



Australian Government

Defence Force Remuneration Tribunal

DECISION

Defence Act 1903

s.58H(2)(a)—Determination of the salaries and relevant allowances to be paid to members

SPECIAL FORCES SALARIES: SPECIAL FORCES SUPPORT STAFF AND COMMANDO.

(Matter 5 of 2014)

THE HON. A. HARRISON, PRESIDENT

THE HON. A. BEVIS, MEMBER

CANBERRA, 17 DECEMBER 2014

BRIGADIER W. ROLFE, AO (Ret'd), MEMBER

[1] This decision concerns an application made by the Australian Defence Force (ADF) to revise salary arrangements for Special Forces Support Staff (SFSS) and Commando personnel. The ADF seeks to simplify the existing structures and address changes in work value.

[2] At the hearing of this matter Mr R. Kenzie AM QC appeared for the ADF and Mr J. O'Reilly appeared for the Commonwealth. Colonel (COL) F. Froggatt was called as a witness for the ADF.

Background

[3] SFSS are soldiers and officers posted to Special Operations Command (SOCOMD) who are not required to pass Special Forces (SF) selection; they make up 55% of SF manningⁱ. The current support staff structure involves 41 categories all with specialist skills designed to support SF capability. This submission covers eight of those categories and proposes that a further two categories should receive a plus one pay grade (+1PG).

[4] A Commando is an SF member selected, trained and equipped for the conduct of SF operations; a close combatant whose responsibilities extend across a broad operational spectrum. Commando operations are typically offensive and expeditionary and specialise in precise targetingⁱⁱ.

Submissions

[5] The ADF seeks to introduce an amended remuneration structure for SFSS and Commando as a result of the SF modernisation review. It is submitted that the proposed structure has been designed to simplify remuneration arrangements and recognise unique SF capabilities.

Special Forces Support Staff (SFSS)

[6] The existing pay placement framework for SFSS provides for plus pay grade (+PG) placement for identified employment categories once members are posted to specific SF units and meet specified qualifications.

[7] The ADF submit that SFSS members are characterised as:

- (a) 'general' - receive specified SF training however provide a far wider range of skills and expertise than that of similar categories in the broader Army; they are in receipt of Tier 1 Special Force Disability Allowance (SFDA);
- (b) 'integrated' - insert and conduct tasks that necessitate integration with a SF element in a tactical environment; they are in receipt of Tier 2 SFDA; or
- (c) 'specialist' – provide niche skills and capabilities; they are generally in receipt of Tier 3 SFDAⁱⁱⁱ.

[8] The submission seeks to create three pay groupings - J, K and L - to reflect SFSS capability levels. The submission also proposes to apply the +PG advancement principle established within the Graded Other Ranks Pay Structure (GORPS) for identified^{iv} personnel who deliver capability above that of broader ADF members.

[9] The ADF seeks to simplify the SFSS remuneration structure and recognise capabilities as follows:

- (a) to reclassify the current ADF internal categories for support staff (presently S1-S7) (proposed general, integrated or specialist) as categories:
 - i. J – defined as: temporary +1 PG up to a maximum of PG7;
 - ii. K - defined as: temporary +2 PG up to a maximum of PG8; and
 - iii. L – defined as: temporary +3 PG up to a maximum of PG9.
- (b) to reclassify the following existing groups without PG change:
 - i. Special Operations Engineer Regiment (SOER) S1 into category J;

- ii. SF signals category S3 into category J; and
- iii. SOER S2 into category K.

(c) to introduce the following groups into the new SFSS structure:

- i. specified boat crew and medics into category J;
- ii. specified signals functions into category K;
- iii. various Level 1 into category K; and
- iv. various Level 2 into category L.

(d) to transition Special Air Service (SAS) Category B and Commando Category B into either the above SFSS structure, qualified SAS trooper or Commando positions; and

(e) a five year non-reduction provision (NRP) in order to complete identified training gap for the members mentioned above in sub-paragraph(d).

