Defence Act 1903

Defence Determination 1998/21

I, NICHOLAS JEFFERSON FORD, Director General Financial Conditions, Defence Personnel Executive, Department of Defence, acting under a delegation made by the Minister for Workplace Relations and Small Business under regulation 72A of the Defence Force Regulations, make the following Determination under section 58B of the Defence Act 1903.

Dated 5 June 1998

N.J. FORD
Air Commodore
Director General Financial Conditions
Defence Personnel Executive
Department of Defence
1. **Citation**
1.1 This Determination may be cited as Defence Determination 1998/21, Medical and Dental Officers - Refresher Training Bounty (Amendment).

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

2. **Amendment**
2.1 Determination 0712, Medical and Dental Officers - Refresher Training Bounty, as amended, is amended as set out in this Determination.

3. **Clause 2 (Definitions)**
3.1 Definition of “dental officer”:
Omit the definition.

3.2 Definition of “medical officer”:
Omit the definition.

4. **Clause 2A (Interpretation)**
4.1 Omit the clause.

5. **Clause 3 (Refresher Training Bounty)**
5.1 Omit the clause, substitute:

“3.1 An eligible person who undertakes a refresher training course is entitled to a Refresher Training Bounty, if the Chief of the Defence Force is satisfied, having regard to the factors set out in subclause 3.2, that it is reasonable for the person to undertake the course.

“3.2 The factors for the purpose of subclause 3.1 are:

(a) the extent to which the length and nature of the eligible person’s Defence Force service has impaired the person’s ability to render medical or dental services in civilian practice or employment;

(b) the extent to which the person’s completion of the refresher training course would enable the person to render such services; and

(c) any other factor relevant to the person’s ability to render such services.”.

6. **Clause 4 (Conditions of payment)**
6.1 Omit the clause.

7. **Clause 5 (Approving authorities)**
7.1 Omit the clause.
NOTE

1. Determination 0712 was made by Determination No. 16 of 1981 and has been amended by Determination Nos. 52 of 1981; 3 of 1982; 3 and 112 of 1984; 31 of 1986; 17 of 1988; and 21 and 29 of 1992.
EXPLANATORY STATEMENT

Defence Determination 1998/21

_Defence Act 1903_

This Determination amends Determination 0712, Medical and Dental Officers - Refresher Training Bounty, which provides for payment of a bounty to short service commission medical and dental officers of the Defence Force to enable them to undertake a refresher training course at the completion of at least four years’ full-time service as a medical or dental officer.

The main purpose of this Determination is to delete redundant provisions relating to approving authorities. It also takes the opportunity to delete redundant definitions and interpretation, and revise the wording of one provision.

Clauses 1 and 2 of this Determination deal with preliminary matters.

Clause 3 deletes redundant definitions of terms whose meaning is provided by Defence Determination 1991/45 (general definitions and interpretation).

Clause 4 deletes a redundant interpretation clause dealing with references to other determinations made under section 58B of the _Defence Act 1903_. The provision is not required for the proper interpretation of Determination 0712.

Clause 5 substitutes the Chief of the Defence Force (CDF) as the approving authority and revises (without substantively changing their effect) two provisions setting out the basis on which the CDF may be satisfied that it is reasonable for an eligible person to undertake a refresher training course. Criteria are included for the exercise of the discretion, and adverse decisions are subject to grievance procedures including appeal to the Defence Force Ombudsman.

Clause 6 deletes a redundant provision setting out criteria for decision which are transferred to the provision inserted by clause 5.

Clause 7 deletes a provision regarding the appointment of approving authorities. The provision is redundant owing to the substitution of the CDF for the former approving authorities.

Authority: Section 58B of the _Defence Act 1903_