



**Premier's Department
New South Wales**

Public Employment Office
Level 15 Bligh House
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SYDNEY NSW 2000

CADET CONDITIONS AND RATES OF PAY- VARIOUS DEPARTMENTS.

SECTION 130 (1) DETERMINATION NO. 938 OF 2004

1. INTRODUCTION

Pursuant to section 130 (1) of the *Public Sector Employment and Management Act 2002* the Public Employment Office has determined the following employment conditions and remuneration rates for cadets for the temporary employment component of their cadetship.

2. DEFINITIONS

"Cadet" means a student who is selected by a New South Wales public service department to undertake a cadetship approved by the Public Employment Office.

"Cadetship" is a program approved by the Public Employment Office. The length of the program and the progression will vary depending on the specific approval. A cadetship may be for the total period covered by the degree or other approved course, or for a specified period within the course. The total period of cadetship and the pattern of employment is dependent on the specific program approved by the Public Employment Office.

3. EMPLOYMENT CONDITIONS

Cadets are to be selected on merit, and during the periods of their temporary work placement are employed under section 27 of the *Public Sector Employment and Management Act 2002*. The total periods of employment during the cadetship are for a maximum three years, as per Section 28 of the *Public Sector Employment and Management Act 2002*. As the employment is for a defined period, and for the purpose of undertaking a cadetship there is no expectation of ongoing temporary employment and the cadet is not considered to be a long term temporary employee. However, some cadetship programs may offer permanent employment at their conclusion (see Section 6 of this Determination – Placement of Cadets on Completion of Course).

Except as specifically varied by this determination the conditions of employment shall be as per the Award that applies to the department in which the cadet is employed. Where no other

Award or industrial instrument has application, the *Crown Employees (Public Service Conditions of Employment) Award 2002* or any award replacing that award shall apply.

4. RATES OF PAY

Cadets shall receive the following rates of pay while undertaking temporary employment during the period of the cadetship. The rates of pay are not applicable during term when the cadet is not engaged in employment with the department.

Temporary Employment Rates

These rates are paid to the Cadet during their periods of temporary employment with the public service department.

	\$ per annum fpp on or after 1/7/03
Level 1 (at 18 years of age)	23,126
Level 1 (at 19 years of age, with HSC)	26,205
Level 2 (or minimum at 20 years)	27,971
Level 3 (or minimum at 21 years)	30,146
Level 4	30,969
Level 5	32,279
Level 6	32,865
Level 7	33,680
Level 8	34,925
Level 9	36,190
Level 10	37,528

The above rates will be adjusted in accordance with the *Crown Employees (Public Sector – Salaries January 2002) Award* or any award made replacing that award.

5. PROGRESSION AND CONTINUED EMPLOYMENT CRITERIA

- (i) Commencing salary for cadets is based on age and qualifications, provided that commencing salary shall not be greater than Level 3.
- (ii) The progression through levels, and continued employment is dependent on the cadet participating in the approved course of study, successfully passing the previous year's subjects, and satisfactory service during the vacation periods (or any other agreed period of service) during the preceding 12 months.
- (iii) If the cadet misses an examination and is granted leave to sit a deferred examination, their progression will be deferred until the cadet has sat for the examination and passed the subject.

- (iv) If the cadet fails in one or more subjects and is allowed to proceed to the next stage of the course, the progression to the next level is deferred until the subject has been passed. The additional costs for undertaking a repeat subject is to be borne by the cadet and the cadet will be required to undertake the repeat subject in their own time, or to take approved leave to complete the subject. If there are extreme and extenuating circumstances that have contributed to the cadet failing the subject the department may consider meeting the cost of the repeated subject, and extending the length of cadetship to allow the cadet to complete the cadetship.
- (v) If the cadet fails in one or more subjects, and through this failure is not able to progress to the next stage of the course, they may:
- elect to discontinue the cadetship and their employment with the department; or
 - apply to the department for permission to repeat the subject at their own expense.

The cadet and the department may choose to suspend the cadetship (and employment) until the cadet has passed the repeat subject, or may continue with the cadetship but defer progression until the cadet passes (as per Clause 4 (iv)).

In deciding whether to suspend the cadetship, or delay progression the department should consider whether there are any extreme or extenuating circumstances that have contributed to the cadet's failure. If there are extreme and extenuating circumstances that have contributed to the cadet failing the subject the department may also consider meeting the cost of the repeated subject.

- (vi) Cadets who have failed must inform their agency in writing of their future intention as soon as possible after the notification of results. If they do not do so within 2 weeks of notification their employment may be ceased. If they elect to repeat the failed subjects at their own expense and the department approves, they may be provided with continued temporary employment and will receive the practical training rate for any period of employment offered.

6. PLACEMENT OF CADETS ON COMPLETION OF COURSE

When establishing a cadetship program departments should endeavour to provide permanent employment at the conclusion of the cadetship. Some programs, such as the Aboriginal and Torres Strait Islander Cadetship Program, guarantee permanent employment at the conclusion of the cadetship. This mechanism for the permanent employment through this program is Clause 10 of the *Public Sector Employment and Management (General) Regulation 1996*, which allows that the appropriate Department Head may, with the approval of the Public Employment Office, recommend the appointment of a person belonging to a disadvantaged group of persons. If the approved cadetship program is not targeted to a specified disadvantaged group, permanent employment would be offered under Section 18 of the *Public Sector Employment and Management Act 2002*.

If there is a possibility that the department intends to offer permanent employment to cadets on completion of the course, the initial merit advertisement should clearly state the circumstances in which permanent employment may be provided. Information that should be contained in the advertisement should reflect the following:

During the period of the cadetship successful applicants will be provided with temporary employment under Section 27 of the *Public Sector Employment and Management Act 2002*, the pattern and duration to be negotiated dependent on course attendance. At the conclusion of the cadetship permanent employment under Section 18 of the *Public Sector Employment and Management Act 2002* (or Clause 10 of the *Public Sector Employment and Management (General) Regulation 1996* if relevant) may be offered, dependent on ongoing work being available, successful completion of the approved degree or course and satisfactory service during the cadetship.

The advertisement should also specify the classification, conditions and Award that will apply to the possible permanent appointment.

7. AREA, INCIDENCE AND DURATION

- (i) This determination shall apply to students selected by a New South Wales public service department to undertake a cadetship approved by the Public Employment Office.
- (ii) The determination does not apply where an existing Industrial Agreement or Award specifies a training or cadet classification and rates of pay and conditions of employment.
- (iii) The cadets regulated by this determination shall be entitled to the conditions of employment as set out in this determination and except as specifically varied by this determination, the conditions of employment shall be as per the Award that applies to the department in which the cadet is employed. Where no other Award or industrial instrument has application, the *Crown Employees (Public Service Conditions of Employment) Award 2002* or any award replacing that award shall apply.
- (iv) This determination remains in force until varied or rescinded.

8. DATE OF EFFECT

This Determination shall take effect on and from the date of signing.

Dated this 28th day of September 2004



Col Gellatly
Director-General