



Defence Determination 2009/63

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

Dated 1 October 2009

P A E BAVINGTON
Acting Director General
Personnel Policy and Employment Conditions
People Strategies and Policy Group

1 Citation

This Determination is Defence Determination 2009/63, Air Force – Military instructor on Reserve service completion bonus scheme.

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)

add at the end

Division 35 Air Force – Military instructor on Reserve service completion bonus scheme

5 Chapter 3 Part 5 Division 34 (Air Force – Military instructor completion bonus scheme)

after the Division, insert

Division 35: Air Force – Military instructor on Reserve service completion bonus scheme

3.5.340 Purpose

The purpose of this Division is to offer incentive payments to members on Reserve service who perform periods of duty in specified military instructor roles.

3.5.341 Definitions

1. In this Division an ***instructor*** is a member who meets both of the following conditions.
 - a. The member's primary role is to instruct employment training courses within the ADF training units.
 - b. The member is posted to a position designated by the Director-General Personnel – Air Force as an instructor position.
2. In this Division a ***military skills instructor*** is a member who meets both of the following conditions.
 - a. The member holds a military skills instructor qualification from an ADF-endorsed instructor's course.

Exception: The Director-General Personnel – Air Force may decide that the member is qualified.

- b. The member is posted to a designated military skills instructor position in an ADF training unit.
3. In this Division a **training developer** is a member who meets both of the following conditions.
- a. The member's primary role is to develop or evaluate employment training courses within the ADF training units.
 - b. The member is posted to a position designated by the Director-General Personnel – Air Force as a training developer position.
4. In this Division a **training evaluator** is a member who meets both of the following conditions.
- a. The member's primary role is to develop or evaluate employment training courses within the ADF training units.
 - b. The member is posted to a position designated by the Director-General Personnel – Air Force as a training evaluator position.

3.5.342 Member this Division applies to

This Division applies to a member who meets all the following conditions.

- a. The member is in the Air Force Reserve.
- b. The member is posted to any of the following roles and positions.
 - i. A military skills instructor.
 - ii. An instructor.
 - iii. A training developer.
 - iv. A training evaluator.

See: Clause 3.5.341, Definitions

- c. The member works 50 days of Reserve service during a work period.

See:

Clause 3.5.344, Working out a day for Reserve service

Clause 3.5.345, Work period

3.5.343 Member this Division does not apply to

A member in any of the following circumstances is not eligible for a completion bonus under this Division.

- a. The member is an officer.
- b. The member has undertaken to perform a period of service for the purpose of another bonus scheme under this Part.

3.5.344 Working out a day for Reserve service

- 1. For the purpose of this Division, Reserve service of between six and 24 hours on a day is counted as a full day of service.

- If a member works for less than six hours on a day, a part day is calculated under the following table.

Item	If the member attends duty for this amount of time...	the member's day is calculated as...
1.	three hours but less than six hours	half a day.
2.	two hours but less than three hours	one third of a day.

3.5.345 Work period

- This clause sets out a member's work period, for the purpose of counting the required 50 days of service.
- The work period for a military skills instructor is any of the following periods.

Item	If the member became a military skills instructor...	their...	starts on...	and finishes...
1.	before 1 January 2009	first work period	1 January 2009	31 December 2009.
		second work period (if applicable)	the day after the first year ends	on 31 January 2011.
2.	after 1 January 2009	first work period	the day the member is placed into the position	twelve months later.
		second work period (if applicable)	the day after the first year ends	on 31 January 2011.

Example: A member was posted into a military skills instructor position on 3 March 2009. The member's work period is from 3 March 2009 until 2 March 2010. The member's second work period is from 3 March 2010 until 31 January 2011.

- The work period for an instructor, training developer or training evaluator is any of the following periods.

Item	If the member became an instructor or training developer...	their...	starts on...	and finishes...
1.	before 1 January 2009	first work period	1 January 2009	31 December 2009.
2.	after 1 January 2009	first work period	the day the member is placed in the position	twelve months later.
3.	at any time	second work period (if applicable)	the day after the first year ends	twelve months later.
4.	at any time	third work period (if applicable)	the day after the second year ends	on 30 June 2011.

Example: A member was posted into a training developer position on 1 January 2009. The member's work period is from 1 January 2009 until 31 December 2009. The member's second work period is from 1 January 2010 until 31 December 2010. The member's third work period is 1 January 2011 until 30 June 2011.

4. The days a member works during their work period must be verified by the member's commanding officer using the form at Annex 3.5.ZK.

