



Australian Government
Defence Force Remuneration Tribunal

DECISION

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

ROYAL AUSTRALIAN CORPS OF MILITARY POLICE
(Matter 8 of 2016)

MS I ASBURY, PRESIDENT

MR A. MORRIS, MEMBER

CANBERRA, 17 OCTOBER 2016

RADM J. GOLDRICK AO CSC RAN RTD, MEMBER

[1] This decision concerns an application¹ made by the Australian Defence Force (ADF) under s.58H of the *Defence Act 1903* to amalgamate the existing ‘Military Police’ and ‘ADF Investigator’ employment categories into a single ‘Military Police’ category.

[2] At a hearing in this matter on 14 September 2016 Mr J. Phillips SC appeared for the ADF and Ms J. Menaglio for the Commonwealth.

Background

[3] In addition to civil and criminal law, members of the ADF are required to adhere to the *Defence Force Discipline Act 1982* and related laws. These laws necessitate military policing across all three Services of the ADF. For Army, the Royal Australian Corps of Military Police provides the military policing and investigative capability.

Submissions

[4] Within the proposed amalgamated Military Police category the ADF intends to create several specialist streams, re-name streams and skill grades, and close, or establish new skill grades.

[5] In addition to amalgamating the existing Military Police and ADF Investigator categories into a single Military Police category, the ADF specifically proposes toⁱⁱ

- a. create the following specialist streams:
 - i. Military Police Law Enforcement;
 - ii. rename the current Military Police category to Military Police General Duties stream;
 - iii. rename the Military Police Specialist category to Military Police Specialist – Dog Handler and Military Police Specialist - Close Personal Protection Operator respectively;
 - iv. merge the ADF Investigator category into the Military Police employment category to become the Military Police ADF Investigator stream; and
 - v. rename the ADF Investigator Grade 2 role to Military Police ADF Investigator Specialist.
- b. amend Army Reserve *ab initio* recruitment for Military Police by:
 - i. closing the Military Police Grade 1 and Grade 2 skill grades (Reserve only);
 - ii. establishing the Reserve Military Police Law Enforcement stream for entrants with civilian policing qualifications;
 - iii. amending the Reserve General Duties *ab initio* recruitment system for Reserve members with no civilian policing qualifications to be trained as Military Police General Duties; and
 - iv. opening the Military Police ADF Investigator stream to Reserve personnel with the appropriate civilian police qualifications.
- c. retain the existing skill grade and pay placement with the following amendments:
 - i. remove Military Police Grade 1 and 2 at pay grade 1 and 2;
 - ii. add five Military Police skill grades;
 - iii. add Military Police ADF Investigator Tier B; and
 - iv. remove all Tier C skill grades for this category.ⁱⁱⁱ

[6] Army propose non-reduction provisions for 24 months for the members affected by the closure of the Military Police General Duties Reserve skill grades.

[7] The ADF seek a commencement date of 17 November 2016.

[8] The Commonwealth supports the proposed amalgamation and the establishment of the resultant streams, and notes the ADF intent to make 24 month non-reduction provisions.^{iv}

Evidence

[9] Evidence was provided in affidavit and in hearing from Major J. Urquhart, Staff Officer Grade 2, Trade and Training, 1st Military Police Battalion. He stated that Army are *“seeking to modernise the Corps of Military Police in line with a Force Modernisation Review that was undertaken in 2013 which seeks to learn or implement the lessons learned over the past 15 years by operations.”*^v

[10] Additionally Major Urquhart gave written evidence that *“Army has approved capability changes to Military Police which will enable the recruitment and recognition of the qualifications and skills of current civilian police.”*^{vi}

Consideration

[11] We accept that this proposal seeks to combine the existing two Military Police and ADF Investigator categories into a single Military Police category which largely retains the existing structure and pay grade placements.

[12] We note that the Military Police category is staffed by Permanent and Reserve personnel, whereas the ADF Investigator category is only open to Permanent members and selected Reserve members who are ex-Permanent Army members.

[13] We considered the witness evidence that *“as part of the Army’s review of its Military Police capability, the employment category of Military Police General Duties has been redeveloped to remove the two Reserve only skill grades”* and that *“the utilisation of these current Reserve skill grades is considered by Army to be no longer valid.”*^{vii}

[14] We also accept the evidence that *“this approach is designed to ensure employment and capability requirements are standardised to the contemporary operating environment and conform to legislative requirements of the evolved Military Police capability for both the Permanent and Reserve Military Police General Duties asset.”*^{viii}

[15] We considered the requirement to make non-reduction provision for members potentially affected by the closure of the Military Police Duties Reserve skill grades. We gave consideration to the proposed 24 month period and accept that, in accordance with the Act, s.58B provisions are appropriate during this period.

Conclusion

[16] We agree to the amalgamation of the two categories of Military Police and ADF Investigator into one Military Police category with a number of specialist streams.

[17] We agree to the amendment of Army Reserve *ab initio* recruitment provisions for entry to Reserve personnel with appropriate civilian police qualifications.

[18] We agree to retain the existing skill and pay grade structure with amendments as submitted.

[19] We agree that a 24 month non-reduction period is a sufficient time period to allow members to conduct gap training to bring them to the required standard for Military Police General Duties Grade 1.

[20] Determination 7 of 2016 will give effect to this decision from the proposed commencement date of 17 November 2016.

MS I. ASBURY, PRESIDENT

MR A. MORRIS, MEMBER

RADM J. GOLDRICK AO CSC RAN RTD, MEMBER

Appearances:

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

Ms J. Menaglio assisted by Mr S. Leung for the Commonwealth

Witness:

Major J. Urquhart, Staff Officer 2, Trade and Training, Simpson Barracks Victoria.

ⁱ Listing application – Royal Australian Corps of Military Police - ECN315 dated August 2016.

ⁱⁱ ADF1 – Royal Australian Corps of Military Police – Military Police Employment Category ECN 315 - Matter 8 of 2016 dated 14 September 2016.

ⁱⁱⁱ ADF 1 pages 11 and 12 paragraph 1.

^{iv} Commonwealth 1 – Matter 8 of 2016 – Royal Australian Corps of Military Police dated 07 September 2016.

^v Transcript 14 September 2016 page 2 lines 27-31.

^{vi} ADF 2 Affidavit page 3 paragraph 14.

^{vii} ADF2 page 2 paragraph 10.

^{viii} ADF2 page 3 paragraph 13.