

STATUTORY RULES.

1930. No. 22.

REGULATIONS UNDER THE NAVAL DEFENCE ACT 1910-1918.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations, under the *Naval Defence Act* 1910-1918, to come into operation forthwith, unless otherwise specified herein.

Dated this *fourteenth* day of *March*, 1930.

Governor-General.

By His Excellency's Command,


Minister of State for Defence.

AMENDMENT OF NAVAL FORCES REGULATIONS.

(Statutory Rules 1926, No. 196, as amended to this date.)

(*Seventh Amendment.*)

1. Regulation 4 is amended by inserting the following definitions:—
 - “Lent”, when used in relation to a member of the Naval Forces temporarily employed in another branch of the Defence Force, means that while so employed he remains subject to the conditions of his own branch as regards pay and rank.
 - “Seconded”, when used in relation to a member of the Naval Forces employed in another branch of the Defence Force, means that while so employed he is subject to the conditions of the branch in which he is employed as regards pay and rank, except as otherwise prescribed.
2. Regulation 7 is amended by inserting after sub-paragraph (x) the following sub-paragraph:—
 - “(xa) Section 89 of the Act shall apply as if the words ‘, in relation to ships belonging to the King’s Naval Forces, or the Governor-General in relation to ships belonging to the Naval Forces of the Commonwealth,’ were inserted after the word ‘Admiralty’”.
3. Regulation 43 is repealed and the following regulation is inserted in its stead:—
 - “43. (1) A member of the Naval Forces may be lent or seconded to the Royal Australian Air Force and the conditions governing such loan or secondment shall be as agreed to by the Naval Board and the Air Board.

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(2) A Naval Officer seconded under sub-regulation (1) of this regulation shall be granted Air Force rank during his secondment to the Royal Australian Air Force, the initial rank granted being that of Flying Officer. He will be eligible for promotion in the Royal Australian Air Force irrespective of his rank in the Royal Australian Navy. He will be given a temporary commission in the Royal Australian Air Force while seconded. A seconded Naval Officer will, if his Naval rank is relatively higher than his Air Force rank, take precedence (but not command) among Air Force Officers in accordance with his Naval rank.

(3) A Naval Officer granted Air Force rank under sub-regulation (2) of this regulation shall have the rank, status and authority of his Air Force rank during the period of his secondment including such times as he is embarked in H.M.A. Ships.

(4) Promotion in Air Force rank, as provided for in sub-regulation (2), will be determined by the Air Board.

(5) The promotion in the Royal Australian Navy of a Naval Officer seconded to the Air Force will be governed by Naval Regulations."

4. After regulation 77 the following regulation is inserted, as from 15th December, 1929:—

"77A. A Surgeon-Lieutenant-Commander (D) may be promoted to the rank of Surgeon-Commander (D) on such conditions as may be approved by the Naval Board."

5. After regulation 133 the following regulation is inserted:—

"133A. (1) A member of the Naval Forces who, by order of the Governor-General on the recommendation of the Naval Board, is lent or seconded to the Royal Australian Air Force shall in such manner and subject to such modifications as are prescribed by Regulations made on the recommendation of the Naval Board and the Air Board be subject to the Air Force Act and the Regulations made under that Act as though he were a member of the Air Force:

provided that—

- (a) this regulation shall not prevent the application of the Naval Defence Act and the Regulations made under that Act to any person dealing with, or having any relation with any such member, or to any such member if found in any place as a deserter or absentee without leave;
- (b) if any such member is employed on board any vessel or at any Naval Establishment belonging to the Royal Australian Navy, he shall be subject to the Naval Defence Act, and the Regulations made under that Act, in the same way and to the same degree as any other member of the Air Force similarly employed;

- (c) if any such member commits an offence for which he is not amenable under the Air Force Regulations, but for which he may be punished under the Naval Defence Act, and the Regulations made under that Act, he may be tried and punished under that Act.

(2) In the event of any Naval Officer lent or seconded to the Air Force under the provisions of this regulation being sentenced by General Court-Martial to deprivation of seniority in rank, such sentence shall apply, both to his temporary rank in the Air Force and to his permanent rank in the Royal Australian Navy, provided that, in regard to his Naval rank, the Naval Board shall have all the powers to suspend, annul or modify such sentence as though such officer had been sentenced by a Naval Court-Martial.

(3) A member of the Naval Forces who, by order of the Naval Board or the Commanding Officer of the ship in which he is borne, is lent or attached to the Air Force for a short course of instruction or training not exceeding 14 days in duration, shall remain subject to the Naval Defence Act and the Regulations made under that Act for disciplinary purposes, provided that a petty officer or man may, on conviction of a minor offence, be awarded any summary punishment, except reduction in rating, prescribed in the Air Force Regulations for an airman of corresponding rank.

(4) A member of the Naval Forces who is punished while lent or seconded to the Air Force under the provisions of this regulation shall, on his return to the Naval Forces, be subject to all the consequential penalties of such punishment to the same extent as if he had been awarded a similar punishment under the Naval Defence Act and the Regulations made under that Act."

6. Regulation 134 is repealed and the following regulation is inserted in its stead:—

"134. (1) Home Service leave may be granted to officers and men for any periods not exceeding in the whole—

For members of the Seagoing Forces—forty-two days per annum;

For members of the Auxiliary Services—thirty-five days per annum;

provided that where any member has suffered from venereal disease during the year, the period of leave prescribed above shall be reduced by the number of days, not exceeding thirty, during which he was under treatment for such disease.

