



Australian Government
Defence Force Remuneration Tribunal

DECISION

Defence Act 1903

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

SENIOR OFFICER SPECIALIST CHAPLAIN OFFICER STRUCTURE

(Matter No. 15 of 2013)

THE HON. A. HARRISON, PRESIDENT

THE HON. A. BEVIS, MEMBER

CANBERRA, 12 NOVEMBER 2014

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 increase the remuneration of senior officers (commonly referred to as 'star ranks') within the Chaplaincy specialisation.

[2] This matter has been considered with reference to written submissions by the ADF and the Commonwealth, and with particular reference to affidavits provided by the Directors General of Chaplaincy for Air Force and Navy; Air Commodore Kevin Russell and Principal Chaplain Stuart Hall RAN.

Background

[3] This matter is related to Matter 9 of 2012, *ADF Chaplains Specialist Officer Career Structure* in which a decision was made in December 2013¹ to introduce a revised competency level structure and salary increase for divisions 1 to 4 Chaplains. This current matter addresses progression to the division 5 (O7) star ranks.

[4] There are presently nine chaplains serving at division 5 (one permanent force chaplain and two reserve force chaplains per Service). The three permanent division 5 chaplains are appointed in the role of 'Director General Chaplaincy' to their respective Services and are responsible to their Service Chiefs.

Submissions

[5] In their submissionⁱⁱ the ADF seeks to:

- a) remove division 5 chaplains from the chaplains specialist officer career structure, and
- b) establish a senior officer specialist officer career structure and remuneration framework for division 5 chaplains with one salary increment after 12 months in rank.

[6] The ADF proposes that division 4 chaplains' salaries be used as a point of reference for division 5 salaries.

[7] The ADF submits that the proposed increment acknowledges an 'enhanced value to the ADF as a result of experience gained in the position'ⁱⁱⁱ and further submits that the increase after 12 months is consistent with the increment for division 3 and 4 chaplains.

[8] The Commonwealth supports the general basis of the ADF proposition^{iv} and proposes that the chaplains' specialist salary be considered in isolation from the other star rank specialists (dental, legal, medical and aviation). The Commonwealth supports taking division 4 chaplains as a point of reference^v for the 'star rank' structure.

[9] The Commonwealth does however, oppose the increment^{vi} and considers it 'distorts the relativity of the value of incremental progression'^{vii}. The Commonwealth submits that, even if an increment were agreed, the increase proposed is too low and consider an increase of 3% above the on-promotion rate to be more consistent with the chaplaincy structure.

Evidence

[10] Air Commodore Russell and Principal Chaplain Hall both gave written evidence that Directors General of Chaplaincy are considered active participants in the Defence senior leadership group and provide pastoral care to members of this group. They submit that they have specific responsibilities for management of their respective chaplaincy branches and inform Service Chiefs on strategic issues influenced by the chaplaincy proficiency.

[11] Both Directors General continue to provide pastoral care as well as conducting religious services. Principal Chaplain Hall gave evidence that chaplains "do not exercise military executive command and therefore cannot give a lawful order. However, I do exercise administrative control, either directly or indirectly via other Command structures... a simple example of this is determining and then advising the posting of chaplains..."^{viii}

Consideration

[12] In our senior officer specialist medical officer structure^{ix} decision we said that 'pay arrangements for [one] specialist pay star rank group should not be considered transferable to other specialists'. We adopt the approach in that decision as a basis for our consideration in this matter.

[13] The ADF made a second submission in reply to the Commonwealth submission and provided further justification for an increment after 12 months in rank. It submitted that the proposed increment 'stems from their greater familiarity with the role and its requirements, the greater experience managing their staff, and the opportunities they will have had to form relationships at the senior leadership level across the Defence workforce'^x.

[14] We gave consideration to the Commonwealth proposal that, should we agree to an increment, an increase of 3% above the on-promotion rate may be appropriate.

[15] The ADF made a further submission^{xi} using the recalculation of the increment quanta so that it reflected the same differential as other increments within the Chaplain structure. At the same time they reiterated their previous evidence on the work value increase that they consider occurs after 12 months. The Commonwealth made no further comment on this proposal.

Conclusion

[16] We have considered all of the evidence and submissions and are persuaded that the division 5 chaplains should be formally removed from the remaining specialist chaplain structure to create a senior officer chaplains salary structure. We have also decided that upon promotion the quantum proposed by the ADF should be adopted.

[17] We have decided that one increment after 12 months aligns with the chaplaincy structure and is justified. Having agreed with the ADF that an increment after 12 months is warranted, we agree with the Commonwealth that it should be set at 3% above the on-promotion rate; an increment consistent with the chaplaincy structure provided for levels to division 4.

[18] A Determination will shortly be issued to give effect to our decision.

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

ⁱ DFRT Decision of 9 December 2013- ADF Chaplains' Specialist Officer Career Structure.

ⁱⁱ ADF Submission of June 2014.

ⁱⁱⁱ ADF Submission of June 2014 page 27 paragraph 2.15(e).

^{iv} Commonwealth Submission of 14 July 2014 page 2 paragraph 6.

^v Commonwealth submission page 3 paragraph 12.

^{vi} Commonwealth Submission page 5 paragraph 26.

^{vii} Commonwealth submission page 5 paragraph 29.

^{viii} Affidavit of PCHAP-N Principal Chaplain Stuart Hall RAN dated 16 May 2014.

^{ix} DFRT Decision Senior Officer Specialist Medical Officer Structure of 08 August 2014 paragraph 10.

^x ADF response to Commonwealth submission dated 14 July 2015 paragraph 4.

^{xi} Additional submission by ADF, in response to Tribunal request for further information of 01 October 2014.