



Australian Government

Defence Force Remuneration Tribunal

DECISION

Defence Act 1903

s.58H(1) — Determination of the salaries and relevant allowances to be paid to members

AIR FORCE SECURITY AND AIR FORCE POLICE

(Matter No. 7 of 2012)

THE HON. ANNE HARRISON, PRESIDENT

CANBERRA, 17 JUNE 2013

THE HON. ARCH BEVIS, 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) seeking to create two new specialist Air Force Security (AFSEC) and Air Force Police (AFPOL) employment categories that are to replace the existing Air Force Security Police (SECPOL) employment category. This decision relates to the statement we published on 26 November 2012 and Defence Force Remuneration Tribunal Determination 16 of 2012, which we also issued on 27 November 2012. The operative date of effect for Determination 16 of 2012 is on and from 4 July 2013.

[2] At the hearing in Canberra on 21 November 2012 Mr R. Kenzie AM, QC appeared on behalf of the ADF and Mr R. Tarlinton appeared on behalf of the Commonwealth. Wing Commander, Glenn Ronald Motum, Deputy Director Security Forces Implementation Team, appeared as a witness for the ADF and his affidavit was filed during the hearing. The hearings were informed through inspections conducted at the Royal Australian Air Force (RAAF) Base Amberley, Queensland, on Tuesday 23 October 2012. A report of the inspection was filed with the ADF submission.

Background

[3] The current SECPOL employment category comprises three streams: Military Working Dog Handler, Security Law Enforcement and Service Investigator. Industrially, Air Force Police and Security employment categories have, in one form or another, been in existence since prior to 1993. Reviews have been undertaken since this time to recognise the changing nature and additional skill requirements for these categories.

[4] The ADF submitted that the most recent change to the current Security Police employment category occurred in 2009 with the inclusion of an additional pay grade for Service Investigator at Pay Grade 6 to recognise further training, practical experience and higher application of skills required for this employment category.

The basis of the application

[5] The ADF submitted that newly acquired Air Force platforms and weapons systems have resulted in increased security requirements for these assets and personnel. A key driver of the need for increasingly specialised and extensive security functions includes the requirement to achieve foreign vendor-mandated security standards as a condition of purchase.

[6] The ADF submission seeks to:

- Establish the AFSEC employment category, spanning Graded Other Ranks Pay Structure (GORPS) Pay Grade 2 to Pay Grade 5. This category will accommodate the majority of the current SECPOL streams plus the Military Working Dog Handler and Security Law Enforcement functions. This employment category will undertake the increased security and security planning roles.
- Establish the Air Force Police (AFPOL) employment category, spanning GORPS pay band from Pay Grade 3 to Pay Grade 6. This category will incorporate the current SECPOL Service Investigator functions.
- Disband the current Air Force SECPOL employment category and its three specialist streams, Military Working Dog Handler, Security Law Enforcement and Service Investigator.

[7] The ADF submitted that the current requirement for SECPOL personnel to undertake counter intelligence work has not been in place since late 2008 and that the management of these personnel should fall under the umbrella Air Force Aerospace Intelligence Employment Group that is subject to review in Matter 10 of 2012 Air Intelligence Analyst.

Air Force Security

[8] As justification, the ADF submitted the proposal to establish a new Air Force Security employment category and absorb the Military Working Dog Handler functions and the majority of the Security Law Enforcement category has been endorsed by the Chief of Air Force Advisory Committee. The AFSEC category will underpin the key functions of security capability as the *“foremost contributors to security planning and risk mitigation for both ADF personnel and Air Force weapon systems, domestically and abroad”*¹.

[9] The ADF submitted that:

- In addition to achieving the vendor mandated security requirements the AFSEC category will also have an expanded role to supervise Australian Public Service employees and contractors in a domestic capacity.
- A revised security training regime will be implemented, that will have an enhanced focus throughout the security threat spectrum.
- The new training system will achieve the requirements for new and highly classified Air Force platforms including the Australian Super Hornet, Growler capability, Wedgetail and soon to be introduced Joint Strike Fighter.
- In addition to current base security roles and functions, the AFSEC category will also be responsible for security operations, operations support and security operations management and supervision.
- Additional roles for the AFSEC category will include:
 - Emergency response management;
 - Air transport security and surveillance of transport assets, cargo and passengers;

- Security planning and risk assessments; and
 - The employment of explosive detection dogs.
- A transition plan has been developed that will ensure no detriment to members.

