



Defence Determination 2007/20

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 2 May 2007

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

1 Citation

This Determination is Defence Determination 2007/20, Army – 1st Recruit Training Battalion recruit instructors scheme.

2 Commencement

This Determination commences on the day that it is signed.

3 Amendment

Defence Determination 2005/15, Conditions of Service, as amended¹, is amended as set out in this Determination.

4 Clause 3.5.2 (Contents)

add at the end

Division 22 Army – 1st Recruit Training Battalion recruit instructors scheme

5 Chapter 3 Part 5 Division 21 (Navy – Individuals critical to Navy capability)

after the Division, insert

Division 22: Army – 1st Recruit Training Battalion recruit instructors scheme

3.5.213 Purpose

The purpose of this Determination is to offer attraction and completion payments to members who perform the duties of a recruit instructor at 1st Recruit Training Battalion (1RTB).

3.5.214 Payments under this Division

This Division deals with the following three types of payment.

- a. An attraction payment payable where eligible members commence duties as a recruit instructor at 1RTB.
- b. A completion payment for eligible members who have been posted out of 1RTB between 1 November 2006 and the day this determination commences.
- c. A completion payment that is paid annually to eligible members. In some circumstances pro rata payment of the completion payment may be made.

3.5.215 Definition of a training year

In this Division a training year is between 1 November and 31 October in the next calendar year.

3.5.216 Member eligible for the recruit instructors scheme

1. A member is eligible for the recruit instructors scheme if they meet all of the following conditions.
 - a. The member is in the Australian Regular Army or Army Reserves on continuous full-time service.
 - b. The member has marched in to a recruit instructor position at 1RTB and commenced performing the duties of a recruit instructor.
 - c. The member has not been posted out of a recruit instructor position at 1RTB on the day this determination commences.
 - d. The member holds the rank of Corporal or Sergeant.
 - e. The member has a posting order of at least 12 months.
 - f. The member has applied to join the scheme using the form at Annex 3.5.W.

See: Annex 3.5.W, Army – 1st Recruit Battalion recruit instructors scheme
2. A member is eligible for a completion payment for member posting out under clause 3.5.219 if they served as a recruit instructor at 1RTB until 1 November 2006 and completed a full training year as a recruit instructor.

See: Clause 3.5.219, Completion payment for member who has been posted out

3.5.217 Member not eligible for the recruit instructors scheme

A member is not eligible for the recruit instructors scheme if they meet one or more of the following conditions.

- a. They are an officer.
- b. They hold the rank of Warrant Officer Class 1 or Warrant Officer Class 2.
- c. They first become eligible for the scheme after 1 July 2011.

3.5.218 Attraction payment

1. An attraction payment of \$10,000 is payable to an eligible member under subclause 3.5.216.1.

See: Clause 3.5.216, Member eligible for the recruit instructors scheme

2. A member is taken to commence in the scheme on the earlier of the following two dates.
 - a. the date they commence duties as a recruit instructor.
 - b. the date they apply to join the scheme.

3.5.219 Completion payment for member who has been posted out

A completion payment of \$10,000 is payable to an eligible member if they meet all of the following conditions.

- a. They have successfully completed the recruit instructor development course.
- b. They completed a training year as a recruit instructor at 1RTB between 1 November 2006 and the day this determination commences.
- c. They performed recruit instructor duties for one of the following course combinations within a training year.
 - i. Two Army recruit course platoons.
 - ii. Four Reserve recruit training platoons.
 - iii. One Army recruit course platoon and one Reserve recruit training platoon.
 - iv. Instructional duties within 1RTB Training Support Company.
- d. Marched out of 1RTB between 1 November 2006 and the day this determination commences.
- e. They fill out an application using the form in Annex 3.5.W.

See: Annex 3.5.W, Army – 1st Recruit Battalion recruit instructors scheme

3.5.220 Completion payment

1. A completion payment of \$10,000 is payable to an eligible member if they meet all of the following conditions.
 - a. They successfully complete the recruit instructor development course.
 - b. They perform recruit instructor duties for one of the following course combinations within a training year.

- i. Two Army recruit course platoons.
 - ii. Four Reserve recruit training platoons.
 - iii. One Army recruit course platoon and one Reserve recruit training platoon.
 - iv. Instructional duties within 1RTB Training Support Company.
2. A completion payment is paid at the end of a training year.
 3. A completion payment may be paid for each consecutive training year for which a member meets the conditions in subclause 3.5.220.1.
 4. If a member does not meet all of the conditions in subclause 3.5.219.1, they may be eligible for a pro rata payment of the completion payment under clause 3.5.221.

3.5.221 Reasons for making a pro rata payment of the completion payment

A member is to be paid a completion payment on a pro rata basis if they fail to complete a full training year as a recruit instructor for any of the following reasons.

