



Defence Force Remuneration Tribunal

DECISION

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

NAVY INTELLIGENCE SAILOR (Matter 3 of 2024)

MS B. O'NEILL, PRESIDENT

MR A. MORRIS, MEMBER

CANBERRA, 30 APRIL 2024

MAJGEN G. FOGARTY AO RETD, MEMBER

[1] This decision arises from a listing application from the Australian Defence Force (ADF) for a determination to be made under Section 58H of the *Defence Act 1903* (the Act). The listing application¹ seeks to establish a new employment category of Navy Intelligence Sailor which will consist of four streams with a common structure and pay grade.

[2] We considered this matter in hearing on 18 April 2024. Ms K Hagan appeared for the ADF and Mr K Wong for the Commonwealth. The majority of evidence presented in this matter was classified and will not be referred to or expanded upon in this decision.

Background

[3] The ADF states the bulk of the new Navy Intelligence Sailor workforce is to be drawn from the existing Navy Cryptologic workforce, which operates highly technical analysis equipment and computer based software and performs specialist tasks across strategic, operational and tactical intelligence roles at sea and ashore. Those categories were previously dealt with by us in Matter 12 of 2017 – Navy: Cryptologic Sailors.²

Submissions

ADF

[4] The ADF submits the proposed Navy Intelligence Sailor (NIS) category will ‘*primarily incorporate Navy’s existing communications intelligence workforce, specifically its Cryptologic Linguist (CTL) and Cryptologic Systems (CTS) categories*’. At the same time, Navy seeks to rename the CTL and CTS into NIS Linguist (NIS-L) and NIS Systems (NIS-S) streams respectively and ‘*create two further streams in the NIS employment category of Geospatial Intelligence (GEOINT) and All Source Intelligence (ALINT)*’.³

[5] Specifically, the ADF seeks to:

- a. establish a new employment category of NIS within the Navy Intelligence family that includes four streams known as the NIS-Linguist (NIS-L), NIS-Systems (NIS-S), NIS-GEOINT (NIS-G) and NIS ALINT (NIS-A). The four proposed streams will have a common structure and pay grade placement ranging from 3-7 in the Graded Other Ranks Pay Structure;
- b. transfer the current Cryptologic employment categories of CTL and CTS into the NIS employment category within the equivalent NIS-L and NIS-S streams with pay grade placement from 3-7; and
- c. disestablish the current Cryptologic employment categories of CTL and CTS once all current members are transitioned to NIS.⁴

[6] The proposed NIS will adopt the current Cryptologic remunerative entry point of pay grade 3 and skill grade 1 for members upon completion of Initial Employment Training.⁵

Commonwealth

[7] The Commonwealth ‘*supports*’ the ADF proposal.⁶ It did however query the progress of the workforce transition noting the submission referred to a ‘Quarter 1 2024’ commencement period.

Consideration

[8] From the outset, we accept that the proposed NIS employment category aligns with the existing Cryptologic employment category skill and pay grade structure and agree the introduction of the NIS category will position the ADF and Navy to ‘*best respond to the rapidly changing cyber environment*’.⁷

[9] Accordingly, we also accept that the proposition ‘*does not involve any increase in pay grade placement*’ and that it is ‘*a structural and nomenclature change intended to unify sailors from disparate intelligence streams to provide a coordinated intelligence capability to commanders and the warfare capability*’.⁸

[10] Further, we accept the evidence that Navy ‘*intends for the number of NIS streams to grow as future capability is developed*’.⁹

Conclusion

[11] While the written submission stated the workforce restructure would commence from Quarter 1 2024, we accept the oral evidence in the hearing that “*as we have obviously moved past this point, these references should state Quarter 2 2024 and that no transition has commenced at this point*”.¹⁰

[12] We agree with the structural and nomenclature changes in their entirety and agree there are no remunerative implications in this matter.

[13] Determination 2 of 2024 gives effect to our decision from 23 May 2024.

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

Appearances:

Ms K Hagan for the ADF assisted by *Flight Lieutenant L Hawkett*

Mr K Wong for the Commonwealth assisted by *Mr M Guteridge*

¹ BN77327598 Listing Application: Navy Intelligence Sailor dated 7 February 2024.

² <https://www.dfrt.gov.au/matters/navy-cryptologic-sailors>

³ ADF Submission Matter 3 of 2024 Navy Intelligence Sailor dated 20 March 2024 (ADF1) page 4 paragraph 1.6.

⁴ ADF1 page 4 paragraph 1.8.

⁵ ADF1 page 5 paragraph 1.9.

⁶ Commonwealth Submission Matter 3 of 2024 - Royal Australian Navy - Navy Intelligence Sailor dated 12 April 2024 (CWLTH1) page 2 paragraph 4.

⁷ ADF1 page 25 paragraph 7.1.

⁸ ADF1 page 14 paragraph 4.10.

⁹ ADF1 page 6 paragraph 1.12.

¹⁰ Transcript 18 April 2024 page 4 lines 41 and 42.