

**Defence Force
Remuneration Tribunal
Annual Report**



Period: 1 July 2019 – 30 June 2020

President's overview

This year has been a tumultuous and challenging one for all Australians and, of course, for all members of the Australian Defence Force as well.

The intense impact on operational service and deployments caused by not only COVID 19 but the national bushfires, flood and drought has seen the ADF react immediately across all levels of society.

We echo the sentiments of so many appreciative communities and are reminded of the immense value the ADF brings to the wider Australian community. We publically commend them on their service.

The impact of the events of the year was consistently extreme, and often short notice, and cut across all areas of the ADF. Of note, Matter 8 of 2020 – *ADF Medics* required high priority attention so that medical support could continue to be provided to the ADF as well in Australian communities where it was most needed.¹

COVID-19 restrictions required us to conduct our hearings remotely and in teleconference. We are appreciative of the coordination required to make this work smoothly. Unfortunately the greatest impact on our work was the inability to conduct any visits or inspections to ADF units, ships or establishments in 2020.

We wish to pay particular thanks to the outgoing Tribunal Secretary, Mr Patrick Palmer, who retired in April 2020 after seven years managing the Secretariat. We welcome Mr Martyn Hagan as Tribunal Secretary.

We also take this opportunity to welcome Mr Patrick Hoang as the Commonwealth Advocate and are encouraged by the stability he has provided in this vital position.

The Australian Public Service Commission continues to provide our Secretariat support and we again thank them for their ongoing professional support and advice. As always, the assistance provided by our Advisor, Ms Katrina Blazey, is commendable.

Ingrid Asbury
President

¹ https://www.dfrt.gov.au/sites/default/files/decision_-_adf_medics_-_temporary_entry_placement.pdf

1. INTRODUCTION TO THE TRIBUNAL

The Defence Force Remuneration Tribunal was established in 1984 to determine the pay and allowances of members of the Australian Defence Force (ADF), considering the special nature of ADF service.

The Tribunal is an independent authority established under section 58G of the *Defence Act 1903* (the Act). The functions of the Tribunal, as set out in section 58H(2) of the Act, are to:

(a) inquire into and determine the salaries and relevant allowances to be paid to members; and

(b) inquire into and make determinations in respect of prescribed matters that have been referred to the Tribunal.

In addition, under section 58KD:

The Tribunal may, in making a determination, give effect to any agreement reached between the Minister, acting on behalf of the Commonwealth, and the Chief of the Defence Force, acting on behalf of the members of the Australian Defence Force, in relation to a matter to which the determination relates.

2. MEMBERSHIP OF THE TRIBUNAL

The Tribunal consists of three part-time members who are appointed by the Governor-General. In accordance with the relevant legislation, the President is a presidential member of the Fair Work Commission and members must include a person who is experienced in industrial relations matters and a person who has previously been a permanent member of the ADF.

Details on the current members of the Tribunal are available at: <http://www.dfrt.gov.au/about>

3. THE PERFORMANCE OF TRIBUNAL FUNCTIONS

The Act provides that the Tribunal may regulate the conduct of its proceedings and is not bound to act in a formal manner. The Tribunal may inform itself on any matter in such a manner as it thinks fit and is not bound by the rules of evidence.

4. THE OPERATIONS OF THE TRIBUNAL

In order to have the Tribunal consider matters, the ADF makes applications to have a specific matter heard. The ADF and Commonwealth present written submissions to the Tribunal and make recommendations on whether the matter should be heard formally, considered on papers or informed by conference. Some Tribunal decisions are informed by inspections.

On completion of hearings or conferences, the Tribunal adjourns to consider the evidence and the draft determination put to them by the parties. This results in a formal written decision providing reasons for the Tribunal's conclusions. Both the decision and the determination are published on the Tribunal's website.

Determinations are subsequently tabled in Parliament by the Minister Assisting the Prime Minister for the Public Service.

5. PARTIES AND THEIR ADVOCATES

The major parties appearing before the Tribunal are the ADF, represented by the Defence Force Advocate, and the Commonwealth. These parties are entitled to be present and to make submissions during any proceedings.

The office of Defence Force Advocate is held by Mr Jeffrey Philips SC. The Commonwealth is represented by employees of the Australian Public Service Commission (APSC); over the period of this report the advocate role for the Commonwealth was performed by Mr John Preuss, Mr James O'Reilly and Mr Patrick Hoang.

6. INTERVENERS

Under section 58K (10) of the Act, where the Tribunal thinks that a person or body should be heard in relation to a matter, the Tribunal may permit them to make a submission or to seek leave to appear before the Tribunal.

