

# Naval Defence Amendment Act 1979

No. 133 of 1979

An Act to amend the *Naval Defence Act* 1910.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

Short title,  
&c.

1. (1) This Act may be cited as the *Naval Defence Amendment Act* 1979.<sup>1</sup>

(2) The *Naval Defence Act* 1910<sup>2</sup> is in this Act referred to as the Principal Act.

Commence-  
ment

2. (1) Subject to sub-section (2), this Act shall come into operation on the day on which it receives the Royal Assent.<sup>1</sup>

(2) Sections 4 and 7 shall come into operation on the day on which sub-section 6 (1) of the *Defence Amendment Act* 1979 comes into operation.

Application  
of Defence  
Act

3. Section 5 of the Principal Act is amended by adding at the end thereof the following sub-sections:

“(2) Subject to this Act, Part IIIA of the Defence Act applies to and in relation to the Navy and the members of the Navy.

“(3) In sub-section (2), a reference to this Act does not include a reference to the regulations.”.

Establish-  
ment and  
constitution  
of Naval  
Reserve  
Cadets

4. Section 38 of the *Naval Defence Act* 1910 is amended by omitting from sub-section (7) all the words after “particular,” and substituting “for and in relation to the periods and conditions of service of members, other than conditions of service with respect to which determinations under section 58B of the Defence Act may be made.”.

Administra-  
tion of Naval  
Reserve  
Cadets

5. Section 39 of the Principal Act is amended by inserting “, to any determinations in force under section 58B of the Defence Act” after “regulations”.

Formal  
amendments

6. The Principal Act is amended as set out in the Schedule to this Act.

7. Notwithstanding the amendment made by section 4, the regulations that were in force under the *Naval Defence Act* 1910 immediately before the date (in this section referred to as the “relevant date”) of commencement of this section (including any such regulations as amended by determinations made under section 12 of the *Defence Amendment Act* 1979) and any determinations, directions or approvals that were in force under those regulations immediately before the relevant date shall, to the extent that they are not inconsistent with the *Naval Defence Act* 1910 as in force on the relevant date, continue in force on and after the relevant date as if those regulations had been made under the last-mentioned Act as so in force.

### SCHEDULE FORMAL AMENDMENTS

Section 6

Provision Amended	Omit—	Substitute—
Section 3 (definition of “naval establishment”)	work office, or establishment . . .	work, office or establishment
Section 3 (definition of “the Defence Act”)	1903-1964 . . . . .	1903
Sub-section 8 (2) . . . . .	the last preceding sub-section . . .	sub-section (1)
Sub-section 8 (4) . . . . .	the commencement of this sub-section	9 February 1976
Sub-paragraph 13 (2) (c) (ii)	of Australia . . . . .	of the Commonwealth
Section 17 . . . . .	two . . . . .	2
Section 19 . . . . .	three . . . . .	3
Section 24 . . . . .	<i>Defence Act</i> 1903-1965 . . . . .	<i>Defence Act</i>
Paragraph 28 (1) (b) . . . . .	<i>Defence Act</i> 1903-1965 . . . . .	<i>Defence Act</i>
Sub-section 29 (1) . . . . .	three . . . . .	3
Sub-section 29 (2) . . . . .	the last preceding sub-section . . .	sub-section (1)
Sub-section 32 (3) . . . . .	the last preceding sub-section . . .	sub-section (2)
Sub-section 32 (4) . . . . .	twelve . . . . .	12
	the last preceding sub-section . . .	sub-section (3)
Sub-section 32 (5) . . . . .	the last preceding sub-section . . .	sub-section (4)
Paragraph 38 (5) (b) . . . . .	eighteen . . . . .	18
Sub-section 38 (6) . . . . .	nineteen . . . . .	19
Sub-section 38 (8) . . . . .	the last preceding sub-section . . .	sub-section (7)
Section 42 . . . . .	of Australia . . . . .	of the Commonwealth
Sub-section 42A (1) . . . . .	the last preceding section . . . . .	section 42
Sub-section 42A (2) . . . . .	the last preceding sub-section . . .	sub-section (1)
Sub-paragraph 42A (4) (a) (i)	the date of commencement of this section	22 May 1968
Sub-paragraph 42A (4) (a) (ii)	two . . . . .	2
Sub-paragraph 42A (4) (b) (i)	Australia . . . . .	the Commonwealth
Sub-paragraph 42A (4) (b) (ii)	Australia . . . . .	the Commonwealth
Sub-section 42A (6) . . . . .	<i>Rules Publication Act</i> 1903-1964 . .	<i>Statutory Rules Publication Act</i> 1903
Sub-section 42A (7) . . . . .	1920-1966 . . . . .	1920
Sub-section 42B (1) . . . . .	one . . . . .	1
Paragraph 42B (2) (c) . . . . .	1928-1972 . . . . .	1928
	Australia . . . . .	the Commonwealth
Sub-section 42C (1) . . . . .	1922-1967 . . . . .	1922
Sub-section 42C (2) . . . . .	1922-1967 . . . . .	1922
Sub-section 43 (1) . . . . .	that Schedule . . . . .	the Schedule
Section 44E . . . . .	Forty dollars . . . . .	\$40

**NOTES**

1. Act No. 133, 1979; assented to 23 November 1979.
2. Act No. 30, 1910, as amended. For previous amendments *see* Act No. 16, 1911; No. 21, 1912; No. 45, 1918; No. 45, 1934; No. 35, 1948; No. 72, 1949; No. 14, 1952; No. 93, 1964; No. 53, 1965; No. 93, 1966; No. 24, 1968; No. 14, 1971; No. 216, 1973 (as amended by No. 20, 1974); and No. 96, 1975.