

Defence Determination, Conditions of service Amendment (Continuation Bonus) Determination (No. 9) 2025

I, Sarah Kate McGregor, Acting Director General, People Policy and Employment Conditions, make the following Determination under section 58B of the *Defence Act 1903*.

Dated 3 June 2025

**Sarah Kate McGreor**

Acting Director General
People Policy and Employment Conditions
Defence People Group

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1 Name

This instrument is the Defence Determination, Conditions of service Amendment (Continuation Bonus) Determination (No. 9) 2025.

2 Commencement

1. Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| **Commencement information** |
| --- |
| **Column 1** | **Column 2** | **Column 3** |
| **Provisions** | **Commencement** | **Date/Details** |
| 1. The whole of this Instrument. | 5 June 2025 |  |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

2. Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 58B of the *Defence Act 1903*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Continuation bonus amendments

Defence Determination 2016/19, Conditions of service

|  |  |
| --- | --- |
| 1 | Subparagraphs 3.4.3.1.a.i and 3.4.3.1.b.i (note)  |
|  | Repeal the note. |
| 2 | Subparagraph 3.4.3.1.a.ii |
|  | Repeal the subparagraph. |
| 3 | Paragraph 3.4.3.1.c |
|  | Repeal the paragraph, substitute: |
|  | c. | Subject to subsection 2, the day the member is no longer subject to any of the following.  |
|  |  | i. | An undertaking for further service in connection with a bonus or payment, however described. |
|  |  | ii. | A service obligation. |
| 4 | Section 3.4.6 |
|  | Repeal the section, substitute: |

###### 3.4.6 Effective Service – General

|  |  |
| --- | --- |
| 1. | A member provides effective service on any of the following days. |
|  | a. | For calculating the agreed period of service or the commencement day of an agreed period of service — a day the member meets all of the following. |
|  |  | i. | They are a member of the Permanent Forces.  |
|  |  | ii. | They are paid the annual rate of salary. **Note:** This includes a day of paid leave.  |
|  | b. | For any other purpose — a day the member is paid the annual rate of salary. |
|  | c. | A day of unpaid leave that is part of a period of less than 22 consecutive days of unpaid leave.  |
| 2. | Despite subsection 1, a member does not provide effective service on a day on which any of the following apply.  |
|  | a. | They are in custody. |
|  | b. | They are in detention. |
|  | c. | They are imprisoned. |
|  | d. | They are suspended from duty and receive salary.**Note:** A member suspended from duty without pay does not provide effective service as a consequence of subsection 1.  |
| 5 | Section 3.4.7 |
|  | Repeal the section, substitute: |

###### 3.4.7 Calculation of effective service – days not subject to a flexible service determination

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| --- | --- |
|  | Effective service for a day that a member is not subject to a flexible service determination is calculated in accordance with the following.  |
|  | a. | A day for which the member receives full pay is 1 day of effective service. |
|  | b. | A day on which the member receives half pay is half a day of effective service. |
|  | c. | A day on which the member is on unpaid leave is 1 day of effective service. **Note:** A member who takes more than 21 consecutive days of leave without pay does not provide effective service for the entire period of leave. |

###### 3.4.7A Calculation of effective service – days subject to a flexible service determination

|  |  |
| --- | --- |
|  | Effective service for day in a fortnight that a member is subject to a flexible service determination a fortnight is calculated using the following formula and must not exceed 14 days.  |
|  | Start formula effective service equals A times 1.4 end formula |
|  | **Where:** |
|  | **A** | is the sum of the following.  |
|  |  | i. | Each full day of duty and full day of unpaid leave, in the member’s pattern of service in the fortnight.  |
|  |  | ii. | Each combination of part days of duty, and part days of unpaid leave, in the member’s pattern of service in the fortnight that add up to 8 hours.  |
|  |  | **Note:** A member who takes more than 21 consecutive days of leave without pay does not provide effective service for the entire period of leave. |
| 6 | Section 3.4.8 |
|  | Repeal the section, substitute: |

###### 3.4.8 Member this Division applies to

|  |  |
| --- | --- |
| 1. | This Division applies to a member who completes the longer of the following between 1 July 2025 and 30 June 2028.  |
|  | a. | Four years of continuous effective service calculated from one of the following.  |
|  |  | i. | If the member joined the ADF under an alternative entry program, other than the gap year program — the day the member commences initial military training.  |
|  |  | ii. | The day the member first becomes a member of the Permanent Forces for a period of at least 90 days.  |
|  |  | iii. | The day the member started a continuous period of continuous full-time service that ended immediately before they joined the Permanent Forces. |
|  | b. | A service obligation that was imposed on them when they first joined the Permanent Forces.  |
| 2. | This Part also applies to a member if they would have satisfied subsection 1 had Service reasons in connection with the commencement of their service not prevented them from doing so.  |
| 3. | For the purpose of subsection 1, **continuous effective service** is not broken by a period of leave without pay.**Note:** Periods of leave without pay are not counted towards the period of effective service. |
| 7 | Subsection 3.4.13 |
|  | Repeal the section, substitute: |

###### 3.4.13 Member this Division applies to

|  |  |
| --- | --- |
| 1. | This Division applies to a member who completes the longer of the following between 1 July 2025 and 30 June 2028.  |
|  | a. | Seven years of continuous effective service calculated from one of the following. |
|  |  | i. | If the member joined the ADF under an alternative entry program, other than the gap year program — the day the member commences initial military training.  |
|  |  | ii. | The day the member last became a member of the Permanent Forces.  |
|  |  | iii. | The day the member started a continuous period of continuous full-time service that ended immediately before they joined the Permanent Forces. |
|  | b. | A service obligation imposed on them when they last joined the Permanent Forces and an additional 3 years of continuous effective service in the Permanent Forces.  |
| 2. | This Part also applies to a member if they would have satisfied subsection 1 had Service reasons in connection with the commencement of their service not prevented them from doing so.  |
| 3. | For the purpose of subsection 1, **continuous effective service** is not broken by a period of leave without pay.**Note:** Periods of leave without pay are not counted towards the period of effective service. |
| 8 | Section 3.4.23 |
|  | Omit “in connection with a valid acceptance”.  |

Schedule 2—Continuation bonus pilot amendments

Defence Determination, Conditions of service Amendment (Continuation bonus) Determination (No. 2) 2025

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| 1 | Schedule 2 (subclause 2(2))  |
|  | Omit “, continues” insert “and subsection 3.4.11.2, continue”. |