



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 2024)

MS B O'NEILL, PRESIDENT

MAJGEN G FOGARTY AO RETD, MEMBER

CANBERRA, 6 DECEMBER 2024

[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 2022 for its review.¹ A hearing in this matter was held on 22 February 2024.

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

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

[4] We intentionally exclude determinations about the ADF Workplace Remuneration Arrangement(s) (WRA) from the Annual Review as we consider those determinations to have been reviewed annually when each increment is determined.

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

[6] In the conduct of this 2024 Review we gave consideration to 8 determinations made in 2022 as well as 6 determinations in which we delayed our consideration from 2023² based on the date of effect of the determination and proximity to the 2024 Review. They are listed below:

Determination Number	Matter Number	Effect	Outcome
19 of 2021 ³	15 of 2021	Created ADF General Duties employment category	Took effect. No further action.
20 of 2021 ⁴	9 of 2021	Amended employment categories related to Army and Air Force Construction Engineers	Took effect. No further action.
21 of 2021 ⁵	10 of 2021	Renamed Army Emergency Response to Combat Rescue employment category	Took effect. No further action.
22 of 2021 ⁶	11 of 2021	Amended employment categories related to Army Combat Engineers	Took effect. No further action.

25 of 2021 ⁷	16 of 2021	Created Navy Information Warfare Officer employment category	Took effect. No further action.
26 of 2021 ⁸	17 of 2021	Created Navy Health Services Officer	Took effect. No further action.
1 of 2022 ⁹	15 and 22 of 2020	Amended employment category name of four Air Force categories	Took effect. No further action.
2 of 2022 ¹⁰	3 of 2022	Removed pay construct from Senior Officer Graded Structure	Took effect. No further action.
3 of 2022 ¹¹	12 of 2020	WRA amendment	
4 of 2022 ¹²	2 of 2022	Evaluated the 6-monthly review of the Navy Retention Incentive Payment	Took effect. No further action.
5 of 2022 ¹³	7 of 2022	Superseded by Determination 7 of 2022	Required correction.
6 of 2022 ¹⁴	12 of 2020	WRA amendment	
7 of 2022 ¹⁵		Increased pay grade placement for Navy Boatswains Mate sailors	Took effect. No further action.
8 of 2022 ¹⁶	12 of 2022	Created direct entry recruitment pathways for Navy and Army Physical Training Instructors	Took effect. No further action.

[7] The ADF completed the Review in November 2024 by submitting formal notification of any changes made over the course of the year which ‘*concerned training regimes, administration or structures of an employment category previously described or explained in a submission*’.¹⁷

[8] The Commonwealth made a formal submission in reply in this matter¹⁸ and noted the ADF’s reported changes as advised in the Annual Notifications.¹⁹

[9] In closing, we considered the analysis of each determination and agree that of the 8 determinations made in 2022, none require further consideration and all are complete. Further, those 6 held over for Review from 2023 also require no further action and are considered complete.

[10] Having inquired into each of these 14 determinations, we do not intend to issue any further determinations concerning salaries and allowances determinations made in 2021 or in 2022.

[11] The consideration of these determinations, and this Statement, constitute review as required by the Act.

MS B O'NEILL, PRESIDENT
MAJGEN G FOGARTY AO RETD, MEMBER

Appearances:

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

Mr M Guteridge for the Commonwealth

¹ Annual Review of Salary and Allowance Determinations dated 14 February 2024.

² <https://www.dfrt.gov.au/matters/annual-review-determinations-2023>

³ <https://www.dfrt.gov.au/matters/adf-general-duties-employment-category>

⁴ <https://www.dfrt.gov.au/matters/adf-construction-engineer-employment-categories>

⁵ <https://www.dfrt.gov.au/matters/royal-australian-engineers-combat-rescue-employment-category>

⁶ <https://www.dfrt.gov.au/matters/royal-australian-engineers-combat-engineer-employment-category>

⁷ <https://www.dfrt.gov.au/matters/navy-information-warfare-officer>

⁸ <https://www.dfrt.gov.au/matters/navy-health-services-officer>

⁹ <https://www.dfrt.gov.au/matters/air-force-employment-category-name-changes> and

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

¹⁰ <https://www.dfrt.gov.au/matters/senior-officer-graded-structure>

¹¹ <https://www.dfrt.gov.au/matters/adf-workplace-remuneration-arrangement-2020-2023>

¹² <https://www.dfrt.gov.au/matters/navy-retention-incentive-payment-report-backs-2022>

¹³ <https://www.dfrt.gov.au/matters/navy-boatswains-mate-sailor>

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

¹⁵ <https://www.dfrt.gov.au/matters/navy-boatswains-mate-sailor>

¹⁶ <https://www.dfrt.gov.au/matters/navy-and-army-physical-training-instructor-direct-entry-pathway>

¹⁷ DMR letter 2024/BN89989216 Matter 1 of 2024 – Revised Annual Review of Determinations, Part 4 (Annual Notifications of changes to ADF submissions) dated 6 November 2024.

¹⁸ Commonwealth Submission Matter 1 of 2024 – Annual Review of Salary and Allowance Determinations dated February 2024.

¹⁹ Commonwealth letter Matter 1 of 2024 – Annual Review of Determinations – Annual Notifications dated 7 November 2024.