Defence Determination 1998/5

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
ref120
PART A - Preliminary

1. Citation
1.1 This Determination may be cited as Defence Determination 1998/5.

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

PART B - Repeal

2. Repeal
2.1 The following Determinations are repealed:

(a) Determination 709, Medical Officers and Dental Officers - Bounty Payable on Appointment to a Permanent or Short Service Commission, as amended¹;

(b) Determination 710, Medical Officers and Dental Officers - Gratuity Payable on Completion of Appointment to a Short Service Commission, as amended²;

(c) Determination 711, Reserve Medical Officers and Dental Officers - Gratuity for Continuous Full-time Service, as amended³.

PART C - Transitional

3. Definition
3.1 In this Part, “the commencement day” means the day on which this Determination commences.

4. Certain gratuities payable on repeal of determinations
4.1 If on the commencement day a member is rendering service that would, but for paragraphs 2.1(b) and 2.1(c) of this Determination, count as service for a gratuity under either of the Determinations that are repealed by those paragraphs, the member is entitled on the commencing day to a pro-rata gratuity calculated:

(a) in the case of a member to whom Determination 710, Medical Officers and Dental Officers - Gratuity Payable on Completion of Appointment to a Short Service Commission, applies - under clause 6 of that Determination, as if the member’s short service commission had been completed on the commencement day; and

(b) in the case of a member to whom Determination 711, Reserve Medical Officers and Dental Officers - Gratuity for Continuous Full-time Service, applies - under clause 4 of that Determination, as if:
(i) the member’s continuous full-time service in the Permanent Forces had ended on the commencement day; and

(ii) an incomplete period of 12 months’ service rendered by the member immediately before that day were part of a period of continuous full-time service of 12 months or more.

__________________________________________________________________

NOTES

1. Determination 709 was made by Determination No. 88 of 1984 and has been amended by Determination Nos. 112 of 1984; 204 of 1989; 21 of 1992; and 2 of 1994.

2. Determination 710 was made by Determination No. 89 of 1984 and has been amended by Determination Nos. 112 of 1984; 21 of 1992; and 24 of 1995.

3. Determination 711 was made by Determination No. 90 of 1984 and has been amended by Determination Nos. 112 of 1984; 17 of 1988; and 21 of 1992.
EXPLANATORY STATEMENT

Defence Determination 1998/5

Defence Act 1903

This Determination repeals the following redundant Determinations dealing with gratuities for full-time service rendered by Medical Officers and Dental Officers in the Defence Force:

- Determination 709, Medical Officers and Dental Officers - Bounty Payable on Appointment to a Permanent or Short Service Commission;
- Determination 710, Medical Officers and Dental Officers - Gratuity Payable on Completion of Appointment to a Short Service Commission;
- Determination 711, Reserve Medical Officers and Dental Officers - Gratuity for Continuous Full-time Service.

The former Determinations are replaced by the scheme implemented by Defence Determination 1998/4, which authorises a specified bonus for completion of a required period of service.

This Determination also provides a pro-rata gratuity for members who were rendering eligible service towards a future gratuity entitlement under two of the repealed Determinations (Nos. 710 and 711), which authorised payment in return for completion of specified service. Such members are to be treated as if they complied with the provisions of those Determinations authorising pro-rata gratuities, thereby preserving their existing rights as at the date of commencement of the new scheme. (A similar provision is not required in relation to Determination 709, as it authorised a bounty payable at the start of a commission in the Defence Force and any entitlements under that Determination are provided in full up to the date of repeal.)

This Determination was made on the same day as Defence Determination 1998/4, and commences on that day as provided by subsection 58B(4) of the Defence Act 1903.

Authority: Section 58B of the Defence Act 1903