

STATUTORY RULES.

1951. No. .

REGULATIONS UNDER THE DEFENCE ACT 1903-1951.*

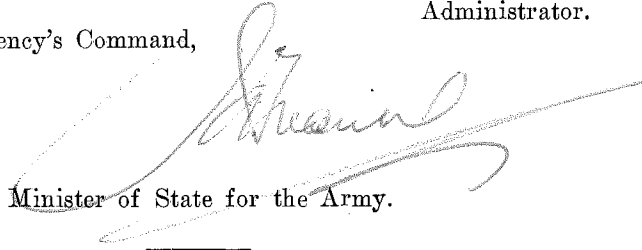
I THE ADMINISTRATOR of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Defence Act* 1903-1951.

Dated this *sixteenth*
day of *November*, 1951.

J. NORTHCOCK

Administrator.

By His Excellency's Command,


Minister of State for the Army.

ARMY (CANTEENS SERVICE) REGULATIONS.

1. These Regulations may be cited as the Army (Canteens Service) Regulations.

2. In these Regulations, unless the contrary intention appears—

- Definitions.
- “Australia” means the Commonwealth of Australia;
 - “military installation” means any military camp, barracks, fort, post or base;
 - “the Board” means the Army Canteens Service Board constituted under these Regulations;
 - “the Chairman” means the Chairman of the Board;
 - “the Deputy Chairman” means the Deputy Chairman of the Board.

3.—(1.) There shall be an Army Canteens Service for the supply, within and beyond Australia, of goods and refreshments to, and for the entertainment, recreation and accommodation on leave of, members of the Military Forces and persons employed in military installations, for the sale of goods to, and the provision of amenities for, prisoners of war and internees in the custody of the Military Forces, and for such other purposes of a similar nature as the Military Board directs.

(2.) The Army Canteens Service shall be established, maintained and operated in accordance with these Regulations.

4. The Army Canteens Service shall be under the general control of the Military Board, which may issue orders and instructions of either general or particular application in relation to the establishment, maintenance, supervision, management, inspection, conduct, control and closing of canteens and clubs, and in relation to the exercise of the powers, duties, functions and obligations of the Army Canteens Service Board, and for the purpose of regulating the meetings and the procedure of that Board.

* Notified in the *Commonwealth Gazette* on
2390.—PRICE 5D.

, 1951.

9/31.8.1951.

5.—(1.) The Military Board may, in relation to any matter or class of matters, delegate all or any of its powers and functions under these Regulations (except this power of delegation), so that the delegated powers or functions may be exercised or performed by the delegate with respect to the matter or class of matters specified in the instrument of delegation. Delegation by
Military Board.

(2.) Every delegation under this regulation is revocable at will and no delegation prevents the exercise or performance of any power or function by the Military Board.

6.—(1.) Except as provided by the next succeeding sub-regulation, the Proper Authority for the purposes of these Regulations is— Proper
Authority.

(a) in relation to the Army Canteens Service Board or an Army Canteens Service Representative—the Military Board; and

(b) in relation to an Overseas Representative—the General Officer Commanding the body of the Military Forces in the area for which the Overseas Representative is appointed.

(2.) The Military Board may, in its discretion, by writing, appoint an officer to be the Proper Authority in relation to such Overseas Representative or Army Canteens Service Representative as the Military Board specifies in the instrument of appointment.

7.—(1.) For the purposes of the Army Canteens Service, there shall be a Board which shall be known as the Army Canteens Service Board. Army Canteens
Service Board.

(2.) Subject to these Regulations, the Board has and may exercise the rights, powers, authorities and functions conferred upon it by these Regulations and is charged with and shall perform the duties and obligations imposed upon it by these Regulations.

(3.) The Board is a body corporate with perpetual succession and a common seal and may acquire, hold and dispose of real and personal property and is capable of suing and being sued in its corporate name.

(4.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to any document and shall presume that it was duly affixed.

(5.) The exercise of the rights, powers, authorities or functions, or the performance of the duties or obligations, of the Board is not affected by reason only of there being a vacancy in the office of a member of the Board.

