



Defence Force Remuneration Tribunal

DECISION

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

ROYAL AUSTRALIAN ENGINEERS: COMBAT RESCUE EMPLOYMENT CATEGORY (Matter 10 of 2021)

MS I. ASBURY, PRESIDENT

MR A. MORRIS, MEMBER

MAJGEN G. FOGARTY AO RETD, MEMBER

CANBERRA, 16 NOVEMBER 2021

[1] This decision arises from a listing application for a determination to be made under Section 58H of the *Defence Act 1903*. The listing application¹ seeks to change the name of an Army employment category from ‘Emergency Response’ to ‘Combat Rescue’ and, at the same time, reassess pay grade placements within that category.

[2] We considered this matter in a hearing on 28 October 2021, where Mr J. Phillips SC appeared for the ADF and Mr H. Miller for the Commonwealth.

Background

[3] The Army Emergency Response employment category provides emergency response and support for Defence establishments, training, operations and activities. It has evolved from a primarily fire-fighting trade, to become a specialist capability providing the Army, and the wider ADF, with the ability to conduct hazard mitigation at incident sites, and rescue injured ADF personnel trapped in infrastructure, armoured fighting vehicles and airframes, or isolated by terrain.

Submissions

ADF

[4] The ADF submission seeks to:

- a. revise the naming conventions of the employment category and some of its skill grades; and
- b. increase the pay grade placement for specific skill grades.²

[5] The ADF references an Army Emergency Response Employment Category Review, finalised in July 2020, which identified a number of significant changes to the role, including a requirement to have “*an increased combat support requirement to Australian Army aviation assets in both domestic and deployed operations from fixed airbases, forward operating bases and amphibious vessels*”. Members are also required to have understanding of “*motorised, mechanised, armoured, amphibious and rotary wing combat team/battle group capabilities*”.³

[6] The ADF submits there is now also a requirement for Combat Rescue teams to integrate in a Combined Arms team and conduct operations within a threat environment including “*a requirement to be proficient in close combatant operations, provide lethal force for self-protection and mitigate the hazard of enemy threat to trapped personnel*”.⁴

[7] The ADF also submits that Combat Rescue must now provide “*enhanced survivability across the full spectrum of operations, ranging from high intensity warfare to humanitarian aid disaster relief to Defence Aid to the Civil Community*”.⁵

[8] In order to recognise these changes, the ADF proposes to rename:

- a. ‘Operator Emergency Response’ to ‘Combat Rescue Operator’;
- b. ‘Commander Emergency Response’ to ‘Combat Rescue Section Commander’ and increase from pay grade 4 to pay grade 5;
- c. ‘Supervisor Emergency Response’ to ‘Combat Rescue Supervisor’;
- d. ‘Manager Emergency Response Operations’ to ‘Combat Rescue Manager Grade 1’ and increase from pay grade 5 to pay grade 6;
- e. ‘Manager Emergency Response Operations – Tier A’ to ‘Combat Rescue Manager Grade 2 Tier A’ and increase from pay grade to pay grade 6;
- f. ‘Manager Emergency Response Operations – Tier B’ to ‘Combat Rescue Manager Grade 2 – Tier B’ and increase from pay grade 6 to pay grade 7; and
- g. ‘Manager Emergency Response Operations – Tier C’ to ‘Combat Rescue Manager Grade 2 Tier C’.

[9] Consistent with the outcome of the Review, the ADF proposes to transfer the category from the Technical/Engineering family to the Combat 1 family, to better reflect the contemporary role and the operational environment.

Commonwealth

[10] The Commonwealth “*supports the renaming of the employment category and its skill grades to Combat Rescue, which the Commonwealth agrees better reflects the current function of the employment category*”.⁶

[11] The Commonwealth notes “*the proposed Combat Rescue team provides combat support requirements and is required to operate within high threat environments directly in the operation zone in contrast to its historical function*”. It also remarks on the “*evolution and volume of training requirements*” coupled with “*an increased responsibility and knowledge of the technical requirements to achieve competence across all skill grades*”.⁷

Consideration

[12] We considered this matter in the context of the workforce transition being directed by Chief of Army’s ‘*Army in Motion*’ strategic guidance. We also gave regard to *SAPPER Plan 2028 – ‘A Strategy for Army’s Military Engineer Capability’* which provides targeted and specific guidance about the transformation of the Corps of Royal Australian Engineers.

[13] We accept the evidence that the role and capabilities of the Emergency Response category have undergone substantial change in order to provide integrated support to ADF operations, and that “*consequently significant changes in command, structure, roles, tasks and location have occurred*”.⁸

[14] We accept the change in capability has corresponded with a change in the operational environment – from functioning primarily on an Army base, to instead working in high threat environments including the requirement to fight as a close combatant.

[15] We considered the roles and duties of all skill grades of the category from Emergency Responder (Private) to Manager Emergency Response Operations (Warrant Officer Class 1). In the hearing, we questioned the submission that some additional skill grades may still warrant an increase in pay grade placement beyond those proposed in this submission, and the regard given by the ADF to internal relativities in the Combat 1 family.⁹

[16] We accept the submission that the Army does not wish to assess the work value elements, nor propose an increase in pay grade placement for some of the roles at this point, due to relativities with other Combat 1 family employment categories.¹⁰ We accept that, for others, the level of responsibility associated with the increased capabilities does reflect an increase in work value and agree that an increase in pay grade placement at this time is justified.¹¹

Conclusion

[17] We accept the Emergency Response employment category has evolved from a base firefighting capability to a deployable rescue capability, embedded in the Combined Arms team, and supporting ADF operations.

[18] We also accept the evidence about increases in work value and pay grade placement for some roles, and accept the ADF does not presently seek to make changes to others. We note that a future submission may be made in relation to those roles.

[19] In closing, we accept there has been an “*exponential increase in required technical and small team tactical skills*”¹² and agree the name ‘Combat Rescue’ better reflects the inherent capability provided by this employment category.

[20] Determination 21 of 2020 will give effect to these changes from 20 January 2022.

MS I. ASBURY, PRESIDENT
MR A. MORRIS, MEMBER
MAJGEN G. FOGARTY AO RETD, MEMBER

Appearances:

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

Mr H. Miller for the Commonwealth assisted by Mr N. Doukas

¹ DMR/OUT/2021/014 Listing Application – Royal Australian Engineers – Combat Rescue employment category dated 13 July 2021.

² ADF Submission *Royal Australian Engineers – Combat Rescue employment category* dated October 2021 (ADF1) paragraph 1.7

³ ADF1 paragraph 4.17.

⁴ ADF1 paragraph 4.8

⁵ *Ibid*

⁶ Commonwealth Submission *Corps of Royal Australian Engineers – Combat Rescue Employment Category* dated October 2021 (CWLTH1) page 4 paragraph 16.

⁷ CWLTH 1 page 4 paragraph 17.

⁸ ADF1 paragraph 2.3

⁹ Transcript 28 October 2021 page 3 lines 3-5 and page 4 lines 8-15.

¹⁰ ADF1 paragraphs 4.22, 4.25 and 4.34 (Emergency Responder, Operator Emergency Response and Supervisor Emergency Response Operations)

¹¹ ADF1 paragraphs 4.28, 4.39 and 4.44 (Commander Emergency Response and Manager Emergency Response Operations)

¹² ADF1 paragraph 4.5.