



## Australian Government

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### Defence Force Remuneration Tribunal

## DECISION

*Defence Act 1903*

s.58H—Determination of the salaries and relevant allowances to be paid to members

### **ADF CHAPLAINS' SPECIALIST OFFICER CAREER STRUCTURE**

(Matter No. 9 of 2012)

THE HON. A. HARRISON, PRESIDENT

THE HON. A. BEVIS, MEMBER

CANBERRA, 9 DECEMBER 2013

BRIGADIER W. ROLFE, AO (Ret'd), MEMBER

[1] This decision relates to an application by the Australian Defence Force (ADF) pursuant to s.58H of the *Defence Act 1903* (the Act) to adjust the salaries of ADF Chaplains.

[2] This matter was heard before the Tribunal in Sydney and in Canberra. Mr R. Kenzie AM QC appeared for the ADF and Mr J. O'Reilly appeared for the Commonwealth. Chaplain G. Webb appeared as a witness for the ADF as did Chaplain P. Willis. An affidavit for Chaplain A. Knight was also filed however he was not available to appear as a witness due to his overseas deployment.

### **Background**

[3] The last major review of the Chaplain employment category occurred in Matter 21 of 2002 '*Specialist Officers Career and Salary Structure – ADF Chaplains*' which established the current competency-based Tri-Service structure. The intention at the time was to recognise and reward the attainment of skills, rather than the previous rank-driven career structure. The competency levels introduced overlapped the five Chaplaincy Divisions already in place.

[4] Notional ranks were applied to each of the Divisions to assist with routine personnel administration on matters such as appointment, separation, and benefits (for example, superannuation contribution rates and housing rental assistance)<sup>1</sup>. Army and Air Force Chaplains wear the equivalent badges of rank and are addressed by that rank; Navy Chaplains

are addressed as ‘Chaplain’ and wear a Chaplaincy badge. Notional ranks are applied as follows:

	<b>Chaplain Notional Rank Equivalents<sup>2</sup></b>			
<b>Chaplain Division</b>	<b>Rank equivalent</b>	<b>Navy</b>	<b>Army</b>	<b>Air Force</b>
Division 1 (Entry level)	O3	Lieutenant	Captain	Flight Lieutenant
Division 2 (Pastoral care, Support Chaplain)	O4	Lieutenant Commander	Major	Squadron Leader
Division 3 (Coordinating Chaplain)	O5	Commander	Lieutenant Colonel	Wing Commander
Division 4 (Regional Coordination)	O6	Captain	Colonel	Group Captain
Division 5 (Principal Chaplain)	O7	Commodore	Brigadier	Air Commodore

[5] The 2002 matter addressed the workforce problems relevant at the time including wage parity, an ageing workforce and recruitment targets. It was intended to provide structures that would see Chaplains better trained and with a career and salary structure that would prove attractive to civilian clergy.

[6] Substantial salary increases were introduced as a result of the 2002 review, predominantly on the basis of wage parity with civilian clergy and an increase in work value, which was in part related to operational tempo. Benefits available to civilian clergy, but not to ADF Chaplains, were assessed as being about \$12,392<sup>3</sup>.

[7] The Chaplains’ base salary has historically been significantly front-loaded<sup>4</sup> to recognise the skills, qualification and experience Chaplains bring with them when joining the ADF. This creates an inevitable push factor through the salary structure; the Chaplaincy career structure commences at the O3 level resulting in limited progression above O4.

[8] Chaplaincy tends to attract an older workforce with members commencing their career in their late 40’s, consequently their length of service is relatively short; the average length of service is currently 11 years<sup>5</sup>.

## **Submissions**

[9] The ADF have submitted that the structure introduced in 2002 did not sufficiently identify the Chaplaincy roles at each competency level and in particular, the ADF has identified a ‘degree of role confusion in the 2002 submission’<sup>6</sup> concerning the use of competency level 2 and competency level 3. It submits that the structure did not sufficiently identify that the core Chaplaincy workforce is at competency level 2. As a result, too much emphasis had been placed on the Chaplaincy workforce being moved to competency level 3.

