



Defence Force Remuneration Tribunal

DECISION

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

ROYAL AUSTRALIAN NAVY: RECRUIT INSTRUCTOR (Matter 9 of 2024)

MS B. O'NEILL, PRESIDENT

MR A. MORRIS, MEMBER

CANBERRA, 21 AUGUST 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 transition Individual Retention Bonuses paid to Navy Recruit Instructors (RI) into the Military Factor Framework to be aligned with that of Army Recruit Instructors.

[2] We considered this matter in a hearing on 26 June 2024. Ms K Hagan appeared for the ADF and Mr K Wong for the Commonwealth. Lieutenant Commander M Pring RAN, Executive Officer, Royal Australian Navy Recruit School, gave evidence for the ADF.

[3] Subsequently, on 6 August 2024, the ADF advised us in writing that there had been an omission in the original submission in this matter.² We considered that further evidence in a conference with the ADF and Commonwealth on 14 August 2024.

Background

[4] The role of an RI is to deliver training to new entry officers and sailors including military skills, leadership, mentorship, and welfare support. RIs must be reported as highly suitable for the role, have recent sea experience, and 12 months seniority in their current rank.

[5] Navy currently pays an Individual Retention Bonus (IRB) of \$10,000 per annum, administered under s.58B of the Act, to those personnel qualified for, and posted to, specified RI positions at two recognised training facilities: the Royal Australian Navy Recruit School at HMAS *Cerberus*, Crib Point, VIC and the Royal Australian Naval College, HMAS *Creswell*, Jervis Bay ACT.

Submissions

ADF

[6] The ADF submits that attracting appropriate personnel to key military instructor roles has historically been a challenge. It states that a range of remunerative and non-remunerative measures have been implemented since 2007 to deal with the significant risk to this critical element of ADF capability.

[7] In December 2022, the Navy IRB was refined to its current form of a payment of \$10,000 for a 12-month period - with a pro-rata amount for members with less than 12 months remaining on their posting - and an undertaking for further service commitment on completion.³

[8] In this submission the ADF specifically seeks to:

- a. advise the Tribunal of the intent to cease existing IRB paid under s.58B of the Act;
- b. expand eligibility for Tier C in the Military Factor Framework to include Navy RIs; and
- c. transition eligible members from 29 August 2024.⁴

[9] The ADF propose a member is eligible for the payment if they meet all of the following conditions:

- a. the member holds one of the following ranks:
 - i. Leading Seaman
 - ii. Petty Officer
 - iii. Chief Petty Officer
 - iv. Sub Lieutenant
 - v. Lieutenant (Navy)
 - vi. Lieutenant Commander

- b. the member is posted to, or performing, Chief of Defence Force approved temporary duty in a recruit instructor position at:
 - i. Royal Australian Naval College, or
 - ii. Royal Australian Navy Recruit School; and
- c. the member is qualified and reasonably expected to perform duty in that position.⁵

[10] Following consideration of this matter, Navy further advised it may, on occasions, post members at the rank of Warrant Officer to back-fill RI positions in order to maintain capability. Therefore, it sought to have to rank of Warrant Officer (Navy) added to the eligibility criteria.

Commonwealth

[11] The Commonwealth did not oppose the ADF submission. However, it noted the proposal provides for a *'net increase without a corresponding increase to the requirements of the role'*. Despite this, it recognises that the increase is *'targeted at improving attraction and retention across the Navy RI workforce'*.⁶

[12] In the hearing, the Commonwealth queried the nature of alignment to the Army RIs and whether the amount sought *'was reached independently of the Army RI factor or whether the alignment with Army was a relevant factor in determining the proposed amount'*.⁷ It also sought clarification on whether proposed costings are affordable within Navy's budget.⁸

Witness Evidence

[13] Lieutenant Commander (LCDR) M Pring RAN gave written and oral evidence about the proposition, the roles and responsibilities of RIs at Recruit School, and the need for incentives to attract members to the positions.

[14] She expanded on the importance of the role and the demands associated with it including extensive working hours with *'lessons programmed between 0600 and 2130 seven days a week for the initial two weeks and six days a week thereafter'*. We note that, on top of this, there is an associated administrative burden and overnight duty requirements.⁹

[15] Of note, we considered the evidence that, like so many other ADF workforces, the critical roles are at the ranks of Leading Seaman, Petty Officer or Lieutenant, which is often the time when members are under pressure from their own workgroups to develop their subject matter expertise. We appreciate that *'getting them released is difficult'* and that *'members often choose a posting path that aids subject matter expert knowledge and skill development over elective roles'*. We accept this means that while RI positions are *'considered to be high profile benefit roles they can also often be to the perceived detriment of career progression'*.¹⁰

[16] We gave consideration to the issues presented in evidence of undesirable posting localities and short tenure at the respective training establishments meaning there is a large impost on families which makes the postings *‘unattractive from the perspective of family members due to the impact on spouse employment and children’s schooling’*.¹¹

[17] LCDR Pring remarked that, as the ADF continues to adjust the eligibility requirements of who can apply to join the Navy in an effort to increase recruitment, there is, in her opinion, *‘an expectation that the requirements of the RI role will only increase’*.¹² She expanded on this commenting that *‘we’re currently seeing a widening of aperture from Defence Force Recruiting in terms of the parameters of recruit standards that we’re accepting’*.¹³

Consideration

[18] This Tribunal last considered RIs in depth in Matter 2 of 2015 – 1st Recruit Training Battalion Army Recruit Instructor.¹⁴ We are aware recruit training is the formative start to any ADF member’s career and the role of an RI *‘is an integral part of the experience’*. We agree the *‘experience and exposure’* provided during that foundational time is *‘particularly influential’* and that it is *‘critical, therefore, to attract the right sort of person to the RI role given the part that they play in the development of the future Navy workforce and the additional responsibility and demands associated with their role’*.¹⁵