See: Annex 3.5.ZK, Air Force – Military instructor on Reserve service completion bonus scheme

3.5.346 Payments under this Division

1. At the end of a work period in which the member has worked 50 or more days' service, the member is to be paid a single bonus amount for each day of Reserve service that the member completed during their work period.
2. The following table sets out the rate for each day of Reserve service relevant to the member's role.

Item	If the member is...	they are eligible for a single bonus payment at the rate of...
1.	a military skills instructor	\$27.40 for each day of Reserve service.
2.	an instructor	\$13.70 for each day of Reserve service.
3.	a training developer	\$13.70 for each day of Reserve service.
4.	a training evaluator	\$13.70 for each day of Reserve service.

3. The bonus amount will be calculated using the method in the following table.

Step	Action
1.	Calculate the days the member has worked as a military skills instructor, using the rules in clause 3.5.44. See: Clause 3.5.44, Working out a day for Reserve service
2.	Calculate the days the member has worked as an instructor, training developer or training evaluator, using the rules in clause 3.5.44. See: Clause 3.5.44, Working out a day for Reserve service
3.	Add the outcome of Step 1 and the outcome of Step 2. a. If the outcome equals fewer than 50 days during a member's work period, the member does not get a bonus payment. b. If the outcome equals 50 days or more during the member's work period, go to Step 4.
4.	Multiply the outcome of Step 1 by \$27.40. Note: \$27.40 is the daily rate of the bonus payment ($\$10,000 \div 365 = \27.40).
5.	Multiply the outcome of Step 2 by \$13.70. Note: \$13.70 is the daily rate of the bonus payment ($\$5,000 \div 365 = \13.70)
6.	Add the outcomes of Step 4 and Step 5.
7.	The member may be paid the outcome of Step 6.

Example: A member works the following hours during their work period.

As a military skills instructor – seven hours for 25 days and three hours for 10 days.

As a training developer – nine hours for 32 days and five hours for two days.

Step	Action
1.	25 full days + 10 half days = 30 full days.
2.	32 full days + 3 half days = 33.5 full days.
3.	30 + 33.5 = 63.5 full days. The member may proceed to Step 4.
4.	30 days x \$27.50 = \$825.00.
5.	33.5 days x \$13.70 = \$458.95.
6.	\$825.00 + \$458.95 = 1283.95.
7.	The member may be paid \$1283.95.

6 Annex 3.5.ZJ (Air Force – Military instructor completion bonus scheme)

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 2009/1 and see also Defence Determinations 2009/2, 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 and 62.

ATTACHMENT

Annex 3.5.ZK: Air Force – Military instructor on Reserve service completion bonus scheme

Full details of the completion bonus scheme are contained in Chapter 3 Part 5 Division 35 of Defence Determination 2005/15, Conditions of Service.

This form is to be completed at the end of your work period (**See:** Clause 3.5.345, Work period).

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

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

have met the requirements for payment of a completion bonus under the Air Force – Military instructor on Reserve service completion bonus scheme.

My work period is between and
[*enter relevant dates]

During my work period:

- I worked days as a **military skills instructor**.
- I worked days as an **instructor**.
- I worked days as a **training developer**.
- I worked days as a **training evaluator**.

[*enter the total number of full and part days you worked during the work period. **See:** Clause 3.5.344, Working out a day for Reserve service]

I have attached a copy of my Reserve Attendance Diary.

Dated this day of 20.....

Signed

Printed name

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

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

Verified
Commanding Officer

This form, and the related parts of Defence Determination 2005/15, is 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.

EXPLANATORY STATEMENT

Defence Determination 2009/63

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 a bonus for Air Force members on Reserve service who perform periods of duty in military instructor roles.

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 on which it is made, as provided by subsection 58B(4) of the Act.

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 35 in the contents of Chapter 3 Part 5.

Clause 5 inserts a new Division 35 Air Force – Military instructor on Reserve service bonus scheme. The new Division has the following features.

- Clause 3.5.340 outlines the purpose of the Division.
- Clause 3.5.341 sets out the definitions used in this Division.
- Clause 3.5.342 outlines the members to whom the Division applies.
- Clause 3.5.343 outlines the members to whom the Division does not apply.
- Clause 3.5.344 provides the method for working out a day for the purpose of Reserve service.
- Clause 3.5.345 sets out a member's work period. The clause also provides that a member's work period may be taken to have commenced on 1 January 2009. The retrospective application of the service period 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 3.5.346 sets out the method for calculating the payments under the scheme.

Clause 6 inserts a new Annex 3.5.ZK in the Principal Determination. This Annex provides a form 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.

The retrospective application of the work period 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.

Authority: Section 58B of the
Defence Act 1903