8.—(1.) The Board shall consist of a Chairman, a Deputy Chairman and four other members, one of whom shall be the Director of the Canteens Service. Constitution
of Board.

(2.) The Chairman and the Deputy Chairman shall be appointed by the Minister.

(3.) Of the three members other than the Chairman, the Deputy Chairman and the Director of the Canteens Service, two shall be officers appointed to be members by the Military Board and one shall be a person appointed to be a member by the Treasurer.

9.—(1.) Subject to these Regulations, the executive authority of the Board is vested in the Chairman or, during the absence of the Chairman, whether through illness or otherwise, in the Deputy Chairman. Executive authority of the Board.

(2.) Subject to the directions of the Board, the Deputy Chairman shall assist the Chairman in the discharge of the duties and functions of the Chairman.

10.—(1.) The Chairman, or, in his absence, the Deputy Chairman, shall preside at meetings of the Board. Meetings of Board.

(2.) At meetings of the Board three members shall form a quorum.

(3.) All questions before the Board shall be decided by a majority of votes.

(4.) Each member present at a meeting of the Board shall have a deliberative vote and, in the event of an equality of votes on any question, the person presiding at the meeting shall have, in addition, a casting vote.

11. The Board has power to establish, maintain and operate the Army Canteens Service and, for the purpose of establishing and in the course of maintaining and operating that Service, may— General powers, duties and functions of the Board.

- (a) purchase, lease, hire or otherwise acquire property;
- (b) sell goods and merchandise and supply and provide, either directly or through committees of members of the Military Forces or of persons employed in military installations, services, entertainment and other amenities;
- (c) accept gifts and donations of money and other property;
- (d) open, conduct and close canteens, officers' and other ranks' clubs, cinemas and other institutions and facilities;
- (e) dispose of any land, buildings, stock, plant, equipment and other property acquired by, or vested in, the Board;
- (f) act as the agent, in the establishment and operation of a canteens service, of such Department of the Commonwealth, and upon such terms, as the Military Board, with the approval of the Minister, directs;
- (g) invest moneys in securities of, or guaranteed by, the Government of the Commonwealth; and
- (h) do anything which is incidental to any of its powers.

12.—(1.) Subject to these Regulations, the Board shall control the finances of the Army Canteens Service and may allocate from time to time to the Director of the Canteens Service, an Overseas Representative or an Army Canteens Service Representative so much of the funds of the Army Canteens Service as the Board, in its discretion, considers necessary for the administration and conduct of the part of that Service for which he is the agent of the Board. Finance.

(2.) For the purposes of sub-regulation (1.) of this regulation, "funds" means—

- (a) moneys deposited with or otherwise owing by the Commonwealth or any Department thereof;
- (b) moneys in hand or at credit in any fixed deposit or current account with any bank; or
- (c) drafts, bills of exchange and other negotiable instruments,

but does not include stock in trade, plant, machinery, other property, book debts, rights of action, claims or demands appertaining to or arising out of the conduct of the Army Canteens Service, unless and until they are converted into money.

(3.) The Board may, with the approval of the Treasurer, borrow moneys from the Commonwealth Bank of Australia or from other sources for the purposes of establishing, maintaining and operating the Army Canteens Service.

(4.) The Treasurer may, for and on behalf of the Commonwealth, guarantee the repayment to the Commonwealth Bank of Australia, or to any other person, of any loan, advance or overdraft, including interest and other charges thereon, made or granted by that Bank or person to the Board for the purpose of establishing, maintaining or operating the Army Canteens Service.

(5.) Any liability of the Board arising, or which has arisen, from the negotiation by a bank or any other person in favour of the Board of drafts, bills of exchange or other negotiable instruments shall be deemed to be a loan for the purposes of the last preceding sub-regulation.

13.—(1.) The Board shall open and maintain a banking account Bank account. with the Commonwealth Bank of Australia or the Commonwealth Savings Bank of Australia, or, if facilities therefor are not available, with such other bank as the Board determines, and all moneys received by the Board shall be paid to the credit of that banking account.

