



Defence Determination 2007/69

I, PETER ARTHUR ELLIS BAVINGTON, Acting Director General Personnel Policy and Employment Conditions, Personnel Executive, make this Determination under section 58B of the *Defence Act 1903*.

Dated 9 November 2007

P A E BAVINGTON
Acting Director General
Personnel Policy and Employment Conditions
Personnel Executive

1 Citation

This Determination is Defence Determination 2007/69, Army – Military instructors on temporary duty.

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 Clause 3.5.2 (Contents)

insert at the end

[Division 28](#) Army – Military instructor on temporary duty

5 Clause 3.5.264 (Administration of payment)

insert at the end

Division 28: Army – Military instructor on temporary duty

3.5.265 Purpose

The purpose of this Division is to offer incentive payments to members who complete a period of temporary duty in a military instructor position in Army.

3.5.266 Definitions

In this Division, ***military instructor*** has the same meaning as it does in clause 3.5.240.

See: Division 25 clause 3.5.240, Definition of a military instructor

3.5.267 Member eligible for bonus payment

1. A member is eligible for a bonus payment of under this Division if they meet all of the following conditions.
 - a. The member is in the Australian Regular Army, or the Army Reserves on continuous full time service.
 - b. The member holds a qualification from an ADF-endorsed instructor's course.

Exception: CDF may decide that the member is qualified.
 - c. The member performs a period of temporary duty as a **military instructor** on or after 1 July 2007.
 - d. The member is in a Training Command – Army establishment that supports one of the following initiatives.
 - i. Hardened and Networked Army.
 - ii. Enhanced Land Force.
2. The Commanding Officer of the relevant Training Command establishment must notify the member that they are eligible and may apply for the bonus.
3. A member who applies for the bonus must use the form at Annex 3.5.ZC.

See: Annex 3.5.ZC, Military instructor on temporary duty
4. A bonus payment may be paid for each completed period of temporary duty for which a member meets the conditions in subclause 1.
5. This Division ceases to apply to all members on 30 June 2012.

3.5.268 Member not eligible under this Division

A member is not eligible for a payment under this Division if any of the following circumstances apply to them.

- a. An amount under Division 22, Army – 1st Recruit Training Battalion recruit instructors scheme is payable to the member for the period in which they would be eligible under this Division.
- b. The member is currently serving a period of service for the purpose of Division 23, Army – Trade transfer bonus.
- c. An amount under Division 24, Navy – Recruit instructors scheme is payable to the member for the period in which they would be eligible under this Division.
- d. An amount under Division 25, Military instructors scheme is payable to the member for the period in which they would be eligible under this Division.

3.5.269 Payment under this Division

At the end of the member's period of temporary duty, the member is to be paid a single bonus amount that is equal to the total of \$13.70 for each day of the temporary duty period that the member completed.

3.5.270 Reasons for making a pro rata payment of the bonus payment

1. A member is to be paid a bonus payment on a pro rata basis if they fail to complete their full fixed period of temporary duty as a military instructor for any of the following reasons.
 - a. The member dies.
 - b. The member applies to extend their period of service or enlistment but the extension is refused.
 - c. The member's service is terminated due to physical or mental incapacity.
 - d. The member is made redundant or is retrenched.
 - e. The member is transferred or posted out of the military instructor position for an operational deployment.
 - f. The requirement for the temporary duty ceases.
 - g. The scheme ceases.
2. The following table shows how to calculate a pro rata amount of the bonus payment payable under subclause 1.

Step	Action
1.	Count the number of days the member actual did temporary duty for.
2.	Multiply the outcome of Step 1 by \$13.70.
3.	The member may be paid the outcome of Step 2.

Example: The member is on a fixed period of temporary duty for three months. The requirement for temporary duty ceases and the member has only completed 40 days of the fixed period. The member is paid \$548 (40 days multiplied by \$13.70 = \$548).

