Defence Determination 2012/65, Cadet forces allowance – amendment

I, PETER JOHN REDSTON, Acting Director General People Policy and Employment Conditions, make this Determination under section 58B of the Defence Act 1903.

Dated 16 November 2012

P J REDSTON
Acting Director General
People Policy and Employment Conditions
Defence People Group
1 Citation

1. This Determination is Defence Determination 2012/65, Cadet forces allowance - amendment.

2. This Determination may also be cited as Defence Determination 2012/65.

2 Commencement

This Determination commences on 28 November 2012.

3 Amendment

Defence Determination 2005/15, Conditions of Service, as amended,¹ is amended as set out in this Determination.

4 Subclause 4.8.30A.5 (Rate of allowance on advancement from other rank)

omit

Subclause 2

insert

subclause 2

5 Annex 4.8.C (Daily rate of cadet forces allowance)

substitute

the Annex set out in the Schedule

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NOTE

1. Defence Determination 2005/15, as amended to date. For previous amendments see Note to Defence Determination 2012/1 and amendments made by Defence Determinations 2012/1, 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, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 and 64.
Annex 4.8.C: Daily rate of cadet forces allowance

See: Chapter 4 Part 8

**Part 1: For an Officer of Cadets**

<table>
<thead>
<tr>
<th>Rank</th>
<th>Australian Navy Cadets (ANC)</th>
<th>Australian Army Cadets (AAC)</th>
<th>Australian Air Force Cadets (AAFC)</th>
<th>Daily rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Captain (ANC)</td>
<td>Colonel (AAC)</td>
<td>Group Captain (AAFC)</td>
<td>$337.58</td>
<td></td>
</tr>
<tr>
<td>Commander (ANC)</td>
<td>Lieutenant Colonel (AAC)</td>
<td>Wing Commander (AAFC)</td>
<td>$288.48</td>
<td></td>
</tr>
<tr>
<td>Lieutenant Commander (ANC)</td>
<td>Major (AAC)</td>
<td>Squadron Leader (AAFC)</td>
<td>$205.28</td>
<td></td>
</tr>
<tr>
<td>Lieutenant (ANC)</td>
<td>Captain (AAC)</td>
<td>Flight Lieutenant (AAFC)</td>
<td>$162.86</td>
<td></td>
</tr>
<tr>
<td>Sub-Lieutenant (ANC)</td>
<td>Lieutenant (AAC)</td>
<td>Flying Officer (AAFC)</td>
<td>$137.00</td>
<td></td>
</tr>
<tr>
<td>Acting Sub-Lieutenant (ANC)</td>
<td>Second Lieutenant (AAC)</td>
<td>Pilot Officer (AAFC)</td>
<td>$128.65</td>
<td></td>
</tr>
</tbody>
</table>

**Part 2: For an Instructor of Cadets**

<table>
<thead>
<tr>
<th>Rank</th>
<th>Australian Navy Cadets (ANC)</th>
<th>Australian Army Cadets (AAC)</th>
<th>Australian Air Force Cadets (AAFC)</th>
<th>Daily rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warrant Officer (ANC)</td>
<td>Warrant Officer Class 1 (AAC)</td>
<td>Warrant Officer (AAFC)</td>
<td>$169.31</td>
<td></td>
</tr>
<tr>
<td>Chief Petty Officer (ANC)</td>
<td>Warrant Officer Class 2 (AAC)</td>
<td>Flight Sergeant (AAFC)</td>
<td>$156.37</td>
<td></td>
</tr>
<tr>
<td>Petty Officer (ANC)</td>
<td>Sergeant (AAC)</td>
<td>Sergeant (AAFC)</td>
<td>$135.87</td>
<td></td>
</tr>
<tr>
<td>Leading Seaman (ANC)</td>
<td>Corporal (AAC)</td>
<td>Corporal (AAFC)</td>
<td>$118.14</td>
<td></td>
</tr>
<tr>
<td>Able Seaman (ANC)</td>
<td>Lance Corporal (AAC)</td>
<td>a. Leading Aircraftman (AAFC) b. Leading Aircraftwoman (AAFC)</td>
<td>$106.97</td>
<td></td>
</tr>
<tr>
<td>Seaman (ANC)</td>
<td>Recruit (AAC)</td>
<td>a. Aircraftman (AAFC) b. Aircraftwoman (AAFC)</td>
<td>$104.88</td>
<td></td>
</tr>
</tbody>
</table>
EXPLANATORY STATEMENT

Defence Determination 2012/65

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 4 of the Principal Determination sets out provisions dealing with cadet forces allowance for Officers and Instructors of Cadets.

The purpose of this Determination is to adjust the rates of cadet forces allowance.

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 28 November 2012.

Clause 3 specifies that the amendment is made to the Principal Determination, as amended.

Clause 4 makes a technical amendment to subclause 4.8.30A.5 of the Principal Determination, which provides for a rate of cadet forces allowance on advancement from another rank. The change does not affect benefits in any way.

Clause 5 substitutes Annex 4.8.C of the Principal Determination. The Annex sets out a schedule of rates of cadet forces allowance, for Officers or Instructors at different ranks. Rates have been increased by 2.5%, following the annual review of the allowance.

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
Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Defence Determination 2012/65, Cadet forces allowance – amendment

This Determination is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

Overview of this Defence Determination

This Determination makes amendments to Defence Determination 2005/15, Conditions of Service.

The purpose of this Determination is to adjust the rates of cadet forces allowance.

Human rights implications

This Determination engages the Right to the enjoyment of just and favourable conditions of work (article 7 of the International Covenant of Economic, Social and Cultural Rights).

Cadet forces allowance is paid to volunteer leaders of the Cadets, which are youth development organisations conducted by the Australian Defence Force in cooperation with the community. As volunteers, they are not paid a wage. Cadet forces allowance acknowledges the expenses involved in the instruction and administration that volunteers provide.

a) **Legitimate objective**: Defence supports Army, Navy, and Air Force cadets to allow young people personal growth opportunities, in an atmosphere that has a flavour of military life.

b) **Reasonable, necessary and proportionate**: Volunteers who work as Officers and Instructors of Cadets display community responsibility, but also may receive personal enjoyment from the task.

Conclusion

This Determination is compatible with human rights because to the extent that it may limit human rights, those limitations are reasonable, necessary and proportionate.

Peter John Redston, Acting Director General People Policy and Employment Conditions