(2.) All payments by the Board shall be made through its banking account, except in the case of petty cash payments, which may be made by means of petty cash account.

14.—(1.) The Military Board may appoint an officer to be the Director of the Canteens Service. Director of the Canteens Service.

(2.) The Director of the Canteens Service shall carry out such duties in connexion with the Army Canteens Service as the Military Board, after consulting with the Army Canteens Service Board, directs.

15.—(1.) The Board may appoint a person to be an Overseas Overseas Representatives. Representative for any area outside Australia in which members of the Military Forces are stationed.

(2.) An Overseas Representative shall, in the exercise and performance of such powers, duties and functions as are delegated to him in pursuance of regulation 25 of these Regulations and in accordance with the instructions of the Board, but not otherwise, act as the agent of the Board in the establishment of canteens and in the conduct, management, administration and control of canteens established in the area for which he is appointed.

16.—(1.) The Board may appoint a person to be an Army Canteens Army Canteens Service Representative. Service Representative in and for any area in Australia.

(2.) An Army Canteens Service Representative shall, in the exercise and performance of such powers, duties and functions as are delegated to him in pursuance of regulation 25 of these Regulations and in accordance with the instructions of the Board, but not otherwise, act as the agent of the Board in the establishment of canteens and in the conduct, management, administration and control of canteens established in the area for which he is appointed.

17. The Proper Authority may appoint a staff officer to assist an Overseas Representative or an Army Canteens Service Representative, and the staff officer shall carry out such duties in connexion with the Army Canteens Service in the area for which he is appointed as are allotted to him by the Proper Authority. Staff officers to assist representatives.

18. The Proper Authority may appoint an Advisory Committee, consisting of such persons as the Proper Authority thinks fit, to advise an Overseas Representative or an Army Canteens Service Representative on matters relating to the administration, management and control of canteens in the area for which the Representative has been appointed. Advisory Committees.

19.—(1.) The Board may employ such persons as it considers necessary for the purposes of these Regulations. Staff of Army Canteens Service.

(2.) Where an industrial award, order, determination or agreement is applicable to an employee of the Board or to the trade or calling in which an employee of the Board is employed, the employee shall be paid at rates not lower, and employed under conditions not less favorable, than those provided by that award, order, determination or agreement.

(3.) Subject to the last preceding sub-regulation, employees of the Board shall be paid at such rates and be employed under such conditions as the Board determines.

20.—(1.) Subject to these Regulations, the forms and financial records to be used, kept and maintained, and the financial statements to be furnished, by the Board, each Army Canteens Service Representative and each Overseas Representative shall be as directed by the Board. Financial records and audit.

(2.) The financial records shall be audited by a public accountant, or a firm of public accountants, appointed by the Minister.

(3.) In time of war, the financial records of a canteen established by the Board in an area outside Australia or of an Overseas Representative may be audited by any other person appointed by the Minister.

(4.) A profit and loss account and an audited balance-sheet to the end of the months of June and December, respectively, in each year shall be furnished to the Board as soon as practicable after the end of the six months' period to which they relate by—

- (a) the Chairman, in respect of the business of the Board; and
- (b) each Army Canteens Service Representative and each Overseas Representative, in respect of the business of the Army Canteens Service in the area for which he is appointed.

(5.) The Chairman shall prepare, or cause to be prepared, to the end of the months of June and December, respectively, in each year, an audited profit and loss account and balance-sheet in respect of the whole operation of the Army Canteens Service inside and outside Australia, and shall forward a copy of each to the Minister, the Military Board and the Auditor-General, respectively.

(6.) The Chairman shall, on behalf of the Board, whenever required by the Military Board, furnish to the Military Board a certificate showing—

- (a) the profits derived by the Army Canteens Service between such dates as the Military Board specifies; and

- (b) the amount of profits and surplus funds available for distribution in accordance with the next succeeding regulation at a date specified by the Military Board.

