



Defence Force Remuneration Tribunal

DECISION

Defence Act 1903

s.58H—Functions and powers of Tribunal

AUSTRALIAN DEFENCE FORCE: SERVICE WARRANT OFFICERS – DAILY RATE OF SALARY FOR RESERVES.

(Matter 3 of 2021)

MS I. ASBURY, PRESIDENT

MR A. MORRIS, MEMBER

CANBERRA, 9 APRIL 2021

MAJGEN G. FOGARTY AO, MEMBER

[1] This decision arises from a listing application¹ for a determination to be made under Section 58H of the *Defence Act 1903* (the Act) for the Australian Defence Force (ADF) to create a single daily salary point for former Service Warrant Officers who have transferred to the Reserve Forces.

[2] We considered the matter in hearing on 8 April 2021 when Mr J. Phillips SC appeared for the ADF and Mr P. Hoang for the Commonwealth.

Background

[3] Service Warrant Officers are the most senior of the non-commissioned ranks and are personally selected for the role by their respective Service Chief.² It is a unique appointment within each Service for which there is only one member performing that role at any one time. The role is recognised throughout the ADF as a position with a high level of prestige and influence.

Submissions

[4] The ADF proposes the establishment of a daily rate of salary for Service Warrant Officers in the Reserve Forces. The ADF submits that this proposition will “*provide the Service Chiefs with an option to use Service Warrant Officers as part-time Reserve members who have the requisite experience, knowledge and skills to undertake a special project or task*”.³

[5] The Commonwealth supports the submission in its entirety.⁴

Consideration

[6] We note the evidence that, with the establishment of the Service Warrant Officer ranks in 2016, the *appointment* of a Service Warrant Officer and the *rank* of a Service Warrant Officer became one and the same. We accept that this proposal will now delineate the rank of Service Warrant Officer from the three Service Warrant Officers in the Permanent Force. We accept there are no changes proposed to the roles and responsibilities of all three Service Warrant Officers as a result of this submission.

[7] We accept that the “*reputation, rapport, networks, experience, knowledge and skills that generally only a Service Warrant Officer (or recent former Service Warrant Officer) would have*”⁵ are of significant benefit to the ADF in appointing projects and tasks of strategic significance and importance if required.

[8] We recognise that once the appointment as Service Warrant Officer comes to an end a member generally retires, transfers to the Reserves or has the opportunity to commission as an officer in their respective Service. We agree that the current process of assigning the pay grade to former Service Warrant Officers in the Reserves at the Warrant Officer Class 1 pay grade or their prior pay placement is not suitable recognition of the skills and experience that Service Warrant Officers have gained.⁶

[9] We agree that provision of a daily rate allows for remunerative recognition of former Service Warrant Officers and note that the Chief of Defence Force, Vice Chief of the Defence Force, Service Chiefs and Deputy Service Chiefs will be the only authorised approvers of payment to former Service Warrant Officer for select projects or tasks.

Conclusion

[10] We agree with the proposal to establish a daily rate of salary for former Service Warrant Officers in the Reserves – that rate being 1/365th of the annual rate for Service Warrant Officers in the Permanent Force.

[11] Determination 8 of 2021 will give effect to our decision from 1 July 2021.

MS I. ASBURY, PRESIDENT
MR A. MORRIS, MEMBER
MAJGEN G. FOGARTY AO RETD, 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.

¹ DMR letter DMR/OUT/2021/14 - Listing Application: *Service Warrant Officers: Daily rate of salary for Reserves* dated 9 March 2021.

² The positions are: Warrant Officer of the Navy (WO-N); The Regimental Sergeant Major of the Army (RSM-A); and the Warrant Officer of the Air Force (WOFF-AF).

³ ADF submission *ADF Service Warrant Officers – daily rate of salary for Reserves* Matter 3 of 2021 (ADF1) undated page 3 paragraph 16.

⁴ Commonwealth submission *Australian Defence Force Service Warrant Officers: Daily rate of salary for Reserves* dated 25 March 2021 (CWLTH1)

⁵ ADF1 page 3 paragraph 14.

⁶ Transcript 8 April 2021 page 2 lines 40 to 45 and page 3 lines 20 to 34.