



Determination No. 79 of 1984

**Determination under Section 58B of the
Defence Act 1903' (Amendment)**

I, KIM CHRISTIAN BEAZLEY, the Minister of State for Aviation acting for and on behalf of the Minister of State for Defence, hereby make the following Determination under section 58B of the *Defence Act 1903*.

Dated 27 November 1984.

KIM C. BEAZLEY
Minister of State for Aviation
for and on behalf of the
Minister of State for Defence

Pay of Reserve Force Members

1. Determination 0199, Pay of Reserve Force Members, is amended—

- (a) by inserting after the definition of "approved category" in clause 2 the following definition:
 - “‘continuous training’ means a period of reserve service the duration of which is more than 96 consecutive hours;”;
- (b) by inserting after the definition of "dental officer" in clause 2 the following definitions:
 - “‘formation’ and ‘formation commander’ have the same meanings respectively as in the Australian Military Regulations;
 - ‘Headquarters’ has the same meaning as in the Australian Military Regulations;
 - ‘home training’ means a period of reserve service the duration of which is 96 consecutive hours or less;”;
- (c) by inserting after the definition of "Service Financial Regulations" in clause 2 the following definition:

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“‘staff officer’ means an officer who is serving in the Australian Army Reserve or the Regular Army Emergency Reserve and who holds a staff appointment on a formation Headquarters and includes a Service representative or an arms representative attached to those Headquarters;”;

- (d) by omitting clauses 9, 10, 11, 12, 13 and 14 and substituting the following clauses:

Pay of Members

“9. Subject to clause 10, a member who renders reserve service on a day—

- (a) other than a day during a period of service in respect of which he is entitled to be paid under clause 8; and
- (b) other than a day during a period of service rendered by a member of the Army that is not service in accordance with clauses 43 to 45,

shall be paid an amount fixed by, or in accordance with, this Determination.

Excess Service

“10. Subject to clauses 11 and 42, where, in respect of a training commitment, a member performs a period of reserve service which exceeds the maximum period of reserve service required by the member’s training commitment in a training period the member shall not be paid an amount under clause 9 in respect of that excess period of reserve service.

Payment of Supplementary Amount

“11. Where a member has rendered reserve service in a training period and would, but for clause 10, have been entitled to be paid under clause 9 in respect of one or more days of the excess period of reserve service referred to in clause 10 at a rate or rates greater than the rate or rates payable to the member in respect of one or more days of reserve service rendered in that training period by the member in accordance with the member’s training commitment, the member is entitled to be paid an amount in respect of that excess period of reserve service calculated in accordance with the formula—

A-B

where—

- A is the total amount that would have been payable to the member, but for clause 10, in respect of the excess period of reserve service referred to in clause 10; and

B is the total amount that is equal to the sum of the lowest rate or rates payable to the member under clause 9—

- (a) in respect of a period which is equal to the period referred to in the definition of A; and
- (b) which formed part of the period of reserve service rendered as the training commitment during the training period referred to in clause 10.

“12. Where a member is rendering reserve service during a camp of continuous training or at a military school or course and is admitted to hospital during that service, the period in respect of which an amount is payable under clause 9 in relation to that hospitalization shall be—

- (a) the period of the member's hospitalization; or
- (b) the period from and including the day on which the member is admitted to hospital to and including the last day of the camp, school or course,

whichever is the lesser.

When Pay Issuable

“13. Subject to clause 14, the pay of a member fixed by, and in accordance with, the provisions of this Determination—

- (a) in respect of attendance at a camp of continuous training or at a military school or course—is issuable at the conclusion of the camp, school or course, but where the camp, school or course exceeds 6 days, the formation commander may approve of an interim payment being made;
- (b) who—
 - (i) is in receipt of pay at an annual rate under clause 8; or
 - (ii) renders reserve service other than service referred to in paragraph (a),is issuable, after it has accrued, in October, January, April and July;
- (c) who is discharged—is issuable after the date of the member's discharge; and
- (d) who has no civil employment and who requests the issue of pay on a date other than a date in a period referred to in paragraph (a) or (b)—is issuable on a date authorized by the member's commanding officer.