[10] The current, and proposed, SFSS categorisation and placement is shown in the table below:

Current Liability in SF context	Current Descriptor	Current PG	Future Descriptor	Future PG	Remuneration Change
SOER Level 1	S1	+1	J	+1	Nil
SOER Level 2	S2	+2	K	+2	Nil
SF SIG	S3	+1	J	+1	Nil
Medic and boat crew	Placement as per wider Army		J	+1	integrated
Signallers	S3	+1	K	+2	integrated
Various	As per wider Army		K	+2	Level 1
Various	As per wider Army		L	+3	Level 2
Cat B CDO Grade 2	S4	PG7	J or K	+1 or +2	These members will be re-categorised into the above structure as applicable and have NRP for 5 years
Cat B CDO Grade 4	S5	PG8			
Cat B SAS Grade 1	S6	PG8			
Cat B SAS Grade 2	S7	PG9			

[11] The Commonwealth support the ADF proposal in relation to SFSS with the exception of the proposed arrangements for retaining plus grades while posted out of SOCOMD. The Commonwealth submit that members should not receive additional recognition or ‘incentive’ to return to SOCOMD as this may or may not be realised.

[12] The Commonwealth submit that should the +PG be retained when a member is posted out of SOCOMD it be restricted to one PG for a maximum of three years^v because the transferability of work value outside of SOCOMD will be limited^{vi}. They submit this limitation includes factors such as:

- (a) many of the technical trades in SOCOMD utilise equipment not used in broader Army;
- (b) members may carry greater responsibility in SOCOMD exceeding expectations outside of SOCOMD;
- (c) SF specialist insertion and fighting skills which are of limited relevance in applying their trade in broader Army; and
- (d) the classified nature of SF operations gives limited ability for members to share information in non-SOCOMD postings.

Commando

[13] The ADF seeks the following changes to the Commando employment category:

- (a) Simplification of the skill grade structure from seven skill grades to four;
- (b) removal of the discounted PG placement for SF direct recruiting scheme members, increasing the minimum standard for basic Commando categorisation; and
- (c) recognition of increased work value for the following senior positions:
 - i. Sergeant and Warrant Officer (WO) 2 – increase from PG8 to PG9;
 - ii. WO1 increase from PG8A to PG9A;

[14] The ADF submit this will consolidate the current seven Commando categories into four skill grades as per the table below. The first skill grade is proposed to allow for personnel to be trained and ready for deployment; the second to recognise standards achieved during advanced training; the third to support supervisory requirements; and the fourth in support of additional managerial requirements (split to allow for tiered levels of Warrant Officers).

	Current Structure		Proposed Structure	
	Category Name	PG	Category Name	PG
1	Commando Grade 1 SF Direct Recruiting Scheme	6	Commando Grade 1	7

Current Structure			Proposed Structure	
	Category Name	PG	Category Name	PG
2	Commando Grade 2	7		
3	Commando Grade 3	7	Commando Grade 2	7
4	Commando Grade 4	8	Commando Grade 3	8
5	Section Commander Commando	8		
6	Supervisor Commando Platoon operations	8	Commando Grade 4	9
7	Supervisor Commando Operations	8		
	Commando Grade 7A	8A	Commando Grade 4 A	9A
	Commando RSM	8A–8C	Commando Regimental Sergeant Major	9A–9C

[15] Commando and SAS Category B personnel will be renamed as Category J or K in accordance with the capabilities they provide.

[16] The Commonwealth supports the proposal at paragraph [13](a) and considers this allocation for SF direct recruits is consistent with other trainees entering employment.

Personnel Capability Management Board (PCMB)^{vii}

[17] The PCMB (presently chaired by COL Froggatt) assesses the ongoing liability of each SFSS member posted out of SOCOMD every three years so as to assess their suitability to retain their +PG placements.

[18] The Commonwealth supports this process with the proviso we have referred to in paragraph [12] of this decision.

Evidence

[19] A statement by COL Froggatt was tendered by the ADF and she also gave oral evidence. She addressed the current management practices applied in determining eligibility and liability of members within the +PG placement structure. She gave extensive evidence on the operation and management of the PCMB^{viii}.

[20] Evidence in regard to some aspects of this matter was taken under separate classified arrangements and will not be reproduced in this written decision.

Consideration

[21] We considered the evidence that work value justifications are based on recognising the requirements of SFSS to fully integrate with SF elements in order to meet training and operational commitments. We gave consideration to the fact that the tiered approach to work value will largely depend on whether the SFSS member is employed in ‘general’, ‘integrated’ or ‘specialist’ support. We note that some “*general support members are...not necessarily*

integrated with tactical force elements but provide essential direct support to SOCOMD capability^{xix}.

