



Australian Government
Defence Force Remuneration Tribunal

DECISION

Defence Act 1903

s.58H(2)(a)—Determination of the salaries and relevant allowances to be paid to members

SENIOR OFFICER SPECIALIST - DENTAL OFFICER STRUCTURE

(Matter No. 14 of 2013)

THE HON. A. HARRISON, PRESIDENT

THE HON. A. BEVIS, MEMBER

CANBERRA, 31 AUGUST 2015

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

[1] This decision arises from an application made by the Australian Defence Force (ADF) pursuant to s.58H of the *Defence Act 1903* to establish a remuneration framework for senior specialist dental officers. In the hearing of this matter Mr R Kenzie AM QC appeared for the ADF and Mr J O'Reilly for the Commonwealth.

[2] The ADF seeks to create the Senior Officer Specialist Dental Officer Structure (SOSDOS) - a competency based salary structure for dental level three management (DL3(M)) and dental level four (DL4) dental officers at the O7 and O8 ranks¹ (commonly referred to as 'star ranked' officers).

Background

[3] In February 2000 the ADF submitted to the Tribunal that it had identified the need to reward selected professional groupsⁱⁱ for their specialist skills and employment through the introduction of specialist salary structures for each particular group.

[4] In 2003 when proposing the (then) dental officer structure the ADF submitted that there was no foreseeable Service requirement for dental officers past the O6 rank and star

ranks were intentionally excluded from the structure.ⁱⁱⁱ Notwithstanding this, later in 2003 an interim pay point for star rank dental remuneration was established^{iv} in order to enable one Reserve O7 dental officer to fill an executive health administration position.

[5] In development of the current Dental Officer Specialist Officer Career Structure (DOSOCS) in 2012^v, the ADF acknowledged the continued employment of one Reserve O7 dental officer. However, they chose to continue to separate the dental structures and submit a specific star rank proposal at a later date.

[6] The ADF now advise that, although there are still no specified dental star rank positions in the Permanent or Reserve Forces, there remains one serving O7 Reserve dental officer - and the potential for an O6 officer to be promoted in due course. The ADF further submit that a defined star ranked dental officer structure will allow an alternative management option to fill a range of executive health service management roles presently filled by medical star ranks.

Submission

[7] The ADF proposes:^{vi}

- a. the cessation of individual determinations as a form by which the ADF makes a remuneration offer to dental star ranks,
- b. to repeal the interim pay point, and
- c. the establishment of the SOSDOS as the remuneration framework for dental star ranks.

[8] The ADF further submit that the SOSDOS will:^{vii}

- a. recognise dental star ranks as part of the wider star rank workforce,
- b. recognise the executive management role dental star ranks [...] play in the delivery of ADF health services, and
- c. ensure the ADF can effectively manage the wider dental capability through [a] remuneration framework [of] DOSOCS and SOSDOS

[9] The Commonwealth^{viii} supports the establishment of an enduring star rank remuneration structure however considers that, in the event a dental officer was to fill a position that would otherwise be filled by a medical officer, they should receive medical officer pay.

[10] The Commonwealth does not support the proposed category structure stating that employment of dental star ranked officers is not relevant to their dental competency levels because there are no specific star rank dental practitioner postings.

Consideration

[11] We questioned the need for the establishment of the proposed structure at all when, at present, it appears there may only be one star rank dental officer placed within it at any time.

[12] We requested further advice from the ADF on the roles and duties of the executive health administration positions in which they might seek to employ star ranked dental officers. Duty statements for the positions^{ix} were provided which showed the predominant requirement of all postings was the ability to fulfil roles and responsibilities which were described in terms such as ‘*manage/develop/over-see/governance/provide strategic advice/set policy and ‘other duties’ as directed*’. In only one duty statement was professional dental accreditation listed as a ‘desirable criteria’.

[13] We further considered evidence that one of those positions is presently filled by an O7 Permanent Force officer who is a “*non-medical officer employed under the [Senior Officer Graded Structure] SOGS*”.^x In addition to the duty statements this also drew our attention to the requirement for health qualifications in executive health administration positions which clearly rely on managerial experience and not specific practitioner skills.

[14] We considered the fact that a dentist posted to an executive health position will be paid less than a medical officer in the same role and acknowledge this is a consequence of the respective structures from which they have both come.

[15] Subsequent to the hearing the above matters were further reviewed and addressed in conference with the parties.

Conclusion

[16] We are not persuaded a sufficiently meritorious case has been established to warrant the establishment of a specialist career structure which provides for progression through to O8 rank. There is no current or imminent need for such a structure. In the event the circumstances change a further application may be made. We dismiss this application.

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

Appearances:

Mr R Kenzie AM QC assisted by Ms S Robertson for the ADF

Mr J O'Reilly assisted by Mr A McKechnie for the Commonwealth

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- ⁱ ADF 1 – Senior Officer Specialist Dental Officer Structure – December 2013.
- ⁱⁱ i.e. Legal Officers, Dental Officers, Medical Officers and Chaplains.
- ⁱⁱⁱ Matter 7 of 2003 – Dental Officer Career and Salary Structure - ADF Submission page 39, paragraph 88.
- ^{iv} Determination 31 of 2003 – Specialist Salary Structure – Dental Officers.
- ^v Matter 20 of 2012 – Dental Officer Specialist Officer Career Structure. ADF Submission page 7, paragraph 16.
- ^{vi} ADF 1 – page 4, paragraph 2.
- ^{vii} ADF 1 Part 2 page 21 paragraph 2.2
- ^{viii} CWLTH1 Matter 14 of 2013 – Senior Officer Specialist Dental Officer Structure dated 01 December 2015.
- ^{ix} Positions of: Director General Health Reserves – Air Force; Surgeon General ADF - Reserves; Surgeon General ADF; Director General Health Reserves – Army and Director General Navy Health Reserves.
- ^x Transcript page 18 line 29.