[10] The Commonwealth submitted that it supported the creation of the Air Force Security employment category and pay grade structure to enable Air Force to better focus its workforce in the delivery of current and future security requirements, noting that:

- AFSEC will commence one pay grade lower;
- There are sufficient work value increases;
- The proposed pay band does not disturb the relativities of associated GORPS family pay grade placements; and
- The ADF proposed structure recognises the work value construct against the identified capabilities of the employment category.

Air Force Police

[11] The ADF submitted that AFPOL will “*continue to provide contemporary Service police support to command and leadership*”² and accordingly the tri-Service relativities established in the 2008 GORPS review will also remain extant. Being similar to current requirements AFPOL members will be required to complete a posting with the ADF Investigative Service and have an ongoing liability to conduct Defence Force Discipline Act investigations after their ADF Investigative Service posting. The ADF submitted AFPOL members will therefore maintain their skill grades and as such should also maintain their GORPS pay grade placements.

[12] The ADF further submitted that:

- A training plan has been developed with “*little change to training and no change to skill grade advancement criteria*”³ to maintain the capability;
- A transition plan has also been developed that matches personnel and competencies with available positions; and
- Should the application be approved with no change to current SECPOL pay grade placements, a simple title change of the employment category to AFPOL be implemented.

[13] The Commonwealth submitted that it is “*satisfied that minimal change will occur in the roles that will transfer to the AFPOL mustering*”⁴ and that as the proposed pay grade structure has no change and the GORPS 2008 relativities are maintained, it has no issues with the ADF proposal regarding Air Force Police.

Considerations

[14] We note that the ADF has conducted a consultative process to engage its security and police members. We consider that the ADF has adequately consulted and sought input from existing members and that the feedback presented from the Australia wide visits demonstrates that while some concerns were noted, generally the proposed revised structures are considered to be desirable.

[15] We note the ADF submissions in relation to the proposed movement of the counter-intelligence functions to the Aerospace Intelligence Employment Group in accordance with Matter 10 of 2012, Air Intelligence Analyst.

[16] We note the increased security requirements that Air Force must now achieve with the introduction of new platforms and weapon systems and consider that the approach presented in the submissions will enable Air Force to meet these requirements and grow the security and policing capabilities.

[17] We consider it appropriate that the GORPS 2008 tri-Service relativities have been maintained for both the AFSEC and AFPOL employment categories and we also note the agreement of the parties in this matter.

[18] We are persuaded that by the ADF submissions that indeed the AFSEC employment category has undergone an expansion in its roles and functions. We are also persuaded by the ADF submissions that robust training and transition plans have been prepared, which will ensure there is no detriment to members.

[19] In reaching our decision we have been assisted by the inspections, written evidence and oral testimony provided by the ADF regarding the changing roles, additional requirements and capabilities of the AFSEC and AFPOL employment categories.

Conclusion

[20] Having considered the inspections, submissions, evidence, affidavits, and witness testimony regarding the increased Air Force security and policing requirements and capability demands, we consider that a meritorious case has been presented.

[21] Accordingly, we decided to approve the amendments sought in the ADF submission, specifically:

- Establishment of the new Air Force Security employment category which is to be remunerated spanning GORPS Pay Grade 2 to Pay Grade 5;
- There shall be no change to the current Security Police skill grades or pay grade placements;
- The Security Police employment category will be retitled to become Air Force Police and span GORPS Pay Grade 3 to Pay Grade 6; and
- The Security Police employment category specialist streams Military Working Dog Handler, Security Law Enforcement and Service Investigator are to be disbanded.

[22] As noted in paragraph 1 of this Decision and in accordance with Defence Force Remuneration Tribunal Determination 16 of 2012, the amendments to salary levels and increments in Defence Force Remuneration Tribunal Determination No. 15 of 2008, Salaries is to be on and from 4 July 2013.

THE HON. A. HARRISON, PRESIDENT
THE HON. A. BEVIS, MEMBER

Appearances:

Mr. R. Kenzie, AM QC with Squadron Leader J. Magro for the Australian Defence Force

Mr J. O'Reilly with Mr. R. Tarlinton for the Commonwealth

¹ Exhibit ADF1 Page 7 Para 18

² Exhibit ADF1 page 16 Para 51

³ Exhibit ADF1 page 17 Para 57

⁴ Exhibit Commonwealth1 page 2 Para 12