[19] We accept an RI is *‘considered a role model to the new recruits, and this requires considerable maturity to handle this type of attention appropriately, when they are often still young men and women themselves’*. We agree the professional reputation of an RI is *‘substantial’* and that *‘they are expected to maintain the highest standard in skill, conduct and appearance at all times’*. We recognise the importance of the role and agree with the evidence that the training new recruits learn from their RIs stays with them throughout their careers.¹⁶

[20] We accept Navy *‘still struggles to fill its RI roles’* and that *‘there are several reasons for this that can be grouped into either environmental or sustainability factors’*.¹⁷ We considered the evidence that these disability issues are aligned to those already recognised for Army RIs under Military Factor and agree the working hours, conditions, impact on home life, lack of leisure and occupational risk are the same. We considered the later evidence that this should be extended to the rank of Warrant Officer in the Navy and agree to that inclusion.

[21] Since 2007 (except for two years between 2012 and 2014), Navy has paid a bonus for its RIs. Therefore, given the length of time these have been in place in varying forms, we accept *‘it can longer be considered a short-term arrangement’*. We agree the historical reasons for the bonus remain extant, and are, *‘in some ways even more compelling given the issues of recruitment and retention facing the ADF’*.¹⁸

[22] We considered the evidence that transitioning the extant Navy RI IRB to a placement in the Military Factor Framework will *‘simplify the current administrative arrangements, contribute to retention in RI positions, align with the ADF approach of improving transparency of the total Employee Value Proposition and provide this Tribunal with oversight of the allowance paid to Navy RIs.’*¹⁹

[23] We considered the fact that, having been required to come from a recent sea posting, RIs are ineligible for maritime allowance payments and nor do they receive the compounding benefit of the accrual of sea time associated with sea postings. Additionally we accept the current \$10, 000 IRB is coupled with a commitment to undertake further service and consider this can be *‘unattractive for most’*.²⁰

[24] We considered the concerns of the Commonwealth and accept the evidence provided by the ADF in the hearing that the *‘proposed costing are affordable within Navy’s budget’*. In terms of the assessment for Tier C, and its alignment with Army RIs, we also accept that the ADF evaluation of disability and sustainment factors have been *‘based on a holistic assessment under the Military Factor Matrix’* with *‘consideration given to the fact that Army RIs fall under Tier C also’*.²¹

[25] In this context, while intentionally aligning Navy with Army, we considered the evidence that Air Force currently pays a \$10,000 per annum IRB to RIs. We accept that Air Force, although consulted in relation to a joint approach, state it was *‘not ready to pursue this avenue at the same time Navy was’*.²²

Conclusion

[26] We agree the expectations placed on an RI are *‘far above a typical person of that rank. Purely by the nature of the vulnerable people they are responsible for’* with Navy *‘essentially relying on their personal, personnel and professional skillset’*.²³

[27] We agree it is appropriate to align the payment with Army. We agree that transferring the payment into the Military Factor Framework at Tier C (presently at \$18,680) will provide additional and enduring remuneration for the roles and meet the intent to recognise and attract members to Navy RI postings. Further, we agree this transition will simplify administration, reduce complexity and increase transparency of the allowance.

[28] We accept Air Force may bring a case forward when their RI workforce structure has *‘been reviewed and a fulsome proposal developed’*.²⁴ We encourage that in due course.

[29] Determination 6 of 2024 gives effect to our decision from 29 August 2024, in conjunction with Phase Two of Military Factor Framework²⁵ which is being implemented at the same time.

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 C Johnson

Witness:

Lieutenant Commander M Pring RAN, Executive Officer RAN Recruit School.

¹ DMR BN80613730 *Listing Application Navy: Recruit Instructor Allowance* dated 12 April 2024.

² DMR/OUT/2024/04 Matter 9 of 2024: Navy Recruit Instructor Allowance – Letter of Omission dated 6 August 2024.

³ ADF Submission Navy Recruit Instructor Allowance dated 4 June 2024 (ADF1) page 6 paragraph 2.14.

⁴ ADF1 page 3 paragraph 1.9.

⁵ ADF1 page 3 paragraph 1.10.

⁶ Commonwealth Submission Navy Recruit Instructor dated 26 June 2024 (CWLTH 1) pages 10 and 11 paragraphs 54 and 55.

⁷ Transcript 26 June 2024 page 8 lines 21 to 25.

⁸ Transcript page 8 line 35.

⁹ Affidavit of Lieutenant Commander M Pring RAN dated 14 June 2024 (ADF2) page 5 paragraphs 12 to 14.

¹⁰ ADF2 page 7 paragraph 20.

¹¹ ADF2 page 7 paragraph 21.

¹² ADF2 page 8 paragraph 25.

¹³ Transcript page 21 lines 7 to 15.

¹⁴ <https://www.dfrt.gov.au/matters/1st-recruit-training-battalion-army-recruit-instructor>

¹⁵ Transcript page 2 lines 31 to 34.

¹⁶ ADF1 page 24 paragraph 4.30 and 4.31.

¹⁷ Transcript page 3 lines 4 to 6.

¹⁸ ADF1 page 7 paragraph 2.15.

¹⁹ ADF1 page 15 paragraph 3.23.

²⁰ ADF2 page 8 paragraph 23.

²¹ Transcript page 19 lines 20 to 25.

²² ADF1 page 26 paragraph 5.8

²³ Transcript page 18 line 28

²⁴ ADF1 page 26 paragraph 5.8.

²⁵ <https://www.dfrt.gov.au/matters/adf-modernisation-program-tranche-2>