By way of illustration, Division 2 contains only one salary point at competency level 2, yet three salary points are provided at competency level 3<sup>7</sup>.

[10] In order to refocus the Chaplaincy structure, the ADF submission proposed:

- a. an additional competency level 2 Support Chaplain increment at Division 1;
- b. four additional Division 2 competency level 2 Support Chaplain salary increments - to recognise the increased work value gained through the application of skills over time at competency level 2;
- c. adjustment of the salary for competency level 3 Coordinating Chaplains - to recognise the increase in work value since 2002;
- d. adjustment of the salary for Division 4 Chaplains - to recognise the increase in work value since 2002; and
- e. once unoccupied, removal of two pay increments that are no longer required:
  - i. Division 1 competency level 3, first increment point; and
  - ii. Division 3 competency level 2.

[11] In line with these proposals, the ADF advised that changes had been made to the competency and training structure, including the advancement triggers to competency levels 2 and 3. The ADF did not propose any changes to training or structure in relation to competency level 1.

[12] The ADF's case for work value related salary increases relates to changes in work arising from an increasingly diverse workforce, a high and sustained operational tempo, a surge in public expectations and accountability, and a deeper emphasis on workforce mental health. At the Division 3 level increases are further justified, in part, by an expanded role in regional mental health teams and management of the delivery of Chaplaincy services in a formation/area/base within Australia or in a deployed multi-force environment<sup>8</sup>. The ADF submits that work value changes for Division 4 increases are justified by a shift in the role to Chaplaincy capability management as well as being a specialist adviser within a Service headquarters<sup>9</sup>.

[13] The Commonwealth submission expressed concern about the lack of justification for the significant increases in remuneration proposed and, while they did not expressly oppose the changes sought, they considered that the evidence and submissions did not justify the magnitude of the increases sought.

### **Consideration**

[14] It is unfortunate that the 2002 decision produced an outcome that did not adequately address ADF Chaplaincy structure, particularly at level 2. We note that the 2002 structure focussed career progression on achieving a Masters of Ministry (for progression to competency level 3), thereby placing Chaplains at a higher competency level than needed. We are persuaded the structure should be adjusted so that more focus is given to providing a progression of salary points to the core Chaplaincy workforce at competency level 2. However, we agree with the Commonwealth, that the extent of the salary adjustments

proposed, both directly and as a consequence, that flow through the Divisions, are unusually high.

[15] Given the significant salary increases awarded in the Tribunal's decision in 2002, we have looked closely at the justification for increasing the number of increments at Division 2 and the proposed subsequent flow-on effect. In particular we have closely considered the work value changes relied upon which have occurred over the past 11 years.

[16] We acknowledge the evidence of Chaplain Willis and accept there has been an increase in work load, especially with the complexities and increased prevalence of mental health issues. He said changes to the Defence Community Organisation mandate has resulted in that organisation supporting predominantly the families of members and this has meant that Chaplains are called upon by members to fill the gap<sup>10</sup>. We also acknowledge that there is a tendency for National Help line operators to rely upon Chaplains to provide out-of-hours support, rather than to call on social workers or other health care professionals<sup>11</sup>.

[17] We understand that the development of Unit Welfare Boards to provide professional advice to Command was not anticipated in 2002<sup>12</sup>. We accept that current training has provided an increased level of skill and relevance for Chaplains resulting in more support to Command. This is evidenced in two courses: Applied Suicide Intervention Skills Training (two days) and Critical Incident Mental Health Support Training (three days) which are now mandatory training geared to competency level 2<sup>13</sup>.

[18] We note that in 2002 the submission was predicated on the importance of the Masters of Ministry. This Masters degree required an extensive, theological based, study commitment and was understood to be the most appropriate qualification on which to base competency. We accept advice that the Masters of Ministry has subsequently shown to be of marginal utility in developing required skills particularly as it was targeted at introspective thinking and reflection rather than pastoral care skills<sup>14</sup>. We consider that the Certificate IV in Defence Chaplaincy, together with the Course in Coordinating Chaplain – Defence, albeit brief in duration, would appear to be more relevant and better tailored to the practical needs of Defence Chaplaincy.

