



Defence Force Remuneration Tribunal

STATEMENT

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

ROYAL AUSTRALIAN NAVY: MARITIME LOGISTICS SUPPORT OPERATIONS – SUBMARINER (SUPPLEMENTARY) (Matter 21 of 2021)

MS I. ASBURY, PRESIDENT

MR A. MORRIS, MEMBER

CANBERRA, 22 DECEMBER 2021

MAJGEN G. FOGARTY AO RETD, MEMBER

[1] This statement is issued further to our initial decision in Matter 10 of 2016 – *Maritime Logistics Support Operations*, and should be read in conjunction with that prior decision and determination.¹ In that matter, Determination 3 of 2017 was published on 30 March 2017 to implement amendments to the:

- a. name of the Maritime Logistics – *Steward* category, to *Maritime Logistics Support Operations*; and
- b. skill and pay grades for the General Service.²

In the case of the submariners, Matter 10 of 2016 sought *only* to rename the category, with no change to skill or pay grades for that workforce.

[2] The ADF submits it has identified that this decision was incorrectly recorded in 2016, and it inadvertently applied the full remit of skill and pay grade amendments to the submariner workforce as well as General Service (i.e. surface fleet). The skill and pay grade amendments should have only applied to surface fleet sailors.³

[3] We addressed this matter in a hearing on 2 December 2021 where Mr J. Phillips SC appeared for the ADF and Mr H. Miller for the Commonwealth.⁴

[4] The ADF and Commonwealth⁵ both agreed in their submissions that this error had occurred because of “*potential ambiguity*” in the 2016 ADF submission, which had inadvertently flowed through to both the decision and determination published at that time.

[5] It was further noted, that while Determination 3 of 2017 included the correct name for the submariner workforce, Determination 14 of 2017⁶ - made later that year to give effect to another workforce - inadvertently reverted the name to Maritime Logistics – *Steward* (Submariner). The ADF submission seeks to address both issues, and correct the nomenclature to *Maritime Support Operations* (Submariner) - with no change to skill or pay grade.

[6] On the advice of the ADF, we confirm that despite these two errors, there has been **no** detriment or adverse consequences to individuals, and submariners have continued to be paid according to the correct skill and pay grades.

[7] Determination 27 of 2021 will be issued to give effect to the required amendments.

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

Appearances:

Mr J. Phillips SC for the ADF assisted by Mr P. Blady
Mr H. Miller for the Commonwealth assisted by Mr N. Doukas.

¹ <https://www.dfrt.gov.au/matters/navy-maritime-logistics-support-operations>

² <https://www.dfrt.gov.au/sites/default/files/2021-01/Det-3-of-2017.pdf>

³ ADF Submission *Royal Australian Navy Maritime Logistics Support Operations (Submariner)* – Supplementary undated (ADF1)

⁴ Transcript 2 December 2021.

⁵ Commonwealth submission *Royal Australian Navy Maritime Logistics Support Operations (Submariner)* – Supplementary dated December 2021 (CWLTH1)

⁶ <https://www.dfrt.gov.au/sites/default/files/2020-11/Determination-14-of-2017-Cryptologic-sailors.pdf>