7. No parties applied to intervene during the year.

8. REVIEWS

The Tribunal has a statutory obligation under section 58H(6) of the Act to inquire into and make a further determination in respect of matters it has previously determined:

(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 effect – within that shorter period.

9. HEARINGS

Where the Tribunal determines that a formal hearing is required, it is usually held in Canberra and, unless security restrictions prevent it, conducted in public.

10. MATTERS CONSIDERED IN 2019–20

The complexity of matters means that they are often considered over a period of months and can involve a combination of hearings, inspections and conferences.

A list of all matters considered during the year and the resultant determinations are published on the website: <http://www.dfrt.gov.au/matters>

The major matters listed by the ADF for consideration in 2019-20 are detailed below:

Matter 1 of 2020 – Annual Review of Determinations (*under consideration*)

Matter 10 of 2020 – Navy: Communication and Information Systems (*listing application received*)

Matter 7 of 2020 – [Navy Shore Charge placement](#)

Matter 6 of 2020 – [Navy: Maritime Spiritual Wellbeing Officer](#)

Matter 4 of 2020 - [Navy: Retention Incentive Payment report backs 2020](#)

Matter 7 of 2019 - [Air Force: Command position](#)

Matter 1 of 2020 - [Annual Review of Determinations](#)

Matter 9 of 2019 - [Air Force: Security Employment Category Streams](#)

Matter 10 of 2019 - [Navy: Maritime Personnel Community](#)

Matter 6 of 2019 - [Air Force: Network Technician](#)

Matter 8 of 2019 - [Army: Construction engineer employment categories](#)

Matter 3 of 2019 - [ADF Joint Cyberspace Warfare employment categories](#)

Administrative matters

The following matters were administrative in nature or were concerned with name or structural changes. The Tribunal considered them on papers or in conference with the parties.

Matter 9 of 2020 - [Determination 2 of 2017 - Salaries - Technical Amendments Omnibus](#)

Matter 8 of 2020 - [ADF Medics - temporary entry placement](#)

Matter 5 of 2020 - [Royal Australian Corps of Signals - Modernisation](#)

Matter 2 of 2020 - [Navy: Electronic Warfare Employment category](#)

Matter 6 of 2018 - [ADF Rotary Wing Aviation Officers](#)

Matter 12 of 2018 - [Navy: Submariner employment categories for Warrant Officers](#)

Matter 14 of 2018 - [Navy: Gap Year Officers](#)

Matter 4 of 2019 - [Transition arrangements for O9/O10 officers](#)

Matter 5 of 2019 - [Technical amendments to DFRT Consolidated determinations](#)

Matter 3 of 2020 – Submarine Capability Assurance Payment (SMCAP) report back - *no papers issued*

11. INSPECTIONS

Inspections may be initiated by the Tribunal or the parties when it is considered that a practical review of work performed by ADF members will be critical to the Tribunal's understanding of a particular matter. Inspections are most beneficial in assisting the Tribunal to reach decisions because they allow Tribunal members to witness firsthand, albeit in a limited way, the working and living conditions of ADF members across a range of employment categories and localities. The ADF and Commonwealth parties, as well as the Secretariat Advisor, normally accompany the Tribunal on inspections.

Two inspections was conducted during the year in regard to [Matter 6, 8 and 9 of 2019 - RAAF Base Amberley - 23 September 2019](#) and [Matter 3 of 2019 - ADF Joint Cyber Unit Canberra - 11 July 2019](#)

12. VISITS

The Tribunal undertakes visits to ADF units, establishments and vessels without specific reference to particular matters. These visits include open forums with ADF members of all ranks. The meetings are informal and often include a short explanation of the role and function of the Tribunal, followed by a discussion period during which personnel have the opportunity to raise issues or ask questions.

No visits were conducted during the year.

13. TRIBUNAL ADMINISTRATION

Secretariat support

The Tribunal is supported by a secretariat staffed by employees of the Australian Public Service Commission (APSC) which operates from premises in the Treasury Building, Parkes ACT. The Tribunal sits at premises at 12 Moore Street, Canberra, ACT when conferences and hearings are held.

Financial matters

The Tribunal's financial requirements are met through the APSC; there are no separate accounts applicable to the Tribunal.

Website

The Tribunal's website (www.dfirt.gov.au) is hosted by the APSC. The website provides detailed information on the Tribunal's current activities, work program and hearing schedule. It also provides historical information on the Tribunal's operations and decisions.

Freedom of information

The Tribunal is considered to be a separate agency for the purposes of freedom of information. Agencies subject to the *Freedom of Information Act 1982* (FOI Act) are required to publish information to the public as part of the Information Publication Scheme. The Tribunal publishes this information on the website.