21.—(1.) Subject to this regulation, the Military Board, with the approval of the Minister, may—

- (a) direct the manner of disposal of the profits and surplus funds of the Army Canteens Service;
- (b) direct the Board to pay such sums as the Military Board decides to the trustees of the Australian Military Forces Relief Trust Fund for the purposes of that fund; and
- (c) direct the Board to pay, from the profits of the Army Canteens Service derived during the last preceding half of a financial year, such sums to such authorities, organizations or persons as are determined in pursuance of paragraph (f) of regulation 11 of these Regulations.
- (2.) For the purpose of providing—
- (a) for the repayment of moneys borrowed by the Board in accordance with these Regulations;
- (b) for the repayment of moneys, the repayment of which is guaranteed by the Treasurer in accordance with these Regulations; and
- (c) adequate funds for the maintenance and operation of the Army Canteens Service,

the Board shall retain such proportion of the profits and surplus funds of that Service as is determined by the Minister after consultation with the Military Board and with the concurrence of the Treasurer.

(3.) The Board may, subject to such terms and conditions as are approved from time to time by the Military Board, distribute to units of the Military Forces, from the net profits of the Army Canteens Service derived during the last preceding half of a financial year, such sums as do not exceed in the total, one half of those net profits.

(4.) An amount in excess of such portion of the net profits of the Army Canteens Service available for distribution as is estimated by the Board to have been derived from trading with officers of the Military Forces during the last preceding half of a financial year shall not be used or directed to be used for the benefit of officers in any half of a financial year.

(5.) Except as provided by this regulation, expenditure shall not be made or directed to be made from the moneys of the Army Canteens Service for ordinary military purposes or in aid of a religious or philanthropic institution or for any purpose other than for the benefit of—

- (a) officers, warrant-officers, non-commissioned officers and private soldiers in the Military Forces; and
- (b) persons employed in military installations.

22. Upon the closing of a canteen or club of the Army Canteens Service, the assets of that canteen or club which are not immediately required for the purposes of that Service shall be realized and paid into the banking account of the Board.

23. It is not necessary, under or by reason of any law of a State or of a Territory of the Commonwealth, to obtain or have any licence or permission for—

Exemption
from certain
laws.

- (a) keeping;
- (b) supplying, on sale or otherwise, to members of the Military Forces or of persons employed in military installations;
- (c) supplying, at the expense of members of the Military Forces or of persons employed in military installations, to their guests; or
- (d) permitting the consumption of, intoxicating liquor at any canteen or club established in pursuance of these Regulations, if the intoxicating liquor is the property of the Board, of the members of the Military Forces or of the persons employed in military installations.

24. The Board may, upon such terms and conditions as it determines, grant to any person a licence to trade in a military installation for the purpose of rendering a service not catered for in that installation by the Army Canteens Service.

Licences.

25.—(1.) The Board may, in relation to any particular matter or class of matters, or to any particular place, by writing under its seal, delegate to the Chairman, the Deputy Chairman, an Overseas Representative, an Army Canteens Service Representative or an Advisory Committee any of its powers or functions under these Regulations (except this power of delegation), so that the delegated powers and functions may be exercised by the delegate with respect to the matter or class of matters, or to the place, specified in the instrument of delegation.

Delegation of
powers by the
Board.

(2.) Every delegation under this section is revocable at will and no delegation prevents the exercise of any power or function by the Board.

26.—(1.) Except as provided by this regulation, neither a member of the Board nor of an Advisory Committee is entitled to be paid in respect of any duties or functions performed by him for, or in connexion with, the Army Canteens Service.

Remuneration.

(2.) There may be paid from the funds of the Board to the Chairman and to the Deputy Chairman such remuneration for their services under these Regulations as the Minister directs.

(3.) Nothing in this regulation—

- (a) prevents the reimbursement from the funds of the Board of a member of the Board or of an Advisory Committee for any out of pocket expenses reasonably incurred by him in the performance of his duties or functions under these Regulations; or
- (b) affects the right of any such member who is an officer or other member of the Military Forces to receive the pay and allowances due to him in that capacity.