- a. The member dies.
- b. The member is promoted to the rank of Warrant Officer Class 2.
- c. The member is commissioned as an officer.
- d. The member reaches the end of a fixed period of service or reaches compulsory retirement age.
- e. The member's service is terminated due to physical or mental incapacity.
- f. The member is made redundant or is retrenched.
- g. The member is transferred or posted out.
- h. The member is on a period of temporary duty in a recruit instructor position and the temporary duty ends before a full training year is completed.
- i. The scheme ceases.

3.5.222 Calculating a pro rata amount of the completion payment

The following table shows how to calculate a pro rata amount of the completion payment payable under clause 3.5.221.

Step	Action
1.	Work out the number of days in a training year on which the member has been posted to a recruit instructor position at 1RTB.
2.	Multiply the outcome of Step 1 by \$27.40. Note: \$27.40 is the daily rate of the completion payment ($\$10,000 \div 365 = \27.40).
3.	The member may be paid the outcome of Step 2.

3.5.223 Administration of payment

1. Using the form at Annex 3.5.W a member may nominate payment details for the payments under this scheme before the day the payment is due.

See: Annex 3.5.W, Army – 1st Recruit Battalion recruit instructors scheme

2. If a member does not nominate payment details before a payment is due, the payment may only be made to the member's normal pay account.

6 Annex 3.5.V (Navy – Individuals critical to Navy capability)

insert at the end

the Annex set out in the Attachment.

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, 18 and 19.

ATTACHMENT

Annex 3.5.W: Army – 1st Recruit Battalion recruit instructors scheme

This application is in four parts.

Part A – provides information about the scheme, and is for you to keep.

Part B – is your application to join the scheme.

Part C – provides your election about how the payments are to be paid.

Part D – provides additional payment information if you choose to pay the money into a superannuation fund.

Part A: Application information

I am applying for the 1st Recruit Battalion (1RTB) recruit instructors scheme. This is authorised under Chapter 3 Part 5 Division 22 of Defence Determination 2005/15, Conditions of Service, made under section 58B of the *Defence Act 1903* ('the Determination').

I understand that my application for this scheme is subject to the following terms and conditions.

1. I meet the requirements to be eligible to apply for the scheme under this Determination.
2. I will be paid a \$10,000 attraction payment when my application for the scheme is accepted if I am performing the duties of a recruit instructor at 1RTB.
3. I will be paid a \$10,000 completion payment for member posting out if I served as a recruit instructor at 1RTB until 1 November 2006, successfully completed the recruit instructors development course and completed a full training year as a recruit instructor with the required course combinations.
4. I will be paid a \$10,000 completion payment at the end of each training year if I successfully complete the recruit instructor development course and perform recruit instructor duties with the required course combinations.
5. I will be paid a pro rata completion payment if I fail to complete a full training year as a recruit instructor for specified reasons.
6. I may elect to pay the scheme payments into a superannuation fund using the form provided at Parts C and D.
7. I am advised to seek professional legal and/or financial advice about this decision. ADF members are not qualified to provide this advice.

Full details of the 1RTB recruit instructors scheme are contained in Chapter 3 Part 5 Division 22 of Defence Determination 2005/15, Conditions of Service.

This application, and the related parts of Defence Determination 2005/15, are the whole agreement between us about the nature of this scheme. It overrides any other prior understanding or agreement about the scheme. This would include, for instance, things I may have been told about the scheme or things I may have read elsewhere.

Part B: Application for the 1RTB recruit instructors scheme

I,.....
 (Rank) (Last name) (Given name)

..... ,
 (Service number) (Employee ID)

apply to join the 1RTB recruit instructors scheme.

I acknowledge that the provisions of Chapter 3 Part 5 Division 22 of Defence Determination 2005/15, Conditions of Service, have been brought to my notice.

This is my first application for the scheme. Yes [] No []
 I have read and understood Part A of this application. Yes [] No []

I have completed the options for payment (see Parts C and D of this form.) Yes [] No []

Dated this day of 20

 Signed

 Printed name

Witness
(This person must not be below the applicant in the chain of command)

 Signed

 Printed name

I,

 (Rank) (Last name) (Given name) (Employee ID)

verify that the member has met all the requirements for payment of the attraction payment.

I,

 (Rank) (Last name) (Given name) (Employee ID)

verify that the member has met all the requirements for payment of the completion payment for member posting out.

I,

 (Rank) (Last name) (Given name) (Employee ID)

verify that the member has met all the requirements for payment of the completion payment.

I,

.....
(Rank) (Last name) (Given name) (Employee ID)

verify that the member has met all the requirements for pro rata payment of the completion payment.

Part C: Payment details

This form must be submitted along with the application form (Part B).

There are three options for payment.

Option one: Paid into the member's normal pay account. The amounts will be taxed at the applicable tax rate at the time of payment.

Option two: As an employer contribution to superannuation. This election is made once, but you will later be able to vary this election.

Option three: As a combination of these.

All members are strongly advised to seek professional financial advice when making this decision. ADF members are not qualified to provide this advice.

