



Defence Force Remuneration Tribunal

STATEMENT

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

ANNUAL REVIEW OF DETERMINATIONS: SALARIES AND ALLOWANCES

(Matter 1 of 2023)

MS B. O'NEILL, PRESIDENT

MR A. MORRIS, MEMBER

CANBERRA, 30 NOVEMBER 2023

MAJGEN G. FOGARTY AO RETD, MEMBER

[1] Subsection 58H(6) of the Defence Act 1903 (the Act) prescribes that: *‘where a determination of the Tribunal in respect to the salaries and relevant allowances to be paid to members is in force, the Tribunal shall inquire into and make a further determination in respect of those salaries and allowances:*

- a. Within two years of the first-mentioned determination taking effect; or*
- b. If the Minister, by notice in writing given to the President, requires the Tribunal to make a further determination in respect of those salaries and allowances within a shorter period of the first-mentioned determination taking place – within the shorter period.’*

[2] Pursuant to this obligation, the Australian Defence Force (ADF) submitted all determinations made by the Tribunal during 2021 for its review.¹ An opening hearing in this matter was held on 8 February 2023, with the matter finalised during closing statements in a hearing on 16 November 2023.

Background

[3] We describe the task of this legislated review as an ‘*Annual Review*’ although we note that s.58H (6) of the Act refers to the obligation to ‘*inquire into*’ determinations. As with previous years, we will continue to adopt that description.

[4] Each Annual Review process incorporates analysis of the effect of each determination by re-examining:

- a. the determination and explanatory statement;
- b. the Tribunal decision, or any statement, published in the related matter;
- c. the transcript of the related hearing (if any);
- d. the related ADF submission;
- e. the Commonwealth submission; and
- f. witness statements in the matter (if any).

[5] We intentionally exclude determinations made in respect to the ADF Workplace Remuneration Arrangement(s) (WRA) from the Annual Review, as we consider those determinations to be reviewed annually when each increment is determined.

[6] The Annual Review process does not preclude the ADF from filing an application in respect of any of the determinations for consideration by the Tribunal in the future.

[7] In the conduct of this 2023 Review we gave consideration to 27 determinations made in 2021 as detailed below:

Determination Number	Matter Number	Effect	Outcome
1 of 2021 ²	20 of 2020	Updated eligibility for Air Force Combat Controllers and Combat Control Officers	Took effect. No further action
2 of 2021 ³	22 of 2020	Amended title of Air Intelligence Officer and added two skill and pay grades	Took effect. No further action

3 of 2021 ⁴	17 of 2020	Amended the Medical Officer Specialist Officer Career Structure to attract and retain suitable candidates.	Report Backs were required annually for three years. Verbal updates have been provided to the Tribunal annually. No further action
4 of 2021 ⁵	12 of 2020	WRA	
5 of 2021 ⁶	16 of 2020	Repealed Service Allowance, Reserve Allowance and Trainee Allowance and incorporated all into salary.	Took effect. No further action
6 of 2021 ⁷	21 of 2020	Amended eligibility of the Officer Aviation Remuneration Allowance	Report Back required in 2025
7 of 2021 ⁸	10 of 2020	Amended pay grades for Navy Communications and Information Systems employment category.	Report Back provided. ⁹
8 of 2021 ¹⁰	3 of 2021	Created a daily rate of salary for Reserve Service Warrant Officers	Took effect. No further action
9 of 2021 ¹¹	2 of 2021	Adjustments to pay grades for Navy Maritime Logistics Supply Chain employment category	Took effect. No further action
10 of 2021 ¹²	4 of 2021	Amendment to Army Operator Movements employment category	Took effect. No further action
11 of 2021 ¹³	17 of 2021	Updated the Medical Officer Specialist Officer Career Structure for senior ranks	Included with the review of Determination 3 of 2021.
12 of 2021 ¹⁴	12 of 2020	WRA amendment	

13 of 2021 ¹⁵	12 of 2021	Introduced two new employment Categories into the Navy Electronic Technician employment category	Took effect. No further action
14 of 2021 ¹⁶	6 of 2021	Made amendments to eligibility for Navy Retention Incentive Payment	Took effect. No further action
15 of 2021 ¹⁷	14 of 2021	Provided minimal amendment and correction to Consolidated Determinations	Took effect. No further action
16 of 2021 ¹⁸	8 of 2021	Created additional skill grades in Army aircraft and aviation trades at the rank of Warrant Officer	Took effect. No further action
17 of 2021 ¹⁹	12 of 2020	WRA amendment	
18 of 2021 ²⁰	6 of 2019	Corrected inadvertent omission to Determination 9 of 2020	Took effect. No further action
19 of 2021 ²¹	15 of 2021	Created ADF General Duties employment category	Review in 2024 noting date of effect
20 of 2021 ²²	9 of 2021	Amended employment categories related to Construction Engineers in Army and Air Force	Review in 2024 noting date of effect
21 of 2021 ²³	10 of 2021	Renamed Army Emergency Response to Combat Rescue employment category	Review in 2024 noting date of effect
22 of 2021 ²⁴	11 of 2021	Amended employment categories related to Army Combat Engineers	Review in 2024 noting date of effect
23 of 2021 ²⁵		WRA amendment	
24 of 2021 ²⁶	20 of 2021	Added classifications to Navy Engineer Officer	Took effect. No further action