3.5.271 Member's options for payment under this Division

1. Using the form at Annex 3.5.ZC a member may nominate payment details for the payments under this scheme before the day the payment is due.
See: Annex 3.5.ZC, Military instructor on temporary duty
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.ZB (Medical Officer retention benefit scheme)

insert at the end

The Annex set out in the Attachment to this determination.

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, 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, 65, 66, 67 and 68.

ATTACHMENT

Annex 3.5.ZC: Military instructor on temporary duty

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 Military instructor on temporary duty bonus. This is authorised under Chapter 3 Part 5 Division 28 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 have been notified that I am eligible to join the scheme under this Determination.
2. I will be paid a bonus payment at the end of my period of temporary duty as a military instructor.
3. I will be paid a pro rata bonus payment if I fail to complete the period of temporary duty as a military instructor for specified reasons.
4. I may elect to pay the scheme payments into a superannuation fund using the form provided at Parts C and D.
5. 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 Military instructor on temporary duty bonus are contained in Chapter 3 Part 5 Division 28 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 Military instructor on temporary duty bonus

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

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

apply to join the Military instructor on temporary duty bonus.

I acknowledge that the provisions of Chapter 3 Part 5 Division 28 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)

as the members Commanding Officer, verify that the member has met the requirements for payment under this Division.

 Signature

I,

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

verify that the member has met all the requirements for payment of the bonus for a full period of temporary duty.

 Signature

I,

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

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

 Signature

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.

Bonus payment

I choose this payment method for payment of my bonus 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 D of this form.

Option three: 1. _____% of the bonus payment as an employer contribution to superannuation. I have nominated a superannuation fund in Part D 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 bonus payment.

Fund name

Fund number

Fund address

Member's account number.....

Dated this day of 20

Signed

Name (printed) _____

Work address _____

Occupation _____

Date _____

EXPLANATORY STATEMENT

Defence Determination 2007/69

This Determination amends Defence Determination 2005/15, Conditions of Service (the Principal Determination), made under section 58B of the *Defence Act 1903* (the Act). Part 5 of Chapter 3 of the Principal Determination sets out provisions dealing with bonus payments for members of the Australian Defence Force (ADF).

The purpose of this Determination is to provide a completion bonus to Army members who perform a period of temporary duty as a military instructor in support of Hardened and Networked Army (HNA) and Enhanced Land Force (ELF) initiatives.

In making this Determination, the rule-maker has taken the Caretaker Conventions into account. The amendments made to the Principal Determination do not represent major policy decisions that are likely to commit an incoming government, and do not commit the government to major contracts or undertakings. The amendments use existing funding or make minor changes to policy that increase the efficiency of administration of benefits. As such, the amendments are consistent with the continued observance of the Caretaker Conventions.

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 made, as provided by subsection 58B(4) of the Act. The bonus operates prospectively, however, it may take into account a period of temporary duty that commenced on or after 1 July 2007. This partial retrospectivity does not affect the rights of a person (other than the Commonwealth) in a manner prejudicial to that person, nor does it impose any liability on such person.

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 notify readers of a new Division 28 in the contents of Chapter 3 Part 5.

Clause 5 inserts new Division 28, Army – Military instructor on temporary duty, into the Principal Determination. The new Division has these features.

- Clause 3.5.265 outlines the purpose of the Division.
- Clause 3.5.266 provides the definition of a military instructor used in this Division.
- Clause 3.5.267 outlines the members to whom the Division applies.
- Clause 3.5.268 outlines the members to whom the Division does not apply.
- Clause 3.5.269 provides for payment of a completion bonus to members. A full or a partial bonus may be paid, depending on whether the member completes the full period of temporary duty they have been tasked to perform. The period of temporary duty usually relates to a course of at least six weeks' duration.
- Clause 3.5.270 sets out the circumstances in which members are entitled to a pro rata payment of the bonus if they leave the scheme within the agreed period of service.
- Clause 3.5.271 provides the process by which members may advise how the bonus should be paid.

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