**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.

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

**Commencement**

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

(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.”.

**Establishment 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.”.

**Administration 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.

**Saving**

**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 Section 6

FORMAL AMENDMENTS

|  |  |  |
| --- | --- | --- |
| 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 subsection | 9 February 1976 |
| Sub-paragraph 13(2)(c)(ii)  | of Australia  | of the Commonwealth |
|  | two  | 2 |
| Section 19  | three  | 3 |
| Section 24  | *Defence Act* 1903-1965  | Defence Act |
| Paragraph 28(1)(b)  | *Defence Act* 1903-1965  | Defence Act |
| 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) |
|  | 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)  | *Rules Publication Act* 1903-1964  | *Statutory Rules Publication Act* 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 |