



## Defence Determination 2006/78

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

Dated 22 December 2006

S.R. GRZESKOWIAK  
Director General  
Personnel Policy and Employment Conditions  
Personnel Executive

**1 Citation**

This Determination is Defence Determination 2006/78, Completion bonus scheme – Naval Police Coxswain categories – amendment.

**2 Commencement**

This Determination commences on the date of signature.

**3 Amendment**

Defence Determination 2005/15, Conditions of Service, as amended,<sup>1</sup> is amended as set out in this Determination.

**4 Subclause 3.5.95.3 (Obligation payment)**

*substitute*

A member who does not serve in the Communication Information Systems category for two years must repay an amount of the obligation payment for their circumstances required under the following table.

Item	A member...	is...
1.	<p>who is entitled to a pro rata completion bonus under clause 3.5.99</p> <p><b>Exception:</b> A member covered by item 2 of this table.</p> <p><b>See:</b> Clause 3.5.99, Pro rata payment of bonus when member leaves scheme</p>	<p>not required to repay the obligation payment.</p>
2.	<p>who commences to serve an undertaking for further service (UFFS) before they have completed two years effective service under this Division</p> <p><b>Authority:</b> Part 8 of the <i>Military Superannuation and Benefits Act 1991</i>, as preserved by item 4 of Schedule 4 <i>Defence Legislation Amendment Act (No. 1) 2005</i></p>	<p>required to repay part of the obligation payment.</p> <p>The amount to be repaid is the same proportion of the obligation payment as the proportion of the member's two-year period of effective service that the member has not served on the day they commence the UFFS.</p>
3.	<p>who does not complete their two years effective service under this Division and who is not covered by items 1 or 2</p>	<p>required to repay the full amount of the obligation payment.</p>

**5 Subclause 3.5.95.4 (Obligation payment)**

*omit the subclause*

**6 Subclause 3.5.109.2 (Obligation payment)**

*substitute*

A member who does not serve in the Acoustic Warfare Analyst or the Electronic Warfare Analyst category for three years must repay an amount of the obligation payment for their circumstances required under the following table.

Item	A member...	is...
1.	<p>who is entitled to a pro rata completion bonus under subclause 3.5.112.2</p> <p><b>Exception:</b> A member covered by item 2 of this table.</p> <p><b>See:</b> Clause 3.5.112, Bonus payable when member leaves the scheme</p>	<p>not required to repay the obligation payment.</p>
2.	<p>who commences to serve an undertaking for further service (UFFS) before they have completed three years effective service under this Division</p> <p><b>Authority:</b> Part 8 of the <i>Military Superannuation and Benefits Act 1991</i>, as preserved by item 4 of Schedule 4 <i>Defence Legislation Amendment Act (No. 1) 2005</i></p>	<p>required to repay part of the obligation payment.</p> <p>The amount to be repaid is the same proportion of the obligation payment as the proportion of the member's three-year period of effective service that the member has not served on the day they commence the UFFS.</p>
3.	<p>who does not complete their three years effective service under this Division and who is not covered by items 1 or 2</p>	<p>required to repay \$25,000.</p>

**7 Subclause 3.5.109.3 (Obligation payment)**

*omit the subclause*

**8 Subclause 3.5.122.3 (Obligation payment)**

*substitute*

A member who does not serve in the Aviation Technician Aircraft or the Aviation Technician Avionics category for three years must repay an amount of the obligation payment for their circumstances required under the following table.

Item	A member...	is...
1.	<p>who is entitled to a pro rata completion bonus under subclause 3.5.125.2</p> <p><b>Exception:</b> A member covered by item 2 of this table.</p> <p><b>See:</b> Clause 3.5.125, Bonus payable when member leaves the scheme</p>	<p>not required to repay the obligation payment.</p>
2.	<p>who commences to serve an undertaking for further service (UFFS) before they have completed three years effective service under this Division</p> <p><b>Authority:</b> Part 8 of the <i>Military Superannuation and Benefits Act 1991</i>, as preserved by item 4 of Schedule 4 <i>Defence Legislation Amendment Act (No. 1) 2005</i></p>	<p>required to repay part of the obligation payment.</p> <p>The amount to be repaid is the same proportion of the obligation payment as the proportion of the member's three-year period of effective service that the member has not served on the day they commence the UFFS.</p>
3.	<p>who does not complete their three years effective service under this Division and who is not covered by items 1 or 2</p>	<p>required to repay the full amount of the obligation payment.</p>

**9 Subclause 3.5.122.4 (Obligation payment)**

*omit the subclause*

**10 Subclause 3.5.136.3 (Obligation payment)**

*substitute*

A member in the following circumstances during their service period must repay an amount of the obligation payment for their circumstances required under the following table.

