



Determination No. 19 of 1988

---

## Determination under Section 58B of the Defence Act 1903<sup>1</sup> (Amendment)

I, RALPH WILLIS, the Minister of State for Industrial Relations, hereby make the following Determination under section 58B of the *Defence Act 1903*.

Dated 15 May 1988.

RALPH WILLIS  
Minister of State for Industrial Relations

---

### Pilot Retention Bonus

Determination 0216, Pilot Retention Bonus, is amended—

- (a) by inserting after “7, 8” in clause 5 “, 8A, 8B”;
- (b) by inserting after “7, 8” in clause 6 “, 8A, 8B”;
- (c) by omitting from clause 6 “signs, by the completion of the ninth month of the member’s sixth year of eligible service,” and substituting:  
“signs—
  - (fa) in the case of a member who completes, or is due to complete, 6 years of eligible service during the period from and including 1 June 1988 to and including 31 August 1988—by 30 June 1988; or
  - (fb) in any other case—by the completion of the ninth month of the member’s sixth year of eligible service,”;”;
- (d) by inserting after “seventh year of eligible service” in clause 6 “or the day immediately after the day on which he or she signs that undertaking, whichever is the later”;
- (e) by omitting from clause 6 all words after “of \$70,000” and substituting “upon signing that undertaking, or on completion of the ninth month of the sixth year of eligible service, whichever is the later.”; and

(f) by inserting after clause 8 the following clauses:

“8A. Where a member who—

- (a) is referred to in paragraphs 5 (a) to 5 (f) inclusive, or in paragraphs 6 (a) to 6 (f) inclusive; and
- (b) is not a member described in clause 8,

would have been made an offer in writing of a Pilot Retention Bonus by an approving authority except for extraordinary and exceptional reasons which the approving authority considers would justify deferring the making of that offer, the approving authority may defer that offer.

“8B. The Minister for Industrial Relations may, having regard to the advice of the approving authority, the matters in clause 9 and the reasons for deferral under clause 8A, direct that an offer (hereinafter referred to as the second-mentioned offer) of a Pilot Retention Bonus be made by an approving authority to a member referred to in clause 8A at any time up to—

- (a) 1 month after the extraordinary and exceptional reasons cease to exist; or
- (b) 1 year from the day on which the approving authority made the decision to defer the original offer,

whichever is the earlier, and if the member then signs, within 1 month of the second-mentioned offer being made, an undertaking in the form of the Schedule to this Determination to continue serving as a member in an arm of the Australian Defence Force—

- (c) as a qualified pilot; or
- (d) in any other capacity specified by the approving authority should the member's qualification to fly be downgraded for medical or any other reasons,

for a period of 6 years commencing on—

- (e) the first day of the seventh year of eligible service; or
- (f) the day immediately after the day on which he or she signs that undertaking,

whichever day is the later, the member shall be paid a Pilot Retention Bonus of \$70,000.”

---

#### NOTE

1. Previous amendments to Determination 0216, Pilot Retention Bonus: No. 18 of 1988.

EXPLANATORY STATEMENT

DETERMINATION NO. 19 OF 1988

ISSUED BY THE AUTHORITY OF THE MINISTER FOR INDUSTRIAL RELATIONS  
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 0216, Pilot Retention Bonus, provides for the payment of an amount of money to certain specified pilots in the Defence Force whose services are considered critical to the maintenance of the operational capability of the Defence Force over the next few years.

Paragraph (c) of this determination amends clause 6 of Determination 0216 to include qualified pilots who will complete 6 years of eligible service during the period 1 June 1988 to 31 August 1988 and who are therefore ineligible for an offer of a Pilot Retention Bonus under the current legislation because the deadline for acceptances, the ninth month of eligible service, will have already passed.

Paragraph (f) inserts clauses 8A and 8B. Clause 8A allows the approving authority to defer the making of a Pilot Retention Bonus in exceptional circumstances, for example, where a member at the time an offer would have been made is facing disciplinary action which may or may not result in formal charges or hearings. Clause 8B provides that the Minister for Industrial Relations may, having regard to the advice of the approving authority, subsequently direct that an offer of a Pilot Retention

Bonus be made to a member referred to in clause 8A during a specified period. Where that member accepts that offer within one month of the offer being made, a Pilot Retention Bonus of \$70,000 shall be paid.

Paragraphs (a), (b), (d) and (e) make necessary consequential amendments.

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