[19] We sought further advice from the ADF on why civilian remuneration was not addressed, in light of the 2002 submission which had relied upon civilian equivalency as the touchstone for salary increases. Further evidence given states that '*civilian salary in the civil sector (when employed by a church) is generally lower than ADF Chaplains*' and that the '*complete salary package in these circumstances includes a number of untaxed benefits not made available to ADF Chaplains*' and [their] '*remuneration package can only therefore balance the shortfall in fringe benefits through provision of salary and conditions of service which are taxed*'<sup>15</sup>.

[20] We have identified some commonality between the current ADF submission and the 2002 Chaplains' Specialist Career Structure matter, particularly the factors considered to establish an increase in work value. We have considered if the value of the changes identified in this matter are substantially different, qualitatively and quantitatively, from past measures. In this respect we note, for example, previous submissions had mentioned similar work value measures such as "*...the increase in operational deployments since 1990 have led to higher levels of stress[...]that in turn led to higher demands on Chaplains in the areas of pastoral and mental health counselling*"<sup>16</sup>.

[21] We have considered the Tribunal's Reasons for Decision in the 2002 matter. We noted that the factors taken into consideration included that Chaplains had been trained in Critical Stress Management and were '*key players in operational support*'<sup>17</sup> with evidence presented that they were on call 24 hours a day. That decision also references the 2000 ADF mental health strategy, stating that '*Chaplains are now often the first point of referral for a wide range of conditions. This requires an understanding of the roles and practice of social practitioners*'<sup>18</sup>.

[22] We also considered the ADF submission in relation to the greater management and strategic aspects of Chaplain roles in Division 3 and Division 4. We noted that in 2002 Division 3 Chaplains had responsibility for middle-level supervision and assessment; resource allocation; and co-ordination of pastoral ministry within their respective areas of responsibility. Division 4 Chaplains had specific responsibility for operational/command-level planning; allocation of resources and priorities; and policy and doctrine development within the chaplaincy capability<sup>19</sup>.

[23] We have been persuaded that the Chaplaincy career structure should provide for competency levels within each Division that allow for a level of recognition that is not easily achieved through rank, but instead acknowledges the value of the work and experience. In particular we considered that due to the range of postings and the varying complexities of deployments of personnel in Division 2, there is a requirement for additional competency levels within that Division with a salary structure that appropriately supports those competency levels.

## **Conclusion**

[24] The Tribunal is persuaded by the need for additional competency levels and, having assessed the ADF and Commonwealth submissions, agree that a structure that places more emphasis on competency level 2 across the ADF Chaplain Specialists' Officer Career Structure is appropriate. We accept that the existing Division 2 structure is not adequate to support their need however we do not consider an additional four steps are warranted. We have decided that an additional three salary points are appropriate.

[25] We are not persuaded the evidence establishes a need for the inclusion of an additional competency level 2 salary point in Division 1. We consider that the existing structure already provides sufficient utility and appropriate balance to the competency levels required. We agree with the Commonwealth that the evidence has not demonstrated a retention issue that would substantiate an additional salary point.

[26] We accept that the competency level 3 salary point in Division 1 and the competency level 2 salary point in Division 3 are no longer required and we approve the removal of these two salary points once they are no longer occupied by any personnel.

[27] We are not satisfied that a sufficient work value case has been made to justify the substantial salary increases sought in the ADF submission. We considered that the 2002 case that awarded a significant increase, in part based on work value changes, already comprehended and anticipated some of the factors presented by the ADF in this case, for example, in the area of pastoral care related to trauma and mental health issues. We accept that there have been changes in the ADF operating environment since 2002 and that the degree of work value change that has arisen may not have been fully anticipated by the Tribunal at that time. The additional work changes evidence before us justify a smaller

percentage increase in each of Divisions 2, 3 and 4. We are also conscious of the effect of reconfiguration of Division 2 to accommodate additional salary points which will lead to consequential salary adjustments.