Item	A member...	is...
1.	<p>who is entitled to a pro rata completion bonus under subclause 3.5.139.2</p> <p><b>Exception:</b> A member covered by Item 2 of this table.</p> <p><b>See:</b> Clause 3.5.139, Bonus payable when member leaves the scheme</p>	<p>not required to repay the obligation payment.</p>
2.	<p>who commences to serve an undertaking for further service (UFFS) before they have completed the number of years of effective service the member is committed to serve under this Division</p> <p><b>Authority:</b> Part 8 of the <i>Military Superannuation and Benefits Act 1991</i>, as preserved by item 4 of Schedule 4 <i>Defence Legislation Amendment Act (No. 1) 2005</i></p>	<p>required to repay part of the obligation payment.</p> <p>The amount to be repaid is calculated using the method in subclause 5.</p>
3.	<p>who meets both the following requirements.</p> <p>a. The member is not covered by items 1 or 2.</p> <p>b. The member does not meet any of the following requirements during all of the member's service period.</p> <p>i. The member has a Pilot primary qualification.</p> <p>ii. The member has an Observer primary qualification.</p> <p>iii. The member is an Aircrewman officer.</p> <p>iv. The member is entitled to salary for an Aircrewman employment category mentioned in Schedule 1 Part A (Navy) of DFRT Determination No.6 of 1992, Salaries.</p>	<p>required to repay the full amount of the obligation payment that the member was paid under subclause 2.</p>

**11 Subclause 3.5.136.4 (Obligation payment)**

*omit the subclause*

**12 Subclause 3.5.136.5 (Obligation payment)**

*substitute*

The following table provides a method for calculating the amount a member must repay, if the member commences to serve an undertaking for further service.

**Authority:** Item 2 of the table in subclause 3.

<b>Step</b>	<b>Action</b>	
1.	Work out the calculation figure for the member.	
	<b>If the member's service period was for...</b>	<b>the calculation figure is...</b>
	three years	a. If the member's service period did not include a 29 February, the figure is 1095. b. If the member's service period included a 29 February, the figure is 1096.
	four years	1461.
5.	five years	a. If the member's service period included one instance of 29 February, the figure is 1826. b. If the member's service period included two instances of 29 February, the figure is 1827.
2.	Work out the number of days in the following period. a. The period starts on the day the member's undertaking to serve starts. (See subclause 3.5.135.3) b. The period ends on the day before the member commences to serve an undertaking for further service.	
3.	Work out the number of days of ineffective service in the period in Step 2.	
4.	Subtract the outcome of Step 3 from the outcome of Step 2.	
5.	Subtract the outcome of Step 4 from the calculation figure determined under Step 1.	
6.	Divide the outcome of Step 5 by the calculation figure determined under Step 1.	
7.	Multiply the outcome of Step 6 by the amount of obligation payment the member was paid.	
8.	The member must repay the outcome of Step 7 to the Commonwealth.	

### 13 Subclause 3.5.149.2 (Obligation payment)

*substitute*

A member who does not serve in the Hydrographic Systems Manager Grade A category for three years must repay an amount of the obligation payment for their circumstances required under the following table.

Item	A member...	is...
1.	<p>who is entitled to a pro rata completion bonus under subclause 3.5.152.2.</p> <p><b>Exception:</b> A member covered by Item 2 of this table.</p> <p><b>See:</b> Clause 3.5.152, Bonus payable when member leaves the scheme</p>	<p>not required to repay the obligation payment.</p>
2.	<p>who commences to serve an undertaking for further service (UFFS) before they have completed three years effective service under this Division</p> <p><b>Authority:</b> Part 8 of the <i>Military Superannuation and Benefits Act 1991</i>, as preserved by item 4 of Schedule 4 <i>Defence Legislation Amendment Act (No. 1) 2005</i></p>	<p>required to repay part of the obligation payment.</p> <p>The amount to be repaid is the same proportion of the obligation payment as the proportion of the member's three-year period of effective service that the member has not served on the day they commence the UFFS.</p>
3.	<p>who does not complete their three years effective service under this Division and who is not covered by items 1 or 2</p>	<p>required to repay \$25,000.</p>

