Defence Determination 2008/40

I, BRIAN GARY PAULE, Director General Personnel Policy and Employment Conditions, make this Determination under section 58B of the Defence Act 1903.

Dated 1 September 2008

B G PAULE
Director General
Personnel Policy and Employment Conditions
People Strategies and Policy Group
1 Citation
This Determination is Defence Determination 2008/40, Leave, tied residences and retention bonus forms – amendments.

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 Annex 3.5.T: Army – Expansion and rank retention and completion bonus scheme, Part B: Undertaking to serve one year for a retention bonus
*omit*
two years
*insert*
one year

5 Clause 7.5.39 (Tied residences), table item 2
*substitute*

| 2.  | Vice Chief of the Defence Force | 1 Parnell Road, Duntroon, Canberra |

6 Clause 7.5.39 (Tied residences), table item 4
*substitute*

| 4.  | Chief of Army | 3 Parnell Road, Duntroon, Canberra |

7 Clause 5.5.9 (Transitional)
*omit clause*

NOTE
1. Defence Determination 2005/15 commenced on 31 May 2005. For previous amendments see Note to Defence Determination 2008/1 and see also Defence Determinations 2008/2, 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 and 39.
EXPLANATORY STATEMENT

Defence Determination 2008/40

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).
- Chapter 5 of the Principal Determination sets out provisions dealing with leave for members of the ADF.
- Chapter 7 of the Principal Determination sets out provisions dealing with housing and meals for members of the ADF.

This Determination has the following purposes.

- To correct a reference in the acceptance form for the Army – Expansion and rank retention and completion bonus.
- To swap the Service residences tied to the Vice Chief of the Defence Force and Chief of Army.
- To repeal a transitional clause that has expired.

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 amends Part B of Annex 3.5.T: Army – Expansion and rank retention and completion bonus scheme of the Principal Determination, to correct a reference in a form to the period a member will serve for the retention bonus after they are required to serve under other bonus schemes. The Part formerly stated the member was required to serve two years, when the obligation determined was for one year. Although the bonus has been administered correctly and only one year has been required, this change ensures the record reflects the practice.

Clauses 5 and 6 amend clause 7.5.39 of the Principal Determination. Clause 7.5.39 provides that a member listed in the table must live in the Service residence listed for them.

- Clause 5 substitute table item 2 to provide that the Vice Chief of the Defence Force must live in the Service residences at 1 Parnell Road, Duntroon, Canberra.
- Clause 6 substitutes table item 4 to provide that the Chief of Army must live in the Service residence at 3 Parnell Road, Duntroon, Canberra.

This amendment reflects an agreement reached by two members to live in the listed houses instead of those previously prescribed for them.

Clause 7 omits clause 5.5.9 of the Principal Determination, which provided an additional week of paid parental leave for members who met the eligibility conditions between 6 February 2005 and 13 May 2006. The transitional ensured members had access to an increased leave entitlement. The clause is no longer relevant as it has expired.

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