

AUSTRALIAN GOVERNMENT

**Defence Force
Remuneration Tribunal
Annual Report**



Period: 1 July 2016 – 30 June 2017

President's overview

This is my first report as President, on the activities of the Defence Force Remuneration Tribunal. I wish to acknowledge and thank the former President the Honourable Anne Harrison who served the Tribunal with distinction, dedication and enthusiasm for over four years. Her commitment to understanding the complexities of the unique and specialised work undertaken by ADF members was evident in the depth of consideration she gave all matters before the Tribunal. These are sentiments I share and look forward to continuing.

I also wish to acknowledge my fellow Tribunal members, Rear Admiral James Goldrick AO CSC RAN Rtd and Mr Adrian Morris, who have welcomed me to the Tribunal. I first acknowledge Rear Admiral Goldrick's guidance and counsel which has been of great assistance as I navigate my way through this new and exciting role. I have also appreciated the support and assistance of Mr Adrian Morris who brings a wealth of legal experience to the Tribunal. My orientation to the role has also been greatly assisted by meetings with the Chief of the Defence Force and briefings from a number of other senior Defence officials.

Most importantly, since my appointment in April 2016, along with the other members of the Tribunal I have had the privilege of meeting ADF personnel in their work places and gaining some insight into the unique and specialised activities they routinely undertake.

Although some of those activities are prior to the period covered by this Report, they were memorable and valuable experiences and I wish to acknowledge them. From sharing a meal with Army recruits in the field at Kapooka; hearing of the significant contributions made to our national security and local indigenous communities by Army personnel serving with Norforce; viewing the work of personnel in Darwin at HMAS *Coonawarra* and onboard HMAS *Pirie* with Naval personnel who are securing our coast line by sea; seeing the significant role that our Air Force personnel play at an international level while viewing Exercise PITCH BLACK; meeting members of the ships' company of HMAS *Albatross* and members of the Fleet Air Arm Squadrons; gaining an understanding of the history of Naval aviation at the Fleet Air Arm Museum; and a day at sea in HMAS *Parramatta*, where we particularly gained first-hand appreciation of the skills and expertise of Navy aircrew and ships' flight deck personnel who lowered members of the Tribunal from a helicopter onto the deck of *Parramatta* and secured our landing.

I look forward to the opportunity to continue to meet and engage with ADF personnel - the calibre and professionalism of those I have had the pleasure to meet and the pride with which they carry out their roles has been commendable and inspirational.

We have also taken the opportunity within our first year to engage with Defence support agencies such as the Defence Force Welfare Association, the Returned Services League of Australia and Defence Families Australia, and we will continue to welcome their input and advice on all matters before us.

The ADF and Commonwealth advocate roles, undertaken this year by Mr Jeffrey Phillips SC and Ms Julie Menaglio respectively, have continued to make considered and well-developed arguments to us and their detailed approach to all matters is valued.

The Australian Public Service Commission continues to provide Secretariat staff to the Tribunal and I thank them for their ongoing professional support and advice. In particular the assistance provided by our Advisor, Ms Katrina Blazey, has been invaluable.

Ingrid Asbury
President

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: <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 Ms Julie Menaglio.

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.

The Defence Force Welfare Association sought leave to intervene in Matter 6 of 2017 – Workplace Remuneration Arrangement which is under consideration at the time of writing.

7. 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.

8. 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.

9. MATTERS CONSIDERED IN 2016–17

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 resultant determinations are published on the website: <http://www.dfvt.gov.au/matters>

The matters considered in 2016-17 are listed below:

Matters 1 and 2 of 2016 – Annual Review of Determinations – Allowances and Salaries (under consideration)

Matter 5 of 2016 – Officer Aviation Pay Structure (under consideration)

Matter 9 of 2016 – [Language Proficiency Allowance](#)

Matter 10 of 2016 – [Navy: Maritime Logistics Support Operations](#)

Matter 5 of 2017 – [DFRT Determinations - Amendment](#)

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 3 of 2016 – [Royal Australian Artillery - Unmanned Aerial System and Manager Surveillance and Target Acquisition](#)

Matter 4 of 2016 – [Royal Australian Artillery- Offensive Support employment categories](#)

Matter 6 of 2016 – [Royal Australian Artillery - Operator Air and Missile Defence Systems](#)

Matter 7 of 2016 – [Army: Command Support Clerk](#)

Matter 8 of 2016 – [Army: Royal Australian Corps of Military Police](#)

Matter 12 of 2016 – [UN Secondment Amendment](#)

Matter 2 of 2017 – [Trainee Salary and Allowance Review](#)

Matter 3 of 2017 – [Army: Geospatial Technician Warrant Officer Class One](#)

Matter 4 of 2017 – [Flying Disability Allowance - Amendment](#)

Matter 11 of 2016 – [Navy: Combat System Air Interceptor](#)

10. 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.

One inspection was conducted during the year: [HMAS Parramatta - 30 November 2016](#)

11. 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.

Two visits were conducted during the year:

[Exercise PITCH BLACK - 8-11 August 2016](#)

[HMAS Albatross - 1 December 2016](#)

12. 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 Aviation House, Woden, 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.dfrt.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.