

**Defence Force  
Remuneration Tribunal  
Annual Report**

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**Period: 1 July 2021 – 30 June 2022**

## President's overview

This year I was honoured to be re-appointed as President of the Tribunal for a further two years from 23 July 2021. It was also pleasing that Mr Adrian Morris was re-appointed as a Member of the Tribunal for a further three years at the same time. These re-appointments enabled us to quickly re-join Major General Gerard Fogarty AO (Ret'd) and expedite important matters that had not been progressed during the hiatus caused by the extended appointment process.

During this year, we relocated to new premises within the Australian Public Service Commission (APSC) buildings in Parkes, ACT. The APSC provides our Secretariat staff and I thank them for the efforts that went into a smooth relocation and, as always, for their ongoing administrative support. This move allows the Secretariat and Tribunal to operate more efficiently from the one location.

This year, following a series of lockdowns, we have thankfully seen a return to routine activities, which have permitted us to conduct visits to ADF ships, units and establishments. In May 2022 we visited Fleet Base East in Sydney and HMAS *Brisbane* alongside, as well as Holsworthy Barracks.

The ongoing ADF Employment Offer Modernisation Program has been prominent over the course of the year and we look forward to continuing to work with the ADF as the Program progresses into Tranche 2. This Program, coupled with a range of high-level briefings on ADF recruitment and retention, has given us a clear picture of ADF priorities throughout the year and into the latter half of 2022. We also look forward to continuing to work with the ADF to support the critical need for attraction and retention of the current, and future, workforce.

As always, the Defence Force personnel we work closely with, and have met during the year, have impressed us with their tenacity, openness, pride and enthusiasm. The Defence Force has much to be proud of and we note the significant contribution that personnel have made in Australia and internationally, particularly during the COVID – 19 Pandemic. We thank them for their professionalism and willingness to engage with us.

***Ingrid Asbury***  
***President***

## **1. INTRODUCTION TO THE TRIBUNAL**

The Defence Force Remuneration Tribunal was established in 1984 to determine the pay and allowances of members of the Australian Defence Force (ADF), considering the special nature of ADF service.

The Tribunal is an independent authority established under section 58G of the *Defence Act 1903* (the Act). The functions of the Tribunal, as set out in section 58H(2) of the Act, are to:

*(a) inquire into and determine the salaries and relevant allowances to be paid to members; and*

*(b) inquire into and make determinations in respect of prescribed matters that have been referred to the Tribunal.*

In addition, under section 58KD:

*The Tribunal may, in making a determination, give effect to any agreement reached between the Minister, acting on behalf of the Commonwealth, and the Chief of the Defence Force, acting on behalf of the members of the Australian Defence Force, in relation to a matter to which the determination relates.*

## **2. MEMBERSHIP OF THE TRIBUNAL**

The Tribunal consists of three part-time members who are appointed by the Governor-General. In accordance with the relevant legislation, the President is a presidential member of the Fair Work Commission and members must include a person who is experienced in industrial relations matters and a person who has previously been a permanent member of the ADF. The current Tribunal members are Ms Ingrid Asbury (President), Mr Adrian Morris (Member) and Major General Gerard Fogarty AO (Ret'd) (Member): <https://www.dfrt.gov.au/about/tribunal-members>.

## **3. THE PERFORMANCE OF TRIBUNAL FUNCTIONS**

The Act provides that the Tribunal may regulate the conduct of its proceedings and is not bound to act in a formal manner. The Tribunal may inform itself on any matter in such a manner as it thinks fit and is not bound by the rules of evidence.

## **4. THE OPERATIONS OF THE TRIBUNAL**

In order to have the Tribunal consider matters, the ADF makes applications to have a specific matter heard. The ADF and Commonwealth present written submissions to the Tribunal and make recommendations on whether the matter should be heard formally, considered on papers or informed by conference. Some Tribunal decisions are informed by inspections.

On completion of hearings or conferences, the Tribunal adjourns to consider the evidence and the draft determination put to them by the parties. This results in a formal written decision providing reasons for the Tribunal's conclusions. Both the decision and the determination are published on the Tribunal's website.

Determinations are subsequently tabled in Parliament by the Minister for the Public Service.

## **5. PARTIES AND THEIR ADVOCATES**

The major parties appearing before the Tribunal are the ADF, represented by the Defence Force Advocate, and the Commonwealth. These parties are entitled to be present and to make submissions during any proceedings.

The office of Defence Force Advocate is held by Mr Jeffrey Philips SC. The Commonwealth is represented by employees of the APSC; over the period of this report the advocate role for the Commonwealth was performed by Mr Harrison Miller.

## **6. INTERVENERS**

Under section 58K (10) of the Act, where the Tribunal thinks that a person or body should be heard in relation to a matter, the Tribunal may permit them to make a submission or to seek leave to appear before the Tribunal.