[28] We have decided to approve amendments to salary for the ADF Chaplain Specialists' Officer Career Structure to ensure the structure appropriately recognises the responsibilities of rank, attained competency levels and work value changes. Creating additional steps allows for correction of the 2002 structure and acknowledges the justification for increases and maintains relativity to existing steps. The revised structure together with the details of the methodology used to calculate the salaries for the relevant competency levels within Divisions is attached to this decision. The amount incorporates the 7 November 2013 increases under the ADF Workplace Remuneration Arrangement.

[29] Determination 1 of 2014 gave effect to our decision.

THE HON. A. HARRISON, PRESIDENT  
THE HON. A. BEVIS, MEMBER  
BRIGADIER W. ROLFE, AO (Ret'd), MEMBER

Attachment:

A. Chaplain's Salary Structure - 2013

*Appearances:*

*Mr R. Kenzie AM, QC for the ADF assisted by Squadron Leader J. Magro and Ms S. Robertson*

*Mr J. O'Reilly for the Commonwealth*

*Witnesses:*

*Chaplain G. Webb, Deputy Command Chaplain, Forces Command*

*Chaplain P. Willis, Principal Chaplain, Army*

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<sup>1</sup> ADF 1, page 8, paragraphs 14-15.

<sup>2</sup> ADF 1, page 8, paragraph 14.

<sup>3</sup> ADF 1, page 19, paragraph 24.

<sup>4</sup> Commonwealth 1, page 1, paragraph 4c.

<sup>5</sup> Transcript, 6 August 2013, page 19, line 25.

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<sup>6</sup> ADF 1, page 37, paragraph 108.

<sup>7</sup> ADF 1, page 20, paragraph 56C.

<sup>8</sup> ADF 1, pages 44-45, paragraphs 133-35.

<sup>9</sup> ADF 1, pages 45-46, paragraphs 138-139.

<sup>10</sup> Transcript, 6 August 2013, page 11, line 19.

<sup>11</sup> Transcript, 6 August 2013, page 31, line 25.

<sup>12</sup> Transcript, 6 August 2013, page 12, line 13.

<sup>13</sup> Transcript 6 August, page 8, line 27.

<sup>14</sup> ADF 5, page 2, paragraph 6.

<sup>15</sup> ADF 5, page 2, paragraph 8.

<sup>16</sup> Transcript, 6 August 2013, page 44, line 36.

<sup>17</sup> Matter no. 21 of 2002, *Chaplains Specialist Officer Career Structure Reasons for Decision*, 19 February 2003, page 4, paragraphs 6 to 8.

<sup>18</sup> Matter no. 21 of 2002, *Chaplains Specialist Officer Career Structure Reasons for Decision*, 19 February 2003, page 7, paragraph 8.

<sup>19</sup> ADF 1, Annex G, Appendix 2.

## CHAPLAIN'S SALARY STRUCTURE - 2013

Division	Competency level (CL)	Salary 7 Nov 13 (WRA)	Our Decision	Basis of calculation
Division 4	CL 3-2	\$136,353	\$139,080	2% on WRA
	CL 3-1	\$132,267	\$135,000	2% on WRA
Division 3	CL 3-2	\$125,088	\$127,589	2% on WRA
	CL 3-1	\$121,345	\$123,771	2% on WRA
	CL 2 (to be abolished)*	\$107,478	\$109,627	2% on WRA
Division 2	CL 3-3	\$100,658	\$101,507	2% on \$99,517
	CL 3-2	\$97,585	\$99,517	2% on \$97,566
	CL 3-1	\$94,512	\$97,566	2% on \$95,653
	CL 2-4	-	\$95,653	New (2% on \$93,778)
	CL 2-3	\$91,445	\$93,778	2% on \$91,940
	CL 2-2	-	\$91,940	New (2% on \$90,138)
	CL 2-1	-	\$90,138	New (2% on \$88,371)
Division 1	CL 3-1 (to be abolished)*	\$91,445	\$91,445	-
	CL 2-3	\$88,371	\$88,371	no change
	CL 2-2	\$85,393	\$85,393	no change
	CL 2-1	\$82,500	\$82,500	no change
	CL 1-2	\$79,701	\$79,701	no change
	CL 1-1	\$76,978	\$76,978	no change

*\*Denotes approval for the removal of these two salary points once they are no longer occupied.*