Attraction payment

I choose this payment method for my attraction payment:

Option one: Paid into my normal pay account. The amounts will be taxed at the applicable tax rate at the time of payment.

Option two: The full amount paid as an employer contribution to superannuation. I have nominated a superannuation fund in Part C of this form.

Option three: 1. _____% of the attraction payment as an employer contribution to superannuation. I have nominated a superannuation fund in Part C of this form.
2. The balance of the amount paid into my normal pay account. This amount will be taxed at the applicable tax rate.

*Tick one box. Only select **one** of the options.*

Completion payment for member posting out

I choose this payment method for payment of my completion payment for member posting out:

Option one: Paid into my normal pay account. The amounts will be taxed at the applicable tax rate at the time of payment.

Option two: The full amount paid as an employer contribution to superannuation. I have nominated a superannuation fund in Part C of this form.

Option three: 1. _____% of the completion payment as an employer contribution to superannuation. I have nominated a superannuation fund in Part C of this form.
2. The balance of the amount paid into my normal pay account. This amount will be taxed at the applicable tax rate.

*Tick one box. Only select **one** of the options.*

Completion payment

I choose this payment method for payment of my completion payment (including pro rata payment if applicable):

- Option one:** [] Paid into my normal pay account. The amounts will be taxed at the applicable tax rate at the time of payment.
- Option two:** [] The full amount paid as an employer contribution to superannuation. I have nominated a superannuation fund in Part C of this form.
- Option three:** []
1. _____% of the completion payment as an employer contribution to superannuation. I have nominated a superannuation fund in Part C of this form.
 2. The balance of the amount paid into my normal pay account. This amount will be taxed at the applicable tax rate.

*Tick one box. Only select **one** of the options.*

Part D: Superannuation fund nomination

This section must be completed if either option two or three has been selected for one of the items in Part C. It is the member's responsibility to supply superannuation fund details.

I nominate this Eligible Choice Fund for my attraction payment.

Fund name
Fund number
Fund address
Member's account number.....
Member's tax file number [optional].....

I nominate this Eligible Choice Fund for my completion payment for member posting out.

Fund name
Fund number
Fund address
Member's account number.....
Member's tax file number [optional].....

I nominate this Eligible Choice Fund for my completion payment.

Fund name
Fund number
Fund address
Member's account number.....
Member's tax file number [optional].....

Dated this day of 20

Signed
Name (printed) _____
Work address _____
Occupation _____
Date _____

EXPLANATORY STATEMENT

Defence Determination 2007/20

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 provides for an attraction and completion payment scheme for members of Army at the rank of Corporal or Sergeant who perform the duties as a recruit instructor at the 1st Recruit Training Battalion. These payments are designed to encourage members to perform these duties.

Members who are eligible for this scheme may also be eligible for payments under the Army expansion and rank retention and completion bonus, which is set out in Chapter 3, Part 5, Division 19 of the Principal Determination. This scheme is also in addition to the salary non-reduction provisions under clause 11F of Defence Force Remuneration Tribunal Determination No. 6 of 1992, Salaries, for members who are posted as a recruit instructor to the 1st Recruit Training Battalion.

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 day that it is signed.

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

Clause 4 inserts a new item in clause 3.5.2 of the Principal Determination, to advise of a new Division 22 in the contents of Chapter 3 Part 5.

Clause 5 inserts new Division 22 Army – 1st Recruit Training Battalion recruit instructors scheme. The new Division has the following features.

- Clause 3.5.213 outlines the purpose of the Determination.
- Clause 3.5.214 provides an overview of the three payment types.
- Clause 3.5.215 provides for a definition of 'training year', which is the period for the payment of the \$10,000 completion payment for member posting out and the \$10,000 completion payment.
- Clause 3.5.216 outlines the members eligible for the three payments under this Division.
- Clause 3.5.217 describes classes of members who are not eligible for a payment under this Division. These classes are officers, warrant officers or those who first become eligible for the scheme after 1 July 2011.
- Clause 3.5.218 provides for a \$10,000 attraction payment to be made to members when their applications for the scheme is accepted if they are performing the duties of a recruit instructor at the 1st Recruit Training Battalion.
- Clause 3.5.219 provides for a \$10,000 completion payment for members who have been posted out of a recruit instructor position at 1st Recruit Training Battalion if they have successfully completed the recruit instructors development course and completed a full training year as a recruit instructor with the required course combinations.
- Clause 3.5.220 provides for a \$10,000 completion payment to be paid to members at the end of each training year if they successfully complete the recruit instructor development course and perform recruit instructor duties with the required course combinations.
- Clause 3.5.221 sets out certain circumstances where a pro rata payment of the \$10,000 completion payment may be made to a member who fails to complete a full training year.

- Clause 3.5.222 describes how a pro rata payment of the completion payment may be calculated.
- Clause 3.5.223 enables members to nominate payment details for any payments under this Division.

Clause 6 inserts a new Annex 3.5.W in the Principal Determination. This Annex provides a suite of forms for the administration of the scheme.

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