



**Australian Government**  
**Defence Force Remuneration Tribunal**

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## STATEMENT

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

**ROYAL AUSTRALIAN ARTILLERY – OPERATOR AIR AND  
MISSILE DEFENCE SYSTEMS**  
(Matter 6 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 application<sup>1</sup> made by the Australian Defence Force (ADF) under s.58H of the *Defence Act 1903* (the Act) to make amendment to the Royal Australian Artillery Operator Air and Missile Defence System employment 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] Army has traditionally provided a ground based air defence workforce through the Operator Ground Based Air Defence (OPGBAD) category. In response to recent operations Army have been required to expand the skills of identification and warning of incoming artillery, rockets and mortar fire to the OPGBAD category in addition to the primary role of air defence.

[4] As a result, Army have now decided to maintain that ability within the category on a permanent basis. In order to do this, they propose the category be restructured to have two streams; the traditional Ground Based Air Defence stream, and a new stream of ‘Sense, Warn and Locate’.

## Submissions

- [5] The ADF submission specifically proposes to: <sup>ii</sup>
- a. rename the ‘Operator Ground Based Air Defence’ employment category to ‘Operator Air and Missile Defence Systems’;
  - b. introduce a new ‘Sense, Warn and Locate’ stream within the new category;
  - c. maintain a ‘Ground Based Air Defence’ stream within the new category;
  - d. utilise the current pay grade and structure for both streams; and
  - e. rename the supervisor role from ‘Supervisor and Manager Ground Based Air Defence’ skill grade to ‘Supervisor and Manager Air and Missile Defence Systems’ to reflect the changes to the category. <sup>iii</sup>

[6] Additionally, the proposal seeks to move the pay grade trigger for Sergeants to promotion to Warrant Officer, rather than on completion of management qualification <sup>iv</sup> as is presently the case. This will impact the pay placement of some members and the ADF propose to address this impact by making non-reduction provision under s.58B of the Act. <sup>v</sup>

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

[8] The Commonwealth supports the intent of the ADF proposal. <sup>vi</sup>

## Consideration

[9] We considered the ADF submission that the OPGBAD role previously focussed on missile defence capability whereas the Sense Warn and Locate role requires a different skillset. We accept that the ‘Sense, Warn and Locate’ role has been provided in addition to the primary task of ground based air defence.

[10] We considered the requirement to make non-reduction provisions for the members potentially affected by the movement of the paygrade trigger. We considered the proposed 48 month non-reduction period and accept that, in accordance with the Act, s.58B provisions are suitable for this.

## Conclusion

[11] We accept that the category, through evolution and changing capabilities, is now required to provide both a ‘Sense, Warn and Locate’ and a ‘Ground Based Air Defence’ capability on a permanent basis.

[12] We agree with the proposed name changes and accept that the additional employment stream will more accurately reflect the training requirements, skill-set and capability required within the Operator Air and Missile Defence Systems category.

[13] We agree that a 48 month non-reduction period provides a sufficient time period to allow members currently employed as Sergeants to complete a full posting, be promoted, or be managed accordingly.

[14] Determination 7 of 2016 will give effect to this decision from the proposed date of commencement 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*

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<sup>i</sup> Listing application – Royal Australian Artillery – ECN 237 – Operator Air and Missile Defence Systems dated 5 August 2016.

<sup>ii</sup> ADF1 – Royal Australian Artillery Operator Air and Missile Defence Systems - Matter 6 of 2016 dated 14 September 2016.

<sup>iii</sup> ADF1 page 6 paragraph 6.

<sup>iv</sup> known as Subject Four course

<sup>v</sup> ADF1 page 6 paragraph 5

<sup>vi</sup> Commonwealth 1 – Royal Australian Artillery ECN 237 Operator Air and Missile Defence Systems dated 31 August 2016.