



TD 93/102 - Income tax: does a person cease to be engaged in a course of full-time education for the purposes of the pro-rating of the tax-free (zero rate) threshold when the person joins the Australian Defence Force Academy?

 This cover sheet is provided for information only. It does not form part of *TD 93/102 - Income tax: does a person cease to be engaged in a course of full-time education for the purposes of the pro-rating of the tax-free (zero rate) threshold when the person joins the Australian Defence Force Academy?*

 This document has changed over time. This is a consolidated version of the ruling which was published on *10 June 1993*

This Determination, to the extent that it is capable of being a 'public ruling' in terms of Part IVAAA of the *Taxation Administration Act 1953*, is a public ruling for the purposes of that Part. Taxation Ruling TR 92/1 explains when a Determination is a public ruling and how it is binding on the Commissioner. Unless otherwise stated, this Determination applies to years commencing both before and after its date of issue. However, this Determination does not apply to taxpayers to the extent that it conflicts with the terms of a settlement of a dispute agreed to before the date of issue of the Determination (see paragraphs 21 and 22 of Taxation Ruling TR 92/20).

Taxation Determination

Income tax: does a person cease to be engaged in a course of full-time education for the purposes of the pro-rating of the tax-free (zero rate) threshold when the person joins the Australian Defence Force Academy?

1. No. An officer cadet is engaged in a full-time course of education for the purposes of the application of Division 4 (sections 16 to 20) of the *Income Tax Rates Act 1986* (ITRA) whilst undertaking a full-time academic course at the Australian Defence Force Academy (ADFA).
2. An ADFA officer cadet is employed as a full time member of the Defence Forces' Corps of Officer Cadets. An officer cadet is required to undertake military studies, training and other duties. The cadet is paid salary and allowances and is entitled to recreation leave and superannuation.
3. The officer cadet is also required to complete a tertiary level academic course at ADFA on a full-time basis. The academic courses are offered by the University College at the Defence Academy under the auspices of the University of New South Wales. In these circumstances the officer cadet is engaged in a course of full-time education at a university.

Example:

David completed Year 12 education in November 1992. He then accepted an ADFA cadetship which commenced in early 1993. As an officer cadet David undertook a full-time course of university education (Bachelor of Science degree) which he completes in November 1995. David, therefore, will have first stopped full-time education in the 1995-1996 income year. The pro-rating of the tax-free (zero rate) threshold under section 20 of the ITRA does not occur until the 1996 income year.

Commissioner of Taxation

10/6/93

FOI INDEX DETAIL: Reference No. I 1215104

Previously issued as Draft TD 93/D89

Related Determinations:

Related Rulings:

Subject Ref: Defence Force; general exemption; tax-free threshold; students; full time education

Legislative Ref: ITRA 16, 17,20

Case Ref:

ATO Ref: CAN AC752/9

ISSN 1038 - 8982