(2) Public holidays, and Sundays occurring during long leave shall be included as part thereof.

(3) For the purposes of this regulation, a member of the Naval Forces shall be considered to be under treatment for venereal disease on any day when, in consequence of having contracted such

disease, he is receiving medical treatment therefor and does not perform the full duties of his rank or rating, provided that—

- (a) any member whose condition is certified by a medical officer as not being due to his own default or to whom a Hurt Certificate has been granted in respect thereof; and
- (b) any member requiring only periodic treatment for syphilis subsequent to being pronounced fit for draft to any ship after the initial course of treatment,

shall not be subject to the penalty prescribed in this regulation.

(4) The leave prescribed in this regulation shall include all absences from duty on leave, except the usual short leave at week-ends.

(5) The year for calculation of leave shall be from 1st February to the following 31st January.

(6) Where the amount of Home Service in any leave year is less than a year, a proportionate amount of leave only may be granted.

(7) For the purposes of this regulation Home Service means—

- (a) in the case of an officer or man of the Royal Australian Navy, all service on the Australian Naval Station, and may, at the discretion of the Naval Board, include any time during which the ship in which he is serving is temporarily absent from the Station;
- (b) in the case of an officer or man on loan from the Royal Navy, all service in the United Kingdom or in British Home Waters,

provided that periods of leave in respect of Foreign Service shall not be deemed to be Home Service."

7. Regulations 135, 136 and 137 are repealed and the following regulations are inserted in their stead:—

"135. (1) If it is found impracticable to grant Home Service leave in accordance with regulation 134 in any year, or for other sufficient reasons, leave may be taken in the following year in addition to the leave for such year, provided that in other cases leave not taken during the year in which it accrues shall lapse, except as provided in regulation 136.

(2) The deferment of Home Service leave shall be subject to the approval of the Naval Board in the case of officers, and that of the Commanding Officer in the case of ratings.

136. A member of the Auxiliary Services stationed in a remote locality may be allowed to accumulate leave of absence for recreation up to the amount prescribed in regulation 134 on account of three consecutive years."

137 (1) Foreign Service leave, not exceeding forty-two days may be granted whenever—

- (a) an officer or man of the Royal Australian Navy returns to Australia after a period of service abroad;
- (b) an officer or man lent from the Royal Navy returns to the United Kingdom after a period of service abroad.

(2) Foreign Service leave shall be calculated as follows:—

(a) where the period of service abroad is not less than six months—

seven days for each completed six months and one day for each completed month in excess of such six-monthly period or periods;

(b) where the period of service abroad is less than six months—

one day for each completed month.

(3) Leave to an officer or man while on service abroad shall be governed by the routine of the Squadron, Ship or Establishment to which he is attached, and shall be in addition to Foreign Service leave prescribed by this regulation.

(4) Service abroad in the case of a member of the Royal Australian Navy shall be all service outside the Australian Naval Station except as provided in regulation 134, and in the case of a member of the Royal Navy shall be all service in the Royal Australian Navy, except periods of service in the United Kingdom or in British Home Waters.

137A. (1) Notwithstanding anything contained in the preceding regulations an officer lent from the Royal Navy may be granted leave not exceeding forty-two days per annum under the provisions of this regulation in lieu of leave prescribed in regulations 134, 135 and 137.

(2) Of the period of leave granted under this regulation, leave not exceeding thirty days per annum (fifteen days for each six months) and two days for each complete month of the balance of the period of service in excess of such six-monthly period or periods, may be accumulated and taken as Foreign Service leave on return to the United Kingdom.

(3) The balance may be taken as local leave in the year in which it accrues or may be deferred and taken in the following year in addition to local leave accruing for that year provided that—

(a) leave taken in any year in excess of the total amount of local leave accruing for that year and any leave deferred from the previous year shall be deducted from the accumulated Foreign Service leave; and

(b) local leave (accrued and deferred) which is not taken prior to the officer's relief in his last appointment for duty prior to passage shall lapse.

(4) The leave year for the purposes of this regulation shall commence on the date on which the officer embarks for passage to take up duty in the Royal Australian Navy or commences duty in one of H.M.A. Ships (whichever is the earlier); and thereafter on the anniversaries of that date.

137B. An officer lent from the Royal Navy for service in the Royal Australian Navy shall on appointment elect to be governed so far as leave for that period of loan service is concerned either by the provisions of regulations 134, 135 and 137 or by the provisions of regulation 137A."

8. Regulation 138 is repealed and the following regulation is inserted in its stead:—

"138. In exceptional cases additional leave may be granted, subject to the approval of the Naval Board—

(a) to cover the period occupied in travelling:—

(i) by members of the Permanent Naval Forces
(Sea-going);

(ii) by a member of the Auxiliary Services stationed in a remote locality who may be allowed, in addition to recreation leave, reasonable time for travelling while on that leave for such period and under such conditions as are approved from time to time by the Naval Board;

(b) after a period of specially arduous service;

(c) in the case of an officer on loan from the Royal Navy who elects to be granted leave under the provisions of regulation 137A—seven days per annum while serving at the Royal Australian Naval College, provided that such extra leave may not be granted in any year in which portion of local leave has been deferred or has not been taken."

By Authority: H. J. GREEN, Government Printer, Canberra.