism*" as members will be posted to sea at a much earlier stage in their careers than manned aircrew.[11]

Commonwealth

[8] The Commonwealth supports the intent of the ADF proposal but "*retains some concerns with second order effects*" which it considers may stem from the creation of the new RPWO competency stream and its placement in the OAPS Structure.[12]

Consideration

[9] Throughout our deliberations we gave consideration to the fact that both of Navy's Rotary Wing Pilot and AvWO categories are presently considered 'at risk' in regard to workforce shortages.[13] We also took into account the evidence that airworthiness requirements dictate that a qualified Pilot or AvWO is required to oversee the operation of an unmanned aerial system platform.

[10] Predominantly we considered the two remuneration options proposed by the ADF: that pay placement for RPWOs be situated either within the Graded Officer Pay Structure (GOPS) or within the Officer Aviation Pay Structure (OAPS). We were helped by the extensive evaluation compiled in the submission and the application and variations of each structure "*based on time, competency or a hybrid of both to achieve the desired capability outcome most appropriate to an aviator's career progression.*" We are reassured by the research based on six assessment criteria to:

a. support enhanced aviation officer technical mastery over time;

b. recognise the capability outputs delivered by the proposed dedicated maritime unmanned aerial systems operator workforce;

c. include adequate attraction and retention values to attract and retain a dedicated unmanned aerial system operator workforce in the short term and long term;

d. offer flexibility to account for the dynamic training and development continuum likely to characterise the emergent unmanned aerial system capability into the future;

e. maintain internal and external relativities; and

f. be affordable.[14]

[11] We agree with Navy that the current 822X Squadron workforce is "*not sustainable and certainly not optimal.*"[15] We agree that the temporary workforce is not viable without a commensurate withdrawal of manned Flights from sea operations. For example, we note the evidence that, as at June 2020, there were five vacant Mission Commander positions in 822X Squadron which "*simply could not be filled without deleterious effect on manned aviation operations*."[16]

[12] We gave detailed consideration to the fact that this workforce has been developed within Navy "*on account of the significant difference in the use of unmanned aircraft systems between the three Services."* Navy submits that this *"will not create any relativity issues.*" We note the evidence that Air Force and Army "*support this proposition and both do not believe it will cause any relativity issues between their respective Service workforces and Navy."*[17]

[13] We considered the proposal that the RPWO stream will only be open to Reserve officers who have been former RPWO's and accept the statement of the ADF that this is "*unlikely to change for the foreseeable future*."[18]

[14] We also agree that RPWO's will not experience the disabilities associated with flying or flight duties and, as such, should not be eligible for the annual rate of Flying Disability Allowance. However, we consider that the daily rate is applicable in circumstances where RPWO's may be conducting duties in manual aircraft in the performance of their job.

Conclusion

[15] We agree that the proposal meets Navy's desired goal of achieving *"a professional and sustainable seagoing and deployable RPWO workforce that is able to deliver a maritime*

unmanned aircraft system capability for the conduct of warfare in the maritime environment in support of Fleet's delivery of Naval power."[19]

[16] We agree that any continued use of the temporary workforce structure is "*unsustainable for adequate manning of Flights and detachments and would be inefficient and inadequate in supporting future growth of Navy's unmanned and manned aviation workforce.*[20]

[17] We agree that pay placement within the Command Pathway of OAPS is considered to be the most effective option to deliver Navy capability in the longer term because it:

a. achieves placement of the entire Navy Officer Aviation population within a single pay structure, providing appropriate relativities for the Navy Officer Aviation family, and greater transparency for validation of Officer Aviation pay placements in the near future;

b. delivers a salary attractive enough to compete with relevant external market salaries for personnel who will be key targets for recruitment;

c. provides more salary increments at specified ranks than is available in the GOPS, enabling more appropriate recognition of the additional years that RPWO's spend in those ranks to meet capability;

d. allows for administrative ease in the management of the Navy Officer Aviation population;

e. values Command; and

f. appropriately remunerates RPWO's cumulative increase in skills and work values over time.[21]

[18] We note the comment of the Commonwealth that RPWO's "*require significantly shorter training and have comparatively better working conditions*" but do not subscribe to its view that "*it may eventuate that fewer recruits wish to train as Rotary Wing Pilots or Aviation Warfare Officers in favour of training as a Remote Pilot Warfare Officer.*"[22] In short, we consider the roles to be substantially distinctive and attractive to separate cohorts.