25 of 2021 ²⁷	16 of 2021	Created Navy Information Warfare Officer employment category	Review in 2024 noting date of effect
26 of 2021 ²⁸	17 of 2021	Created Navy Health Services Officer	Review in 2024 noting date of effect and include report back
27 of 2021 ²⁹	21 of 2021	Corrected inadvertent omission to Determination 14 of 2017	Took effect. No further action

[8] The ADF completed the Review by submitting formal notification of any changes made over the course of the year, which ‘concerned training regimes, administration or structures of employment categories previously described or explained in a submission’.³⁰ We acknowledge that, while these changes do not have an immediate material effect on work value, remuneration, or the original proposition, they could have a cumulative effect. We consider it beneficial, as part of this Review, to understand the general changes that are occurring, especially in order to inform future submissions.

[9] The Commonwealth made no formal submissions in reply in this matter.

Conclusion

[10] We considered the analysis of each determination and agree that of the 27 determinations made in 2021, 20 require no further consideration and are complete. Of the remaining seven, six have been deferred for review in 2024 noting the proximity of the implementation date to this Annual Review; one will be reviewed in 2025.

[11] Having inquired into each of the determinations made in 2021, we do not intend to issue any further determinations concerning salaries and allowances determined in 2021. The consideration of these 27 determinations, and this Statement, constitute review as required by the Act.

MS B. O’NEILL, PRESIDENT
 MR A. MORRIS, MEMBER
 MAJGEN G. FOGARTY AO RETD, MEMBER

Appearances:

Mr J. Phillips SC for the ADF assisted by Squadron Leader N. Morrison (February 2023)

Mr H. Miller for the Commonwealth assisted by Mr N. Doukas (February 2023)

Ms K. Hagan for the ADF assisted by Flight Lieutenant L. Hawkett (November 2023)

Mr M. Guteridge for the Commonwealth assisted by Mr N. Doukas (November 2023)

¹ ADF Submission 2023 *Annual Review of Salary and Allowance Determinations – Matter 1 of 2023* (ADF1) undated.

² <https://www.dfrt.gov.au/matters/special-forces-review-report-back>

³ <https://www.dfrt.gov.au/matters/royal-australian-air-force-air-intelligence-officers>

⁴ <https://www.dfrt.gov.au/matters/adf-tri-service-medical-officers>

⁵ <https://www.dfrt.gov.au/matters/adf-workplace-remuneration-arrangement-2020-2023>

⁶ <https://www.dfrt.gov.au/matters/adf-allowances-modernisation-tranche-1>

⁷ <https://www.dfrt.gov.au/matters/air-force-officer-aviation-pay-structure-report-back>

⁸ <https://www.dfrt.gov.au/matters/navy-communications-and-information-systems>

⁹ Email – L. Hawke/DFRT - Report Back on Matter 10 of 2020 dated 13 July 2023.

¹⁰ <https://www.dfrt.gov.au/matters/service-warrant-officers-daily-rate-salary-reserves>

¹¹ <https://www.dfrt.gov.au/matters/navy-maritime-logistics-supply-chain-employment-category-general-service-and-submariners>

¹² <https://www.dfrt.gov.au/matters/royal-australian-corps-transport-operator-movements>

¹³ <https://www.dfrt.gov.au/matters/adf-tri-service-medical-officers>

¹⁴ <https://www.dfrt.gov.au/matters/adf-workplace-remuneration-arrangement-2020-2023>

¹⁵ <https://www.dfrt.gov.au/matters/navy-electronic-technician-radar-systems-controller-and-combat-systems-coordinator-streams>

¹⁶ <https://www.dfrt.gov.au/matters/navy-retention-incentive-payment-2021-report-backs>

¹⁷ <https://www.dfrt.gov.au/matters/technical-amendments-omnibus-consolidated-determinations>

¹⁸ <https://www.dfrt.gov.au/matters/raeme-army-artificer-aero>

¹⁹ <https://www.dfrt.gov.au/matters/royal-australian-engineers-combat-rescue-employment-category>

²⁰ <https://www.dfrt.gov.au/matters/air-force-employment-category-name-changes>

²¹ <https://www.dfrt.gov.au/matters/adf-general-duties-employment-category>

²² <https://www.dfrt.gov.au/matters/adf-construction-engineer-employment-categories>

²³ <https://www.dfrt.gov.au/matters/royal-australian-engineers-combat-rescue-employment-category>

²⁴ <https://www.dfrt.gov.au/matters/royal-australian-engineers-combat-engineer-employment-category>

²⁵ <https://www.dfrt.gov.au/matters/adf-workplace-remuneration-arrangement-2020-2023>

²⁶ <https://www.dfrt.gov.au/matters/navy-engineer-officer-level-2-supplementary>

²⁷ <https://www.dfrt.gov.au/matters/navy-information-warfare-officer>

²⁸ <https://www.dfrt.gov.au/matters/navy-health-services-officer>

²⁹ <https://www.dfrt.gov.au/matters/navy-maritime-logistics-support-operations-submariner-supplementary>

³⁰ DMR/OUT/2023/21 Matter 1 of 2023 – Annual Review of Determinations, Part 4 (notification of changes to ADF submissions) dated 9 November 2023. (ADF1)