## **7. REVIEWS**

The Tribunal has a statutory obligation under section 58H(6) of the Act to inquire into and make a further determination in respect of matters it has previously determined:

*(a) within 2 years of the first-mentioned determination taking effect; or*

*(b) if the Minister, by notice in writing given to the President, requests the Tribunal to make a further determination in respect of those salaries and allowances within a shorter period of the first-mentioned determination taking effect – within that shorter period.*

These reviews are conducted as the first matter of each year.

## **8. HEARINGS**

Where the Tribunal determines that a formal hearing is required, it is usually held in Canberra.

## **9. MATTERS CONSIDERED IN 2021-22**

The complexity of matters means that they are often considered over a period of months and can involve a combination of hearings, inspections and conferences.

A list of all matters considered during the year and the resultant determinations are published on the website: <http://www.dfvt.gov.au/matters>

The major matters listed by the ADF for consideration in 2021-2022 are detailed below:

Matter 1 of 2021 - [Annual Review of Determinations 2021](#)

Matter 12 of 2021 – [Navy - Electronic Technician - Radar Systems Controller and Combat Systems Coordinator streams](#)

Matter 11 of 2021 – [Royal Australian Engineers - Combat Engineer employment category](#)

Matter 15 of 2021 - [ADF General Duties employment category](#)

Matter 16 of 2021 - [Navy: Information Warfare Officer](#)

Matter 17 of 2021 - [Navy Health Services Officer](#)

### **Administrative matters**

The following matters were administrative in nature or were concerned with name or structural changes. The Tribunal considered them on papers or in conference with the parties.

Matter 12 of 2020 – [ADF Workplace Remuneration Arrangement 2020-2023: Star Ranks Variation; Service Warrant Officers amendment](#)

Matter 17 of 2020 - [ADF Tri-Service Medical Officers - Star Ranks amendment](#)

Matter 6 of 2021 - [Navy Retention Incentive Payment - 2021 Report Backs](#)

Matter 8 of 2021 - [RAEME - Army Artificer Aero](#)

Matter 9 of 2021 – [ADF Construction Engineer employment categories](#)

Matter 10 of 2021 – [Royal Australian Engineers Combat Rescue employment category](#)

Matter 13 of 2021 - [Navy - Cryptologic Sailors - Report Back](#)

Matter 14 of 2021 – [Technical Amendments Omnibus - Consolidated determinations](#)

Matter 18 of 2021 - [Navy: Maritime Warfare Officer - Navigation](#)

Matter 19 of 2021 - [ADF Rotary Wing Aviation Officers - Report Back](#)

Matter 20 of 2021 - [Navy: Engineer Officer Level 2 \(supplementary\)](#)

Matter 21 of 2021 - [Navy: Maritime Logistics Support Operations - Submariner \(supplementary\)](#)

## **10. INSPECTIONS**

Inspections may be initiated by the Tribunal or the parties when it is considered that a practical review of work performed by ADF members will be critical to the Tribunal's understanding of a particular matter. Inspections are most beneficial in assisting the Tribunal to reach decisions because they allow Tribunal members to witness firsthand, albeit in a limited way, the working and living conditions of ADF members across a range of employment categories and localities. The ADF and Commonwealth parties, as well as the Secretariat Advisor, normally accompany the Tribunal on inspections.

No inspections were conducted this year for reasons associated with the COVID – 19 Pandemic.

## **11. VISITS**

The Tribunal undertakes visits to ADF units, establishments and vessels without specific reference to particular matters. These visits include open forums with ADF members of all ranks.

One two-day visit was conducted this year to Fleet Base East in Sydney and HMAS *Brisbane* alongside, as well as Holsworthy Barracks. During the visit the Tribunal held discussions with personnel about its role and function. There were also discussions with personnel about their work and the environment in which it is undertaken, during which they had the opportunity to raise issues or ask questions in an informal way.

## **12. TRIBUNAL ADMINISTRATION**

### **Secretariat support**

The Tribunal is supported by a secretariat staffed by employees of the APSC which operates from premises in the Treasury Building, Parkes ACT. The Tribunal sits in those premises when conferences and hearings are held.

### **Financial matters**

The Tribunal's financial requirements are met through the APSC; there are no separate accounts applicable to the Tribunal.

### **Website**

The Tribunal's website ([www.dfrt.gov.au](http://www.dfrt.gov.au)) is hosted by the APSC. The website provides information on the Tribunal's current activities, work program and hearing schedule. It also provides historical information on the Tribunal's operations and decisions.

### **Freedom of information**

The Tribunal is considered to be a separate agency for the purposes of freedom of information. Agencies subject to the *Freedom of Information Act 1982* (FOI Act) are required to publish information to the public as part of the Information Publication Scheme. The Tribunal publishes this information on the website.