

Cadet Forces Amendment Regulations 1999 (No. 1) 1999 No. 152

EXPLANATORY STATEMENT

STATUTORY RULES 1999 NO. 152

Issued by the Authority of the Minister for Defence

Defence Force Act 1903

Naval Defence Act 1910

Air Force Act 1923

Cadet Forces Amendment Regulations 1999 (No. 1)

The Cadet Forces Regulations ("the Principal Regulations"), made under the *Defence Act 1903*, *Naval Defence Act 1910* and *Air Force Act 1923* ("the Acts"), set out, *inter alia*, the conditions of service for members of the Naval Reserve Cadets, Australian Cadet Corps and Air Training Corps.

Paragraph 62(5)(a) of the Defence Act, paragraph 38(5)(a) of the Naval Defence Act and paragraph 8(5)(a) of the Air Force Act provide that a person is not entitled to volunteer, or to be accepted, as a cadet unless the person has attained such age as is prescribed. Subregulation 7(1) of the Principal Regulations provided that for the purposes of those provisions, the prescribed age was 13 years. This Statutory Rule amends the Principal Regulations so that the prescribed age is 12 years and 6 months. For administrative reasons, there are two intakes each year for persons wishing to join the cadet forces: January and July. The amendment enables those persons, who previously had to wait until the July intake to join the cadet forces, to join in the January intake at the same time as their peers.

Subregulation 12(1) of the Principal Regulations provides that an instructor or officer in a cadet force shall retire from the cadet force on attaining the age of 60 years. Subregulation 12(2) provided that the service chief may extend the appointment of an instructor or officer for a period not exceeding two years, or from time to time for successive periods that do not exceed a total of two years. This Statutory Rule amends subregulation 12(2) to enable the service chief to extend the appointment of an instructor or officer for one or more successive periods of two years. The discretion to extend the appointment will only be exercised by the service chief when the officer or instructor consents to the extension, when it is in the interest of the cadet force and when the officer or instructor remains fit and suitable for further service.

Subregulation 10(1) of the Principal Regulations provides that the ranks in a cadet force shall be as specified in Schedule 1 (for the Naval Reserve Cadets), Schedule 2 (for the Australian Cadet Corps) and Schedule 3 (for the Air Training Corps). Column 3 of Schedules 1, 2 and 3 lists the ranks of officers in their respective cadet force, with the senior rank previously being Commander or equivalent. This Statutory Rule amends Schedules 1, 2 and 3 of the Principal Regulations to increase the senior rank to that of Captain (in the Naval Reserve Cadets), Colonel (in the Australian Cadet Corps) and Group Captain (in the Air Training Corps). This enables the establishment of a titular officer-in-command position.

This Statutory Rule also amends Column 3 of Schedule 1 (to add the junior rank of "Acting SubLieutenant" in the Naval Reserve Cadets) and Column 3 of Schedule 2 (to add the junior rank of "Second Lieutenant" in the Australian Cadet Corps). This amendment makes the ranks available in the Naval Reserve Cadets and the Australian Cadet Corps consistent with those available in the Air Training Corps.

This Statutory Rule also changes the name of the Principal Regulations to the *Cadet Forces Regulations 1977*.

The Statutory Rule comes into operation on the date of gazettal.