



Defence Determination 2001/15

I, BRENDAN JOHN SARGEANT, Director General Personnel Policy and Employment Conditions, Defence Personnel Executive, make this Determination under section 58B of the *Defence Act 1903*.

Dated 8 June 2001

B. J. SARGEANT
Director General
Personnel Policy and Employment Conditions
Defence Personnel Executive

1 Citation

This Determination is Defence Determination 2001/15, Completion bonus and payment in lieu of leave (Defence Determination 2000/1 – Amendment).

2 Commencement

Clause 8 of this Determination commences on 1 July 2001.

[NOTE: The remaining provisions of this Determination commence on the day on which it is made: see *Defence Act 1903*, subsection 58B(4).]

3 Amendment

Defence Determination 2000/1, Conditions of Service, as amended,¹ is amended as set out in this Determination.

4 Paragraph 8.1.24 (2) (c) (Payment of allowance during recreation leave in certain circumstances)

omit

leave.

insert

leave; or

5 After paragraph 8.1.24 (2) (c) (Payment of allowance during recreation leave in certain circumstances)

insert

- (d) for an officer – was involved in retirement proceedings that resulted in the member’s retirement from the Defence Force because the member was physically or mentally incapacitated; or
- (e) for a member other than an officer – was involved in discharge proceedings that resulted in the member’s discharge from the Defence Force because the member was medically unfit.

6 Paragraph 8.2.10 (2) (c) (Payment of allowance during long service leave in certain circumstances)

omit

leave.

insert

leave; or

7 After paragraph 8.2.10 (2) (c) (Payment of allowance during long service leave in certain circumstances)

insert

- (d) for an officer – was involved in retirement proceedings that resulted in the member’s retirement from the Defence Force because the member was physically or mentally incapacitated; or

- (e) for a member other than an officer – was involved in discharge proceedings that resulted in the member’s discharge from the Defence Force because the member was medically unfit.

8 Part 3 of Schedule 1 (Completion bonus — occupations, date for acknowledgment of offer and bonus amount)

omit

NOTE

1. Defence Determination 2000/1 as amended to date. For previous amendments see Note to Defence Determination 2001/1 and see also Determinations 2001/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14.

EXPLANATORY STATEMENT

Defence Determination 2001/15

This Determination amends Defence Determination 2000/1, Conditions of Service (“the Principal Determination”), made under section 58B of the *Defence Act 1903*, which includes provisions dealing with recreation leave, long service leave and completion bonuses.

Clause 8.1.22 of the Principal Determination provides for the payment of salary in lieu of recreation leave on a member ceasing to be a member of the Australian Defence Force. Paragraph 8.1.22 (3) (c) provides that this payment includes certain allowances that would have been payable for leave taken by the member beginning on the day the retirement or discharge process applicable to the member commenced. (Members who are officers are retired, while other members are discharged.)

The allowances for this purpose include those specified in clause 8.1.24. These are allowances such as flying allowance, paratrooper allowance, seagoing allowance and special action forces allowance. Subclause 8.1.24 (2) provides that a member, who is not otherwise entitled to one of these allowances on the day immediately before the day the retirement or discharge process commences, will be taken to be entitled to the allowance on that day, if the member comes within specified circumstances. For a member to come within subclause 8.1.24 (2), the circumstances must apply to the member for the whole period between the day on which the member was last entitled to the allowance and the day the retirement or discharge process applicable to the member commenced.

Clauses 8.2.9 and 8.2.10 contain corresponding provisions dealing with long service leave that mirror the above clauses.

The amendments made to the Principal Determination by clauses 4 to 7 of this Determination add a new specified circumstance to subclauses 8.1.24 (2) and 8.2.10 (2). This circumstance is that the member was involved for the whole period in retirement or discharge proceedings that resulted in the member’s retirement (in the case of officers) or discharge (in the case of other members) from the Defence Force for medical reasons. This ensures that the allowances can be taken into account for the purpose of payment of salary in lieu of recreation leave and long service leave if the member comes within this specified circumstance.

In addition, clause 8 of this Determination repeals Part 3 of Schedule 1 to the Principal Determination, which provides a completion bonus for technical sailors with effective service in the period from 1 July 1999 to 30 June 2001 (when that bonus will end). This will not affect any bonus entitlement that accrued before the date of repeal.

The repeal of Part 3 of Schedule 1 will commence on 1 July 2001. The remaining provisions of this Determination commence on the day on which the Determination is made, as provided by subsection 58B(4) of the *Defence Act 1903*.

Authority: Section 58B of the
Defence Act 1903