



## Defence Determination 2005/9

I, JOHN SIDNEY PRICE, Acting Director General Personnel Policy and Employment Conditions, Defence Personnel Executive, make this Determination under section 58B of the *Defence Act 1903*.

Dated 15 April 2005

J S PRICE  
Acting Director General  
Personnel Policy and Employment Conditions  
Defence Personnel Executive

**1 Name of Determination**

This Determination is Defence Determination 2005/9, Cadet forces allowance – amendment.

**2 Date of effect**

This Determination commences on 21 April 2005.

**3 Amendment**

Defence Determination 2003/21, Conditions of Service, as amended,<sup>1</sup> is amended as set out in this Determination.

**4 Subclause 10.2.3 (3) (Entitlement to cadet forces allowance)**

*insert at the end*

- (3A) An eligible person who was a non-commissioned officer might be appointed as an officer. If this occurs, the amount of cadet forces allowance that the person is entitled to is the sum of amounts worked out using the applicable rates under paragraph (a) and (b).
- (a) The full-day rate is the higher of these amounts.
    - (i) The rate that the member is entitled to under subclause (2).
    - (ii) The minimum daily rate payable to a member of the Reserve Forces (other than a trainee) at the rank that the eligible person last held as a non-commissioned officer.
  - (b) The part-day rate is the higher of these amounts.
    - (i) Half the rate that the member is entitled to under subclause (3).
    - (ii) Half the minimum daily rate payable to a member of the Reserve Forces (other than a trainee) at the rank that the eligible person last held as a non-commissioned officer.

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**NOTE**

1. Defence Determination 2003/21, as amended to date. For previous amendments see Note to Defence Determination 2005/1 and see also Defence Determinations 2005/1, 2, 3, 4, 5, 6, 7 and 8.

# EXPLANATORY STATEMENT

## Defence Determination 2005/9

This Determination amends Defence Determination 2003/21, Conditions of Service (the Principal Determination), made under section 58B of the *Defence Act 1903* (the Act). Part 2 of Chapter 10 of the Principal Determination sets out provisions dealing with cadet forces allowance for members of the Australian Defence Force (ADF).

The purpose of this Determination is to provide a special rate of cadet forces allowance for instructors and officers of cadets who have been non-commissioned officers and who are subsequently appointed as officers. This is because the salary rate upon which the allowance is worked out may be lower for an officer than for a senior non-commissioned officer, resulting in a drop in the rate of allowance paid. The special rate provides for such members to continue to receive the same rate of allowance as before their appointment, until the time that their officer salary increases and the amount of allowance payable to the member rises again.

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 21 April 2005, the payday immediately following the signing of this Determination.

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

Clause 4 amends clause 10.2.3 of the Principal Determination. It inserts new subclause 10.2.3 (3A), which provides a way of working out cadet forces allowance for a non-commissioned officer who is appointed as an officer. The new subclause preserves the person's previous (non-commissioned officer) rate of cadet forces allowance until the rate of allowance they would receive as an officer exceeds the preserved rate. This prevents any drop in the rate of allowance that a person could suffer when they move from a higher non-commissioned officer's salary to a lower salary in order to become an officer.

Authority: Section 58B of the  
*Defence Act 1903*