



Defence Determination 2007/19

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 20 April 2007

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

1 Citation

This Determination is Defence Determination 2007/19, Navy – Individuals critical to Navy capability – amendment.

2 Commencement

This Determination commences on the day it is signed.

3 Amendment

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

4 Paragraph 3.5.205.1.b (Member who is eligible for a retention bonus under this Division)

omit

the member

insert

the member or a class of members

5 Subclause 3.5.205.2 (Member who is eligible for a retention bonus under this Division)

omit, first occurring

a member

insert

a member or a class of members

6 Paragraph 3.5.205.2.e (Member who is eligible for a retention bonus under this Division)

insert after the paragraph

ea. Whether the member has applied to achieve qualifications and skills that are essential to the delivery of Navy's capability.

7 Subclause 3.5.210.1 (Payment of the retention bonus)

insert at the end

Exception: If the member is offered a bonus because they have applied to achieve qualifications and skills that are essential to the delivery of Navy's capability, the bonus is payable on the day the member successfully completes the course or training and achieves the qualification or skill specified in the bonus offer.

8 Subparagraph 3.5.210.4.b.iv (Payment of the retention bonus)

insert at the end

- c. If the member is offered a bonus because they have applied to achieve qualifications and skills that are essential to the delivery of Navy's capability – the day the member successfully completes the course or training and achieves the qualification or skill specified in the bonus offer.

Note: This means that if the member does not achieve the qualification or skill specified in the offer then they do not receive the bonus payment under subclause 1. The member also does not have to provide the agreed period of service under this scheme because they cannot perform in the relevant position, employment category or primary qualification.

NOTE

1. Defence Determination 2005/15 commenced on 31 May 2005. For previous amendments see Note to Defence Determination 2007/1 and see also Defence Determinations 2007/2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18.

EXPLANATORY STATEMENT

Defence Determination 2007/19

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 amends a retention bonus scheme for members of Navy in critical employment categories. The scheme supplements the existing bonus schemes for critical categories in Navy. It is offered to personnel as an incentive to remain in positions, employment categories or primary qualifications that are hard to fill but necessary to support capability in a team. This amendment makes clearer that the bonus may be offered to members based on their belonging to a class which is critical to Navy capability. For example, all the members of a course may each be offered a bonus as a means of encouraging them to achieve the qualification and fill a class of positions in which there is a workforce shortage.

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

Clause 2 of this Determination provides that the Determination commences on the day it is signed, as provided by subsection 58B(4) of the Act.

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

Clauses 4 and 5 amend clause 3.5.205 of the Principal Determination, to insert express reference to members in a class, to allow a workforce shortage that affects a group of members to be considered.

Clause 6 also amends clause 3.5.205 of the Principal Determination. It inserts new paragraph 3.5.205.2.ea, which allows consideration of whether the member is to achieve a qualification or skill which will enable them to fill a role that is critical to capability. This will assist in meeting critical capability needs as it provides an incentive to members to plan their careers to prevent workforce shortages arising where special skills and qualifications are required.

Clauses 7 and 8 amend clause 3.5.210 of the Principal Determination.

- Clause 7 provides that the member does not receive a bonus payment until they complete their course or training successfully. This means they are not exposed to the risk of repayment due to failure. The payment and service obligation do not occur until the member has achieved the qualification or skill necessary to occupy a role critical to capability.
- Clause 8 provides that the day from which service under the bonus schemes is measured does not occur until a member who becomes eligible for a bonus due to new paragraph 3.5.205.2.ea actually achieves the qualification or skill for which they were offered the bonus. This means a member will not be disadvantaged if they accept the offer but then fail the course or training they need to complete to achieve the qualification or skill, because they do not need to commence service under the Division if they do not complete the course or training successfully.

Criteria are provided for the exercise of discretions under the Principal Determination, as amended by this Determination. Adverse decisions are subject to merits review under the ADF redress of grievance system, including an appeal to the Defence Force Ombudsman.

Authority: Section 58B of the
Defence Act 1903