[19] We also note the evidence that "*it is anticipated that synergies between Navy's RPWO training and that of Air Force's Remote Pilot training will be investigated once both training systems have been established.*"[23] We are content to allow the workforce to develop before making further comment or assessment on this issue.

[20] In regard to further assessment, we note the Commonwealth proposal of the first 'report back' to be conducted in 2021 however agree with the oral evidence of Commander Choat that this is too early to ascertain the full effect.[24] We will seek the first report back in early 2023 aligned with the Annual Review.

[21] We are encouraged by the evidence that "*with the exception of designated flying roles, most Navy Rotary Wing Pilot and AvWO shore-based positions may also be filled by an RPWO*

providing a high degree of flexibility in the management of Navy's aviation workforces" [25] and consider this will also provide incentive and career longevity.

[22] We agree that RPWO's are vital to assure the growth of the unmanned aviation capability and will assist Navy by:

a. releasing Rotary Wing Pilots and AvWOs back to parent flying Squadrons;

b. bolstering personnel resourcing for mission support roles;

c. facilitating deep knowledge and mastery of unmanned aircraft systems in the maritime environment; and

d. through a 'Readying, Ready, Reset' paradigm building sufficient workforce numbers to support ongoing training, provide attractive and sustainable career paths and better work/life balance for members.[26]

[23] We agree that RPWO's be positioned in the OAPS with placements progressively from OA0 to OA36 that acknowledge the reduced training and aptitude requirement, the responsibilities and different contribution to Navy capability, while maintaining an appropriate relativity with other Service aviation workforces and flexibility across aviation roles.

[24] Determination 10 of 2020 will give effect to these changes from 7 January 2021.

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

Appearances:

Mr J Phillips SC assisted by Mr P Blady *for the ADF*

Mr P Hoang assisted by Ms E Beresford-Jones *for the Commonwealth.*

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[1] DMR letter DMR/OUT/2020/20 *Listing Application – Remote Pilot Warfare Officer* dated 21 July 2020.
[2] 'Unmanned *aerial* systems' is a broad term that includes balloons, drones and aircraft platforms while 'unmanned *aircraft* systems refers only to those platforms that are of an aircraft type (i.e. fixed wing or rotary wing).
[3] https://www.dfrt.gov.au/sites/default/files/decision-_adf_rotary_wing_aviation_0.pdf
[4] https://www.dfrt.gov.au/sites/default/files/Decision-OAPS.pdf
[5] https://www.defence.gov.au/whitepaper/
[6] https://www.defence.gov.au/strategicupdate-2020/
[7] ADF Submission Remote Pilot Warfare Officer Matter 13 of 2020 dated September 2020 (ADF 1) page 2 paragraph 1.8.
[8] ADF 1 page 1 paragraph 1.4.
[9] ADF 1 page 2 paragraph 1.6.

[10] Annexure C to ADF 1 – 822X Squadron Mission and Command intent.
[11] ADF 1 page 39 paragraph 6.22 and 6.23.
[12] Commonwealth submission *Navy Remote Pilot Warfare Officer* dated 14 October 2020 (CWLTH 1) page 5 paragraph 22.
[13] At the time of this submission, and at the Lieutenant rank, there were 57 AvWO positions, with 39 personnel available, and 70 Pilots positions with 64 personnel available.
[14] ADF 1 pages 26 and 27 paragraphs 5.1 to 5.6.
[15] ADF 1 page 13 paragraph 3.18.
[16] ADF 1 page 17 paragraph 4.6.
[17] ADF 1 page 3 paragraph 1.12.
[18] ADF 1 page 80 paragraph 8.17.
[19] ADF 1 page 1 paragraph 1.5.
[20] ADF 1 page 18 paragraph 4.8.
[21] ADF 1 page 34 paragraph 5.32.
[22] CWLTH 1 page 6 paragraph 31.
[23] ADF1 page 42 paragraph 6.40.
[24] Transcript 5 November 2020 page 3 line 45.
[25] ADF 1 page 45 paragraph 6.61.
[26] ADF 1 age 54 paragraph 6.111.