



Defence Force Remuneration Tribunal

STATEMENT

Defence Act 1903

s.58H—Functions and powers of Tribunal

ANNUAL REVIEW OF DETERMINATIONS: SALARIES AND ALLOWANCES – 2020

(Matter 1 of 2020)

MS I. ASBURY, PRESIDENT

MR A. MORRIS, MEMBER

CANBERRA, 27 JANUARY 2021

[1] Subsection 58H(6) of the Defence Act 1903 (the Act) prescribes that: “*where a determination of the Tribunal in respect to 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 two years of the first-mentioned determination taking effect; or*
- b. If the Minister, by notice in writing given to the President, requires 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.”*

[2] Pursuant to this obligation, the Australian Defence Force (ADF) submitted all determinations made by the Tribunal during 2018 for review.¹ An opening hearing in this matter was held on 18 February 2020 with Mr J Phillips appearing for the ADF and Mr P Hoang for the Commonwealth. The matter was finalised in conference on 5 November 2020.

Background

[3] The task of this legislated review is described by the parties and the Tribunal as an “*Annual Review*” although we note that s.58H(6) of the Act refers to the obligation to “*inquire into*” determinations. We continue to adopt the description.

[4] Each Annual Review process incorporates analysis of each determination by providing:

- a. a background to the target employment category;
- b. the intended purpose;
- c. an evaluation of the implementation and effectiveness to date; and
- d. recommendations for further consideration where applicable.

[5] The Annual Review process does not preclude the ADF from filing an application in respect of any of the determinations for consideration by the Tribunal in the future.

[6] We intentionally do not consider the determinations made in respect to each ADF Workplace Remuneration Arrangement (WRA) within this Review as they are reviewed annually when each increment is determined.

Submissions

[7] When undertaking this Review the ADF states that it gathered feedback from the following areas of Defence to “*get a complete picture of the success (or otherwise) of the implementation and effectiveness of the determination*”:

- a. the relevant leadership of the affected workforce;
- b. each of the Services’ industrial policy units;
- c. each of the Services’ career management agencies; and
- d. any other relevant business unit affected by the issue.²

[8] The ADF submission provided a review of the 13 determinations made in 2018 as detailed below:

Determination Number	Matter Number	Effect	Outcome
1 of 2018	13 of 2017	Provided guidance for payment ³	No further action required
2 of 2018	17 of 2017	Replaced nomenclature ⁴	No further action required
3 of 2018	5 of 2016	Introduced the Officer Aviation Pay Structure (OAPS) ⁵	Report Back received in December 2020
4 of 2018	14 of 2017	Amended eligibility criteria ⁶	Review delayed to early 2021 to align analysis with revised posting cycles
5 of 2018	10 of 2017	Provided clarity on enduring pay placement for Air Force Command ⁷	No further action required
6 of 2018	2 of 2018	Provided clarity in regard to in-Service promotion to officer ⁸	No further action required
7 of 2018	4 of 2018	Replaced nomenclature ⁹	No further action required
8 of 2018	10 and 11 of 2018	Restructured one category and provided alignment to another ¹⁰	To be incorporated into 2021 Review noting January 2019 implementation
9 of 2018	WRA	no further action required	
10 of 2018	3 of 2018	Restructured Army Band categories ¹¹	To be incorporated into 2021 Review noting March 2019 implementation
11 of 2018	5 of 2018	Established Air Force Personnel Psychologist category ¹²	To be incorporated into 2021 Review noting November 2018 implementation
12 of 2018	12 of 2018	Established placement for Warrant Officer medical submariners ¹³	No further action required
13 of 2108	13 of 2018	Creates new category of Navy Aerospace Engineer ¹⁴	To be incorporated into 2021 Review noting January 2019 implementation.

[9] The Commonwealth supported the ADF submission and the analysis and reporting of the determinations.¹⁵

Consideration

[10] We considered the analysis of each determination and agree that of the 13 determinations made in 2018 eight require no further consideration and are considered to be complete. The remaining five will be reviewed during the Annual Review process in 2021 noting the impact of their implementation date and the limited period provided to warrant useful assessment.

[11] We accept the evaluative approach taken by the ADF and agree this was completed to meet the legislative requirements of the Act and with the intention of recommending any need for further determinations.

Conclusion

[12] Having inquired into each of the determinations made in 2018, and having regard to the submissions and published decisions, we do not intend to issue any further determinations in respect to the salaries and allowances determined in 2018.

[13] The consideration of these 13 determinations, and this Statement, constitute review as required by the Act.

MS I. ASBURY, PRESIDENT
MR A. MORRIS, MEMBER

Appearances:

Mr J Phillips SC assisted by Mr P Blady *for the ADF*

Mr P Hoang assisted by Mr N Calleja *for the Commonwealth*

¹ ADF submission – 2020 Annual Review of Salary and Allowances determinations undated

² ADF Submission page 8 paragraph 3.1.2.

³ <https://www.dfrt.gov.au/sites/default/files/Decision-FSD.pdf>

⁴ No decision issued in this matter

⁵ <https://www.dfrt.gov.au/sites/default/files/Decision-OAPS.pdf>

⁶ <https://www.dfrt.gov.au/sites/default/files/Statement-1RTB.pdf>

⁷ No decision issued in this matter

⁸ No decision issued in this matter

⁹ https://www.dfrt.gov.au/sites/default/files/decision_-_af_command_0.pdf

¹⁰ https://www.dfrt.gov.au/sites/default/files/decision_-_navy_ewsm.pdf

and https://www.dfrt.gov.au/sites/default/files/decision_-_navy_pti.pdf

¹¹ https://www.dfrt.gov.au/sites/default/files/decision_-_aabc_0.pdf

¹² https://www.dfrt.gov.au/sites/default/files/decision_-_air_force_personnel_psychologist.pdf

¹³ https://www.dfrt.gov.au/sites/default/files/decision_submariner_warrant_officers.pdf

¹⁴ https://www.dfrt.gov.au/sites/default/files/decision_aerospace_engineer_officers.pdf

¹⁵ Commonwealth submission Annual Review of Determinations 2020 dated 7 February 2020.