Defence Determination 1998/4

I, BRUCE VINCENT FENN CLARK, Assistant Secretary, Workplace Relations Branch, Australian Government Employment Group, Department of Workplace Relations and Small Business, acting under a delegation made by the Minister for Workplace Relations and Small Business under section 58E of the Defence Act 1903, make the following Determination under section 58B of that Act.

Dated 11 February 1998

B.V. CLARK
Assistant Secretary
Workplace Relations Branch
Australian Government Employment Group
Department of Workplace Relations and Small Business
1. **Citation**

1.1 This Determination may be cited as Defence Determination 1998/4.

[NOTE: This Determination commences on the day on which it is made: see Defence Act 1903, subsection 58B(4).]

2. **Purpose**

2.1 The purpose of this Determination is to provide for the retention of qualified and experienced Medical Officers and Dental Officers in the Defence Force.

3. **Definitions**

3.1 In this Determination:

“agreement”, in relation to an eligible member, means an agreement in writing made by the member to render the required period of service that is stipulated by the CDF in the agreement;

“effective service” means continuous full-time service for which salary is payable, excluding any period of:

(a) any form of leave without pay exceeding 21 days;

(b) absence without leave;

(c) a training course or posting that entails a return of service obligation;

(d) service rendered in discharging a return of service obligation;

(e) a period of prospective service;

(f) suspension from duty without pay; and

(g) imprisonment or detention;

“eligible member” means a member who:

(a) is a Medical Officer or Dental Officer;

(b) renders, or is to render, full-time service for which salary is payable;

(c) meets the medical fitness standards for operational duty in the Defence Force;
(d) in the opinion of the CDF, is otherwise suitable for continued service;

(e) is selected to render a required period of service in order to qualify for a completion bonus under clause 5; and

(f) makes an agreement;

“period of prospective service” has the same meaning as in Part 8 of the Military Superannuation and Benefits Act 1991;

“prescribed amount” means the amount prescribed in clause 4;

“relevant day”, in relation to an eligible member, means the day on which the member makes an agreement;

“required period of service”, in relation to an eligible member, means a period specified in column 1 of the Schedule, being a period of effective service as a Medical Officer or Dental Officer that:

(a) begins on the relevant day; and

(b) is stipulated in the agreement made by the member on that day;

“return of service obligation” has the same meaning as in Part 8 of the Military Superannuation and Benefits Act 1991;

“the CDF” means the Chief of the Defence Force.

[NOTE: Defence Determination 1991/45 contains definitions of other terms that may apply to this Determination.]

4. Prescribed amount

4.1 The amount payable under clause 5, in relation to an eligible member who makes an agreement, is the amount specified in column 2 of the Schedule for the calendar year in which the agreement is made, opposite the required period of service in column 1 that corresponds to the required period of service stipulated in the agreement.

5. Completion bonus

5.1 An eligible member is entitled to a completion bonus equal to the prescribed amount, if the member completes a period of effective service equal to (or periods of effective service the sum of which is equal to) the required period of service stipulated in the agreement made by the member.

6. Pro-rata payment in certain circumstances
6.1 If an eligible member is unable to complete the required period of service because the member:

(a) dies;

(b) becomes permanently medically unfit for operational duty in the Defence Force for reasons that (in the opinion of the CDF) are not within the member’s control;

(c) is a member of the Reserve Forces whose full-time service in the Permanent Forces is curtailed for Service reasons that (in the opinion of the CDF) are not within the member’s control; or

(d) is retrenched,

the member or the member’s legal personal representative (as the case requires) is entitled to an amount calculated as follows:

\[
\text{Number of days’ effective service rendered by the member in the required period of service} \times \frac{\text{Prescribed amount}}{\text{Number of days in the required period of service}}
\]
## SCHEDULE

**REQUIRED PERIODS OF SERVICE AND PRESCRIBED AMOUNTS**

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required period of service for agreements made in</td>
<td>Prescribed amount</td>
</tr>
<tr>
<td>the specified calendar year</td>
<td>$</td>
</tr>
<tr>
<td>1998</td>
<td>90,000</td>
</tr>
</tbody>
</table>

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EXPLANATORY STATEMENT

Defence Determination 1998/4

Defence Act 1903

This Determination implements a bonus scheme to provide for the retention of qualified and experienced Medical Officers and Dental Officers in the Defence Force.

Selected officers will become entitled to a specified amount of bonus if they complete a period of service stipulated by the Chief of the Defence Force in an agreement made by the officers. For agreements made in 1998, the bonus will be $90,000 on completion of 3 years’ effective service (as set out in the Schedule). The amount of bonus and required period of service will be subject to review in relation to agreements made in later years.

The Determination commences on the day on which it is made, as provided by subsection 58B(4) of the Defence Act 1903.

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

Clause 2 sets out the purpose of the Determination.

Clause 3 defines certain terms used in the Determination. The definition of “effective service” lists those forms of service that are not counted towards the required period of service for the bonus. The list includes other service commitments that a member incurs under Part 8 of the Military Superannuation and Benefits Act 1991 or in the form of other return of service obligations as defined in Part 8 of that Act, together with periods of more than 21 days’ leave without pay.

Clause 4 establishes the amount of bonus to which an eligible member will be entitled in relation to an agreement made in a given calendar year.

Clause 5 sets out the conditions for entitlement to the prescribed amount.

Clause 6 provides a pro-rata entitlement for members who are unable to complete the required period of service in the limited circumstances specified in the clause.

The Schedule sets out the required period of service and the corresponding bonus by calendar year.

Authority: Section 58B of the Defence Act 1903