



Australian Government
Defence Force Remuneration Tribunal

STATEMENT

Defence Act 1903
s.58H—Functions and powers of Tribunal

REVIEW OF SALARIES - 2015 (Matter No. 4 of 2015)

THE HON. A. HARRISON, PRESIDENT

THE HON. A. BEVIS, MEMBER

CANBERRA, 25 FEBRUARY 2016

REAR ADMIRAL J. GOLDRICK AO CSC RAN RTD,
MEMBER

[1] Subsection 58H(6) of the Defence Act 1903 (the Act) prescribes that “*where a determination of the Tribunal in respect of the salaries and relevant allowances to be paid to members is in force, the Tribunal shall inquire into and make a further determination in respect of those salaries and allowances:*

- 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 place – within the shorter period”.*ⁱ

[2] Pursuant to this obligation, and at our direction, the ADF made applicationⁱⁱ to present a number of matters for consideration in two separate tranches – one each for salary and allowances. This statement will deal with only the salaries and a separate statement will be issued in regard to allowancesⁱⁱⁱ.

[3] Historically, the approach taken by the Tribunal to its obligation under s.58H(6) has been referred to by it, and by the parties, as a ‘review’. We note that the section does not contain that term; it refers to an obligation to ‘inquire into’ determinations. Nonetheless, we will adopt the term review in this statement noting however that the task before us is that set out in s.58H(6).

[4] At a hearing in this matter Mr J. Phillips SC appeared for the ADF and Mr B. King for the Commonwealth.

Background

[5] The Secretariat and parties identified all relevant salaries, particularly those made two years prior to this review. Each determination was then divided into one of three phases for review:

- a. those that required no further action and were considered ‘no longer in force’ by way of them having determined either the repeal or establishment of a salary or category ;
- b. those upon which a ‘report back’ on the progress or function of the employment category would be provided; and,
- c. those categories which the ADF identified as requiring more ‘complex’ revision.

Submissions

[6] Following the allocation of determinations into one of the three phases referred to in paragraph [5], the ADF tendered written submissions addressing each relevant salary and also made oral submission at the hearing in respect to the following relevant salaries:

- Graded Officer Pay Structure (GOPS) and Graded Others Ranks Pay Structure (GORPS)
- Service Warrant Officers
- Stores Naval Submariners
- Maritime Warfare Officers and Maritime Combat Officers
- Combat Paramedic
- Air Force Security and Air Force Police
- Air Intelligence Analyst
- Senior Officer Specialist Medical Officer Structure
- Senior Officer Specialist Legal Officer Structure
- Salary for Chief Capability Development Group (CCDG) and Chief Joint Operations (CJOPS)
- Dental Officer Specialist Officer Career Structure
- Navy Imagery Specialist
- Medical Procedural Specialist
- Army Medical Employment categories
- Navy Training Systems Officer
- Army Radar Operator and
- Air Force Flight Test Engineers.

[7] The ADF had sought advice from the individual Services and provided “a synopsis of the status of each identified pay structure, the Service position on the short term future of the pay structure, and any key points”.^{iv}

[8] The Commonwealth supported “the continued application of the GOPS and GORPS structures [and] considered that any issues identified by the Services should be the subject of an application”.^v

[9] The ADF and Commonwealth positions on the relevant salaries are summarised in the table below:

Salary	ADF intention	Commonwealth position
GOPS and GORPS	Overall the structure is sound and is meeting requirements.	Supported
Service Warrant Officers	No issues identified	Supported
Stores Naval Submariners	Work value is considered annually.	Supported
Maritime Warfare Officers and Maritime Combat Officers	Navy conducting review	Supported
Combat Paramedic	Army conducting review	Supported
Air Force Security and Air Force Police	Air Force to review in 2016	Seeks review in 2016
Air Intelligence Analyst	No change	Supported
Specialist Officer Specialist Medical Officer Structure	No review intended	Supported
Senior Officer Specialist Legal Officer Structure	No review intended	Supported
Salary for CCDG and CJOPS	Remains relevant	Supported
Dental Officer Specialist Officer Career Structure	No review intended	Supported
Navy Imagery Specialist	Navy internal review	Supported
Medical Procedural Specialist	No changes intended	Supported
Army Medical Employment Categories	Army to review	Supported

Navy Training Systems Officer	Review to be conducted	Supported
Army Radar Operator	Matter 16 of 2015 refers	Dealt with in Matter 16 of 2015.
Air Force Flight Test Engineers	Review to Tribunal in 2016 as part of Officer Aviation Remuneration Structure.	Supported

[10] A separate application was made in respect to a complex review of the Postgraduate Legal Officer trainee pay structure.^{vi} The review identified that the structure, as implemented in 2012, “*continues to meet the ADF requirements and there are no recommendations for change at this time*”.^{vii} The Commonwealth supported the ADF submission.^{viii}

Consideration

[11] The parties did not seek any variation or amendment to any of the salaries as an outcome of this review. It was also the parties’ submission that in those circumstances there was no need for any further determination to be issued. Having inquired into each of the relevant salaries, and taking into account the parties’ submission, we have decided, and in terms of the section we determine, there is no need for us to make any further determination.

[12] We should note the view of the respective Services which identified those salaries likely to be the subject of application and future consideration in 2016. In the context of this review we need say no more about this matter.

[13] We considered on the papers^{ix} the submissions in relation to the complex review of Postgraduate legal officer trainee pay and accept that no change is required at this time.

Conclusion

[14] An inquiry into the relevant salaries in accordance with s.58H(6) has been undertaken and completed. The outcome of that inquiry is that no further determination amending or varying any of the salaries is necessary. The existing determinations in respect of each of the relevant salaries remain in operation.

[15] This review does not preclude the ADF or the Commonwealth, in the future, filing an application in respect of any of the salaries or existing determinations for consideration by this Tribunal. Any application to do so should be made in the usual manner.

THE HON. A. HARRISON, PRESIDENT
THE HON. A. BEVIS, MEMBER
REAR ADMIRAL J. GOLDRICK AO CSC RAN RTD, MEMBER

Appearances:

Mr J. Phillips SC assisted by Ms Robertson for the ADF

Mr B. King assisted by Mr S Leung for the Commonwealth

ⁱ At no point has there ever been application made by the Minister under s.58H(6)b.

ⁱⁱ Listing Application – Biennial (sic) Review of Allowances and Salaries Determinations under Section 58H(6) of the *Defence Act 1903* dated 23 April 2015.

ⁱⁱⁱ Statement – Matter 3 of 2015 - Review of Allowances 2015 - dated 25 February 2016.

^{iv} ADF 1 – Annual Review of Salaries – 2 December 2015 page 7 paragraph 3.

^v CWLTH1 – Annual Review of Salaries – 16 November 2015 page 2 paragraph 8.

^{vi} Listing application – Post Graduate Legal Officer Trainee DMR/OUT/2015/19 dated 21 August 2015.

^{vii} ADF submission – Post Graduate Legal Officer Trainee Pay October 2015 page 4 paragraph 6.

^{viii} CWLTH submission – Postgraduate Legal Officer Trainee Pay dated 13 October 2015 page 1 paragraph 4.

^{ix} Matter 13 of 2015 – Postgraduate Legal Officer Trainees Pay.