Defence Determination 2007/42

I, STEVEN RICHARD GRZESKOWIAK, Director General Personnel Policy and Employment Conditions, Personnel Executive, make this Determination under section 58B of the Defence Act 1903.

Dated 11 July 2007

S R GRZESKOWIAK
Director General
Personnel Policy and Employment Conditions
Personnel Executive
1 Citation
This Determination is Defence Determination 2007/42, Navy – Recruit training instructors scheme.

2 Commencement
This Determination is taken to have commenced on 1 July 2007.

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 24 Navy – Recruit training instructors scheme

5 Chapter 3 Part 5 Division 23 (Army – Trade transfer bonus)

after the Division, insert
Division 24: Navy – Recruit training instructors scheme

3.5.232 Purpose
The purpose of this Determination is to offer bonus payments to Navy members who complete 12 months of duty as a recruit training instructor.

3.5.233 Definition of a recruit training instructor
In this Division a **recruit training instructor** is one of the following.

a. A member posted to a designated Navy initial training instructor position in HMAS Cerberus, HMAS Creswell or the Australian Defence Force Academy.

b. A member who performs designated Navy initial entry instructional duties as determined by the Director-General Navy Personnel and Training.

3.5.234 Member eligible for bonus payment
1. A member is eligible for a bonus payment of $10,000 under this Division if they meet all of the following conditions.
   a. The member is in the Permanent Navy or Navy Reserve on continuous full time service.
   b. The member has successfully completed their initial category or professional qualification training.
   c. The member completes a continuous period of 12 months as a recruit training instructor on or after 1 July 2007.

2. The Training Authority Initial Training, Leadership and Management must notify a member that the member is eligible to join the scheme.

3. A member who applies to join the scheme after being notified that they are eligible to join the scheme must use the form at Annex 3.5.Z.

   See: Annex 3.5.Z, Recruit training instructors scheme

4. A bonus payment may be paid for each completed period of 12 months for which a member meets the conditions in subclause 3.5.234.1.

5. If a member does not meet the condition in paragraph 3.5.234.1.c, they may be eligible for a pro rata payment of the bonus payment under clause 3.5.236.

3.5.235 Member who is not eligible to enter scheme
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 first becomes eligible for the scheme after 1 July 2011.
3.5.236 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 first 12 months as a recruit training instructor for any of the following reasons.
   a. The member dies.
   b. The member applies to extend their period of appointment 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 recruit training instructor position for an operational deployment.
   f. The scheme ceases.

2. A member who has completed 12 months as a recruit training instructor, is to be paid a bonus payment on a pro rata basis if they provide an additional part year of service as a recruit training instructor.

3.5.237 Calculating a pro rata amount of the bonus payment

The following table shows how to calculate a pro rata amount of the bonus payment payable under clause 3.5.236.

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Count the number of calendar days since the member received a payment under this Division. If the member has not received a payment under this Division, count the number of calendar days the member has been in this scheme.</td>
</tr>
<tr>
<td>2.</td>
<td>Multiply the outcome of Step 1 by $27.40.</td>
</tr>
<tr>
<td><strong>Note:</strong> $27.40 is the daily rate of the bonus payment ($10,000 ÷ 365 = $27.40).</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>The member may be paid the outcome of Step 2.</td>
</tr>
</tbody>
</table>

3.5.238 Member's options for payment under this Division

1. Using the form at Annex 3.5.Z a member may nominate payment details for the payments under this scheme before the day the payment is due.

   **See:** Annex 3.5.Z, Navy - Recruit training instructors scheme

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.Y (Army – Trade transfer bonus)

*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 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 and 41.
Annex 3.5.Z: Navy – Recruit training instructors scheme

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 Navy Recruit training instructors scheme. This is authorised under Chapter 3 Part 5 Division 24 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 $10,000 bonus payment at the end of 12 months as a recruit training instructor.
3. I will be paid a pro rata bonus payment if I fail to complete 12 months as a recruit training 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 Navy Recruit training instructors scheme are contained in Chapter 3 Part 5 Division 24 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 Navy Recruit training instructors scheme

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

.......................................................... ......................................................... ,
(Service number) (Employee ID)
apply to join the Navy Recruit training instructors scheme.

I acknowledge that the provisions of Chapter 3 Part 5 Division 24 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)
verify that the member has met all the requirements for payment of the bonus payment.

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.
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 C of this form.
- Option three: [ ] 1. _____________ % of the bonus payment as an employer contribution to superannuation. I have nominated a superannuation fund in Part C 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.......................................................................................

Member’s tax file number [optional]...........................................................................

Dated this day of 20

Signed

Name (printed) ........................................................................................................

Work address ...........................................................................................................

Occupation .............................................................................................................

Date .......................................................................................................................
EXPLANATORY STATEMENT

Defence Determination 2007/42

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 for a bonus payment scheme for Navy members who perform the duties of a recruit training instructor at HMAS Cerberus, HMAS Creswell or the Australian Defence Force Academy. This payment is designed to encourage members to perform these duties.

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

Clause 2 provides that the Determination is taken to have commenced on 1 July 2007. The retrospective application of this Determination 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 advise of a new Division 24 in the contents of Chapter 3 Part 5.

Clause 5 inserts new Division 24 Navy Recruit training instructors scheme. The new Division has the following features.

- Clause 3.5.232 outlines the purpose of the Determination.

- Clause 3.5.233 defines 'recruit training instructor' as a member posted to a designated Navy initial training instructor position at HMAS Cerberus, HMAS Creswell or the Australian Defence Force Academy, or a member who fulfils designated Navy initial entry instructional duties as determined by the Director-General Navy Personnel and Training.

- Clause 3.5.234 provides for a $10,000 bonus payment to be paid to eligible members at the end of each 12 months they perform the duties of a recruit training instructor.

- Clause 3.5.235 describes classes of members who are not eligible for a payment under this Division as being those who are in receipt of payments under Division 22, Army – 1st Recruit Training Battalion recruit instructors scheme or those who first become eligible for the scheme after 1 July 2011.

- Clause 3.5.236 sets out certain circumstances where a pro rata payment of the $10,000 bonus payment may be made to a member who fails to complete a full 12 months as a recruit training instructor.

- Clause 3.5.237 describes how a pro rata payment of the bonus payment may be calculated.

- Clause 3.5.238 enables members to nominate payment details for any payments under this Division.

Clause 6 inserts a new Annex 3.5.Z in the Principal Determination. This Annex provides a suite of forms 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.

Authority: Section 58B of the
Defence Act 1903