[22] We accept that plus pay grades allow for adequate recognition of skills or qualifications that are of temporary value – either because they are for a limited duration or likely to degrade over time and/or are not required to be maintained. COL Froggatt expanded on the pay grade placement process and how *“the career management agencies align [proficiencies] with the employment category specifications that indicate...what proficiencies trigger that additional pay grade*^x”. She addressed the justification of the application of the plus pay grade to SFSS noting that SFSS members retain their parent category and remain an asset of their parent trade with a likelihood they will return to that category.

[23] We were much assisted by the evidence of COL Froggatt with regard to the *“broad charter*^{xi}” of the PCMB and the procedure adopted by it. We note that it is *“in the third year out of the command is when [members enter] into the PCMB process*^{xii}” and this will occur as a matter of routine. We accept the submission that SFSS members retain knowledge and experience of enhanced value when posted from SOCOMD and that there is a likelihood they may be recalled during that time.

[24] We noted further evidence that *“the three-year period is the outset of skill degradation...once the three year mark hits then technology has changed, qualifications have changed and that’s where they’re assessed as no longer being current*^{xiii}. We gave consideration to evidence, as requested by the Commonwealth^{xiv}, on situations where members have been required to return to SOCOMD at short notice or who return to SOCOMD after non-SOCOMD postings. COL Froggatt expanded on circumstances where members were required to return to SOCOMD for a deployment and that is *“reasonably common*^{xv}” for this to occur.

[25] We note that members we have referred to at paragraph [9](d) will be assessed and afforded the opportunity to be reclassified as SFSS category J or K or, subject to suitability and qualifications, may transfer to qualified SAS trooper or Commando employment categories.

[26] We consider that the proposed five year NRP allows a member time to complete all courses without detriment having been informed by evidence which included confirmation that *“five years is considered the required and appropriate time to allow all of that group to be reskilled or upskilled as required*^{xvi}”.

Conclusion

[27] We are persuaded that the proposed restructure of SFSS remuneration ensures that members are appropriately compensated for the skills and qualifications required to fulfil the tasks of the positions.

[28] We accept the evidence and submission that SFSS members will retain enhanced knowledge and experience when they return to the broader Army. Nonetheless, it is likely those skills will degrade over time and consider three years to be an appropriate time frame for those skills to remain relevant. We note the role of the PCMB in the task of assessing members and are satisfied that the *“PCMB process is robust, open and auditable, and has*

recommended removal of additional pay group placement for more than 150 members in 2012 and 2013^{xvii}.

[29] We have decided that all of the changes sought to the Commando structure should be made.

[30] We ask that the ADF monitor the five year NRP transition and return to us well before that time if full transition is not likely to be achieved.

[31] Determination 11 of 2014 gives effect to our decision.

THE HON. A. HARRISON, PRESIDENT
THE HON. A. BEVIS, MEMBER
BRIGADIER W. ROLFE, AO (Ret'd), MEMBER

Appearances:

Mr R Kenzie AM QC assisted by Ms S Robertson for the ADF

Mr J O'Reilly with Mr A McKechnie for the Commonwealth

Witness:

Colonel F. Froggatt, Director Special Operations Support. Chair, Personnel Management Capability Board.

ⁱ ADF 1 page 9 paragraph 17.

ⁱⁱ Annex C to Chapter 2 of ADF 1 paragraph 1.

ⁱⁱⁱ ADF 1 pages 9 and 10, paragraph 18.

^{iv} ADF 1 page 7 and 8 paragraphs 11 and 12.

^v CWLTH 1 page 4 paragraph 17.

^{vi} CWLTH 1 page 3 paragraph 16.

^{vii} SOCAUST Directive 33/2011 of 28 September 2011.

^{viii} Transcript pages 21-23.

^{ix} ADF 1 page 14 paragraph 27.

^x Transcript page 23 and 24

^{xi} Transcript page 21 line 32.

^{xii} Transcript page 23 line 14.

^{xiii} Transcript page 33 lines 1 – 8.

^{xiv} CWLTH 1 page 4 paragraph 19.

^{xv} Transcript page 33 line 20.

^{xvi} Transcript page 25 line 4.

^{xvii} ADF 1 page 19 paragraph 42