**14 Subclause 3.5.149.3 (Obligation payment)**

*omit the subclause*

**15 Subclause 3.5.162.2 (Obligation payment)**

*substitute*

A member who does not serve in an Electronic Warfare Linguist category listed in 3.5.158.1.c for three years must repay an amount of the obligation payment for their circumstances required under the following table.

Item	A member...	is...
1.	<p>who is entitled to a pro rata completion bonus under subclause 3.5.165.2.</p> <p><b>Exception:</b> A member covered by Item 2 of this table.</p> <p><b>See:</b> Clause 3.5.165, Bonus payable when member leaves the scheme</p>	<p>not required to repay the obligation payment.</p>
2.	<p>who commences to serve an undertaking for further service (UFFS) before they have completed three years effective service under this Division</p> <p><b>Authority:</b> Part 8 of the <i>Military Superannuation and Benefits Act 1991</i>, as preserved by item 4 of Schedule 4 <i>Defence Legislation Amendment Act (No. 1) 2005</i></p>	<p>required to repay part of the obligation payment.</p> <p>The amount to be repaid is the same proportion of the obligation payment as the proportion of the member's three-year period of effective service that the member has not served on the day they commence the UFFS.</p>
3.	<p>who does not complete their three years effective service under this Division and who is not covered by items 1 or 2</p>	<p>required to repay \$30,000.</p>

**16 Subclause 3.5.162.3 (Obligation payment)**

*omit the subclause*

**17 Subparagraph 3.5.171.1.d.v (Members this Division applies to)**

*insert at the end*

- vi. Another course that the Director Sailor's Career Management decides is equivalent to the courses prescribed in one of paragraphs i. to v.

**18 Subclause 3.5.175.2 (Obligation payment)**

*insert at the end*

- 2A. The Director Sailor's Career Management may decide that another course is equivalent to a course in the table in subclause 2. In this subclause, course includes a combination of courses.
- 2B. Where the Director Sailor's Career Management has made a decision under subclause 2A, the table in subclause 2 is to be read as if the member has passed the course or courses that are determined as equivalent to the ones the member has passed.

**19 Subclause 3.5.179.5 (Calculation of the bonus amount)**

*insert at the end*

6. The Director Sailor's Career Management may decide that another course is equivalent to a course in the table in subclause 5. In this subclause, course includes a combination of courses.
7. Where the Director Sailor's Career Management has made a decision under subclause 6, the table in subclause 5 is to be read as if the member has passed the course or courses that are determined as equivalent to the ones the member has passed.

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**NOTE**

1. Defence Determination 2005/15, as amended to date. For previous amendments see Defence Determinations 2006/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76 and 77. Certain provisions of the Determination have been modified by Determination No. 5 of 2005 and Nos. 1 and 16 of 2006, made under section 58H of the *Defence Act 1903*.

# EXPLANATORY STATEMENT

## Defence Determination 2006/78

This Determination amends Defence Determination 2005/15, Conditions of Service (the Principal Determination), made under section 58B of the *Defence Act 1903* (the Act). Chapter 3 of the Principal Determination sets out provisions dealing with salaries and bonuses for members of the Australian Defence Force (ADF).

This Determination clarifies the operation of a number of payments associated with completion bonus schemes that operate in Navy. It also inserts new powers for the CDF to determine that non-prescribed qualifications are equivalent to those prescribed, for the purpose of the Naval Police Coxswain completion bonus scheme.

Clause 1 of this Determination sets out the manner in which this Determination may be cited.

Clause 2 provides that the Determination commences on the date of signature, as provided under subsection 58B94) of the Act.

Clause 3 specifies that the amendment is made to the Principal Determination, as amended.

Clauses 4 and 5 clarify an area of possible uncertainty, for the purpose of the Navy – Communication Information Systems completion bonus scheme. Clause 4 substitutes subclause 3.5.95.3 of the Principal Determination, and provides a table that more clearly lays out who may keep their obligation payment when they leave the scheme, and who must repay part or all of it. Clause 5 omits subclause 3.5.95.4 of the Principal Determination, as that information is now in subclause 3.5.95.3 of the Principal Determination. The policy is unchanged.