Certification of Reserve Service Rendered

“14. The issue of pay to a member of the Australian Army Reserve or the Regular Army Emergency Reserve is—

- (a) in the case of an officer who is in receipt of pay at an annual rate under clause 8—subject to the issue of a certificate by the Commander of the Military District, the formation commander or the head of the branch concerned at

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Headquarters, as the case may be, that the duties of the appointment have been efficiently performed by the member in the period for which pay is claimed;

- (b) in the case of a commanding officer—subject to the issue of a certificate by the formation commander that the duties of the appointment have been efficiently performed by the officer in the period for which pay is claimed;
- (c) in the case of a staff officer or a member who holds an appointment designated as a part-time appointment in a Permanent Military Force establishment—subject to—
 - (i) the maintenance by the member of a diary recording the hours of his duty, the place and the nature of his duty and the authority for its performance;
 - (ii) the issue of a certificate by the member's immediate commander that the member has efficiently performed the duties allotted to the member in the period for which pay is claimed and that the member is eligible for pay in respect of that period;
 - (iii) except in the case of a member who holds an appointment at Headquarters, the approval of the formation commander or area commander, as the case may be;
 - (iv) in the case of a member who holds an appointment at Headquarters, the approval of the head of the branch to which he is appointed; and
- (d) in the case of a regimental tailor—subject to the issue of a certificate by the commanding officer of the member that the member has efficiently performed his duties in the period for which pay is claimed and that the member is eligible for pay in respect of that period.”; and
- (e) by inserting after clause 41 the following clauses:

Service for Pay

“42. Service for the purposes of pay under clause 9 shall include, in the case of a member of the Australian Naval Reserve or the Naval Emergency Reserve Forces who renders reserve service of more than one day—the time necessarily taken by the member to travel between his or her normal residence and his place of duty, excluding the first day of that journey where it commences after noon on that day.

“43. Subject to clause 45, service for the purpose of pay under clause 9 shall include, in the case of a member of the Australian Army

Reserve or the Regular Army Emergency Reserve, reserve service rendered during any period—

- (a) the member attends (otherwise than as a member of an advance party or a rear party) at a camp of continuous training, a bivouac or a home training parade (including parades of a unit or sub-unit other than the member's own in a locality in which the member is temporarily resident);
 - (b) the member attends for a period of training at a military school or course in Australia or, when authorized by a proper Service authority, overseas (including any portion of a day between 9 o'clock in the morning and 5 o'clock in the afternoon spent travelling to and from the military school or course) to the extent that such attendances do not, without the authorization of a proper Service authority, in any one financial year, exceed 20 days and subject, in the case of military schools and courses held otherwise than in one continuous period, to the issue of a certificate by the formation commander certifying—
 - (i) that it was necessary to hold the military school or course otherwise than in one continuous period; and
 - (ii) that the member attended for the number of days authorized for the military school or course;
 - (c) the member performs staff or other military duties;
 - (d) in the case of a commanding officer, subject to paragraph (e), or a regimental tailor—all home training parades of that member's unit in the period or periods of military service fixed by the Chief of the General Staff under regulation 487 of the Australian Military Regulations, irrespective of whether the member actually attends all such parades; and
 - (e) where a commanding officer is absent from home training parades for a period exceeding one month in a training period, the commanding officer's period of service for the purposes of pay shall be deemed to be reduced by one-twelfth for each month, or part of a month, of absence, except that the commanding officer's service shall not be deemed to be reduced in respect of the first month of absence unless another officer performs the duties of the absent officer at the absent officer's rate of pay for that month.
- "44. The service, for the purposes of clause 9, of—
- (a) a staff officer serving in the Australian Army Reserve or the Regular Army Emergency Reserve;
 - (b) an officer of the Inactive Army Reserve; or
 - (c) a member holding an appointment designated as a part-time appointment in a Permanent Military Force establishment,

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shall include a period of reserve service which exceeds the maximum period of reserve service required by the member's training commitment, where that excess service is authorized by a proper Service authority and is rendered at a camp of continuous training in the course of the member's duties.

"45. The service of a member to whom clause 43 applies shall not include—

- (a) a period of reserve service at a military school or course which is less than the training period or periods for that financial year unless the member submits satisfactory evidence to the member's commanding officer as to the cause of the member's absence; and
- (b) the period during which the member attended a parade designated as a half day parade or night parade under the Australian Military Regulations if the member attended, on the same day, a parade so designated as a whole day parade."

Application

2. Determination 0199, Pay of Reserve Force Members, as amended by this Determination, shall have effect on or after 31 December 1984.

NOTE

1. Previous amendments to Determination 0199, Pay of Reserve Force Members: Nos. 20, 22 and 25 of 1984.

EXPLANATORY STATEMENT
DETERMINATION NO. 79 OF 1984
ISSUED BY THE AUTHORITY OF THE MINISTER FOR DEFENCE
UNDER SECTION 58B OF THE DEFENCE ACT 1903

Section 58B of the Defence Act 1903 allows the Minister to make determinations on conditions of service for members of the Defence Force.

Determination 0199, Pay of Reserve Force Members, provides the rates and conditions for the payment of Reserve Force pay for members of the Reserve Force rendering other than continuous full-time service.

This determination amends Determination 0199 to incorporate a number of other Reserve Force pay provisions currently prescribed in Naval Financial Regulations 276 and 277; Military Financial Regulations 193, 194 and 195; and Air Force Regulation 646.

The date of effect is 31 December 1984.