



Determination No. 89 of 1984

---

## Determination under Section 58B of the Defence Act 1903

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 30 November 1984.

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

---

### Citation

1. This Determination may be cited as Determination 0710, Medical Officers and Dental Officers—Gratuity Payable on Completion of Appointment to a Short Service Commission.<sup>1</sup>

### Definitions

2. In this Determination—

“child”, in relation to a member, means a child (whether born in or outside wedlock), a step-child or a legally adopted child of—

- (a) the member;
- (b) a person who has ceased to be legally married to the member;
- (c) a person who has lived on a permanent and *bona fide* domestic basis as the member's spouse;
- (d) the spouse or *de facto* spouse of the member;
- (e) a person who has ceased to be legally married to the spouse or *de facto* spouse of the member; or
- (f) a person who has lived with that member's spouse or *de facto* spouse on a permanent and *bona fide* domestic basis as a spouse,

*Determination 0710, Medical Officers and Dental  
Officers—Gratuity Payable on Completion of Appointment  
to a Short Service Commission 1984 No. 89*

who—

- (g) is less than 21 years of age and is wholly or substantially dependent on that member; or
- (h) is 21 years of age or over and is, through illness or infirmity, wholly or substantially dependent on that member;

“dental officer” means an officer of the Permanent Forces who is, or is eligible to be, registered as a dental practitioner under the laws of a State or Territory, and who is serving in—

- (a) the Dental Branch of the Navy;
- (b) the Royal Australian Army Dental Corps; or
- (c) the Medical Branch of the Air Force;

“dependant”, in relation to a member, means the spouse, the *de facto* spouse or a child of the member;

“married”, in relation to a medical officer or a dental officer, means an officer who maintains a home for his or her dependants whether or not the officer resides in that home;

“medical officer” means an officer of the Permanent Forces who is, or is eligible to be, registered as a medical practitioner under the laws of a State or Territory, and who is serving in—

- (a) the Medical Branch of the Navy;
- (b) the Royal Australian Army Medical Corps; or
- (c) the Medical Branch of the Air Force.

### **Interpretation**

3. In this Determination—

- (a) the expression “a short service commission” includes an appointment for a specified period; and
- (b) the expression “*de facto* spouse” has the same meaning as in Determination 0114, Trainee’s Dependant Allowance, made under section 58B of the *Defence Act 1903*.

### **Gratuity for Completion of a Short Service Commission**

4. Subject to clauses 8, 9, 10 and 11, where a medical officer or a dental officer—

- (a) is appointed to a short service commission; and
- (b) immediately before that appointment, was a university undergraduate whose salary was payable in accordance with item 7 of Schedule 9 to the Defence Force (Salaries) Regulations,

that medical officer or dental officer shall be paid, upon the completion of that short service commission, a gratuity of an amount calculated at the rate of \$100 for each completed year of that short service commission.

5. Subject to clauses 8, 9, 10 and 11, where a medical officer or a dental officer, other than a medical officer or a dental officer referred to in clause 4, is appointed to a short service commission of not less than 1 year but less than 4

*Determination 0710, Medical Officers and Dental  
Officers—Gratuity Payable on Completion of Appointment  
to a Short Service Commission 1984 No. 89*

3

years', that medical officer or dental officer shall be paid, upon the completion of that short service commission, a gratuity of an amount calculated at the rate of—

- (a) in respect of a medical officer—\$500; or
- (b) in respect of a dental officer—\$250,

for each completed year of that short service commission.

6. Subject to clauses 10 and 11, the amount of gratuity payable in respect of a period of service of less than 12 months at the completion of a short service commission shall be calculated in accordance with the formula—

$$\frac{A \times B}{365}$$

where—

- A is the appropriate rate of gratuity specified in clause 4 or 5; and
- B is the number of days in that period of service.

7. Subject to clauses 10 and 11, where a short service commission is not completed by a medical officer or a dental officer, a gratuity shall not be paid unless the medical officer's or dental officer's appointment is terminated—

- (a) on the grounds of medical unfitness; or
- (b) after a period of 2 or more years' service.

8. Where the short service commission of a medical officer or a dental officer is terminated on the grounds of medical unfitness and—

- (a) the medical unfitness is assessed at less than 30%; and
- (b) he has served a period of less than 2 years of the short service commission,

that period of service shall be deemed to be a completed short service commission of 2 years for the purposes of clause 4 or 5, whichever is appropriate.

### **Gratuity not Payable**

9. Where the periods of short service commissions exceed a total of 8 years of continuous service, a gratuity shall not be paid in respect of the excess period.

10. Where a medical officer or a dental officer is serving on a short service commission, a gratuity is not payable under clause 4, 5 or 6 in respect of such portion of that service as—

- (a) attracts a benefit, other than a refund of contributions, under the *Defence Force Retirement and Death Benefits Act 1973*; or
- (b) is unpaid service and exceeds 21 consecutive days.

11. A gratuity shall not be paid where a medical officer or a dental officer is undertaking a short service commission and that short service commission is terminated—

- (a) for disciplinary reasons;

*Determination 0710, Medical Officers and Dental  
Officers—Gratuity Payable on Completion of Appointment  
to a Short Service Commission 1984 No. 89*

- (b) by reason of death or invalidity occasioned by the medical officer's or dental officer's own default or because of a pre-existing disability which was not aggravated by that service; or
- (c) in respect of a medical officer or dental officer who is unmarried—by reason of the officer's death.

**Payment of Gratuity to Other Persons**

**12.** Subject to clause 11, the approving authority may approve payment to a person of a gratuity under this Determination in respect of service in the Permanent Air Force by a medical officer or a dental officer who is deceased, having regard to—

- (a) the relationship of the person to the officer;
- (b) the dependency of the person on the officer; and
- (c) the age and income of the person.

**13.** Subject to clause 11, where a married medical officer or married dental officer of the Permanent Military Forces dies, the gratuity payable under this Determination is payable to his or her dependant.

**14.** Where there is more than one dependant of the officer referred to in clause 13, the approving authority may approve payment to, and may apportion the payment of the gratuity under this Determination among, the dependants of that officer having regard to—

- (a) the degree of dependency of the dependant on the officer; and
- (b) the age and income of the dependant.

**15.** Where a sum of money is payable to a dependant under clause 13 or 14 and the dependant is under a legal disability, payment may be made to such trustee or trustees as the approving authority appoints having regard to their honesty, integrity and reputation, upon such trusts as the approving authority approves having regard to the security and reliability of such trusts.

**Approving Authorities**

**16.** The approving authority for the purposes of clauses 12, 14 and 15 shall be the person from time to time holding or performing the duties of an office or appointment in the Department of Defence titled—

- (a) Director of Defence Force Pay; or
- (b) Assistant Secretary, Service Pay Accounting and Systems Branch.

**NOTE**

1. Previous amendments to Determination 0710, Medical Officers and Dental Officers—Gratuity Payable on Completion of Appointment to a Short Service Commission: NIL.

EXPLANATORY STATEMENT

DETERMINATION NO. 89 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 0710 provides for the payment of a gratuity to a medical officer or dental officer upon the completion of that officer's appointment to a Short Service Commission.

The determination consolidates the legal cover for payment of the gratuity in one tri-Service determination made under section 58B of the Defence Act 1903 and replaces Naval Financial Regulation 160A, Military Financial Regulation 62 and Air Force Regulation 636.

The date of effect is the date of signature of the determination.