Clauses 6 and 7 clarify an area of possible uncertainty, for the purpose of the Navy – Acoustic Warfare Analyst and Electronic Warfare Analyst Submarines completion bonus scheme. Clause 6 substitutes subclause 3.5.109.2 of the Principal Determination, and provides a table that more clearly lays out who may keep their obligation payment when they leave the scheme, and who must repay part or all of it. Clause 7 omits subclause 3.5.109.3 of the Principal Determination, as that information is now in subclause 3.5.109.2 of the Principal Determination. The policy is unchanged.

Clauses 8 and 9 clarify an area of possible uncertainty, for the purpose of the Navy – Aviation Technician completion bonus scheme. Clause 8 substitutes subclause 3.5.122.3 of the Principal Determination, and provides a table that more clearly lays out who may keep their obligation payment when they leave the scheme, and who must repay part or all of it. Clause 9 omits subclause 3.5.122.4 of the Principal Determination, as that information is now in subclause 3.5.122.3 of the Principal Determination. The policy is unchanged.

Clauses 10, 11 and 12 clarify an area of possible uncertainty, for the purpose of the Navy – Aircrew retention and completion bonus scheme. Clause 10 substitutes subclause 3.5.136.3 of the Principal Determination, and provides a table that more clearly lays out who may keep their obligation payment when they leave the scheme, and who must repay part or all of it. Clause 11 omits subclause 3.5.95.4 of the Principal Determination, as that information is now in subclause 3.5.136.3 of the Principal Determination. Clause 12 substitutes subclause 3.5.136.5 of the Principal Determination. The subclause provides a process for calculating the amount of obligation payment a member must repay. The requirement that a member make a repayment has been removed, as that information is now in subclause 3.5.136.3 of the Principal Determination. The policy is unchanged.

Clauses 13 and 14 clarify an area of possible uncertainty, for the purpose of the Navy – Hydrographic Systems Manager completion bonus scheme. Clause 13 substitutes subclause 3.5.149.2 of the Principal Determination, and provides a table that more clearly lays out who may keep their obligation payment when they leave the scheme, and who must repay part or all of it. Clause 9 omits subclause 3.5.149.3 of the Principal Determination, as that information is now in subclause 3.5.149.2 of the Principal Determination. The policy is unchanged.

Clauses 15 and 16 streamline the presentation of obligation payment recovery rules, for the purpose of the Navy – Electronic Warfare Linguist completion bonus scheme. Clause 15 substitutes subclause 3.5.162.2 of the Principal Determination, and provides a table that more clearly lays out who may keep their obligation payment when they leave the scheme, and who must repay part or all of it. Clause 16

omits subclause 3.5.162.3 of the Principal Determination, as that information is now in subclause 3.5.162.3 of the Principal Determination. The policy is unchanged.

Clause 17 inserts a new subparagraph 3.5.171.1.d.vi into the Principal Determination. The new subparagraph includes a power to determine that a course is equivalent to a prescribed course, for the purpose of qualification for entry to the Navy – Naval Police Coxswain completion bonus scheme.

Clause 18 inserts new subclauses 3.5.175.2A and 3.5.175.2B into the Principal Determination. Subclause 3.5.175.2A includes a power to determine that a course is equivalent to a prescribed course, for the purpose of payment of the obligation payment under the Navy – Naval Police Coxswain completion bonus scheme. Subclause 3.5.175.2B provides a member with non-prescribed qualifications the same rate of obligation payment as that paid to a member with equivalent qualifications.

Clause 19 inserts new subclauses 3.5.179.6 and 3.5.179.7 into the Principal Determination. Subclause 3.5.179.6 includes a power to determine that a course is equivalent to a prescribed course, for the purpose of payment of the completion bonus under the Navy – Naval Police Coxswain completion bonus scheme. Subclause 3.5.179.7 provides a member with non-prescribed qualifications the same rate of completion bonus as that paid to a member with equivalent qualifications.

In clauses 17, 18, and 19 the power vests directly in the administrative decision maker, who has specialist knowledge of the area.

**Authority:** Section 58B of the  
*Defence Act 1903*