STATUTORY RULES.

REGULATIONS UNDER THE DEFENCE ACT 1903-1956.*

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 Defence Act 1903-1956.

Dated this 15th day of June, 1959.

W. J. Sir.

By His Excellency's Command,

ATHOL TOWNLEY
Minister of State for Defence.

AUSTRALIAN SERVICES CANTEENS ORGANIZATION
REGULATIONS.

1. These Regulations may be cited as the Australian Services Canteens Citation. Organization Regulations.

2. These Regulations shall come into operation on the first day of July, 1959.

3. In these Regulations, unless the contrary intention appears—
"Canteens Organization Representative" means a person appointed as an Australian Services Canteens Organization Representative under these Regulations;
"financial year" means the period of twelve months ending on the thirtieth day of September in each year;
"military or air force installation" means any military or air force camp, barracks, fort, post, base or Command Head-quarters;
"naval canteen" means a canteen or club authorized by the Naval Board for members of the Naval Forces;
"Overseas Representative" means a person appointed under these Regulations as an Overseas Representative for the Canteens Organization;
"the Board" means the Australian Services Canteens Organization Board of Management constituted by these Regulations;
"the Canteens Organization" means the Australian Services Canteens Organization constituted by these Regulations;
"the Council" means the Australian Services Council for Canteens constituted by these Regulations;
"the Managing Director" means the Managing Director of the Canteens Organization;
"the Minister" means the Minister of State for Defence;
"the Secretary" means the Secretary to the Council.

* Notified in the Commonwealth Gazette on 3915/59.—Price 8d. 25th June, 1959. 16/3.6.1959.
4.—(1.) There shall be a canteens organization—

(a) for the supply, within and beyond Australia, of goods and refreshments to, and the entertainment, recreation and accommodation on leave of, members of the Military Forces and the Air Force, persons employed in military or air force installations, and the dependants of such members and persons;

(b) for the bulk supply, within and beyond Australia, of goods and merchandise to naval canteens;

(c) for the supply of goods and refreshments, other than intoxicating liquor, to, and the entertainment and recreation of, members of the Australian Cadet Corps and Air Training Corps;

(d) for the sale of goods to, and the provision of amenities for, prisoners of war and internees in the custody of the Defence Force;

(e) for the establishment and operation, with the approval of the Minister, of a canteens service for a Department of the Commonwealth at the request of the Minister administering that Department; and

(f) for such other purposes of a similar nature as the Council directs.

(2.) The canteens organization shall be known as the Australian Services Canteens Organization.

(3.) The Canteens Organization shall be established, maintained and operated in accordance with these Regulations.

5.—(1.) For the purposes of these Regulations, there shall be a council which shall be known as the Australian Services Council for Canteens.

(2.) The Council shall consist of—

(a) three persons who are officers of the Naval Forces;

(b) three persons who are officers of the Military Forces;

(c) three persons who are officers of the Air Force; and

(d) three persons who have had extensive business or commercial experience.

(3.) The three members of the Council who are officers of the Naval Forces shall be—

(a) the member of the Naval Board for the time being holding the appointment of Second Naval Member and Chief of Personnel;

(b) the member of the Naval Board for the time being holding the appointment of Fourth Naval Member and Chief of Supply; and

(c) an officer holding an appointment of Naval Officer in charge.

(4.) The three members of the Council who are officers of the Military Forces shall be—

(a) the member of the Military Board for the time being holding the appointment of Adjutant-General;

(b) the member of the Military Board for the time being holding the appointment of Quartermaster-General; and

(c) an officer holding an appointment of General Officer commanding a command.
(5.) The three members of the Council who are officers of the Air Force shall be—
(a) the member of the Air Board holding for the time being the appointment of Air Member for Personnel;
(b) the member of the Air Board holding for the time being the appointment of Air Member for Supply and Equipment; and
(c) an officer holding an appointment of Air Officer commanding a command.

(6.) The three persons referred to in paragraph (d) of sub-regulation (2.) of this regulation shall be persons nominated by the Minister of State for the Navy, the Minister of State for the Army and the Minister of State for Air, respectively, and approved and appointed by the Minister.

(7.) The officers referred to in paragraph (c) of sub-regulation (3.), paragraph (c) of sub-regulation (4.), and paragraph (c) of sub-regulation (5.), of this regulation shall be appointed by the Naval Board, the Military Board and the Air Board, respectively.

(8.) The Council shall appoint a person to be Secretary to the Council.

6.—(1.) The Canteens Organization shall be under the general control of the Council.

(2.) The Council may issue orders and instructions of either general or particular application—
(a) in relation to the establishment, maintenance, supervision, management, inspection, conduct, control and closing of canteens and clubs;
(b) in relation to the exercise of the powers, duties, functions and obligations of the Board; and
(c) for the purpose of regulating the meetings and the procedure of the Board.

(3.) Orders and instructions given under the last preceding sub-regulation shall be issued by the Secretary on behalf of the Council.

7.—(1.) The Chairman of the Council shall be the member of the Council who holds, for the time being, whichever of the appointments specified in sub-regulation (3.), (4.) or (5.) of regulation 5 of these Regulations that the Minister determines to be the appointment the holder of which for the time being shall be the Chairman of the Council.

(2.) The holder of an appointment so determined shall be the Chairman of the Council for such period, not exceeding two years, as the Minister determines unless the Minister considers that it is in the interests of the Canteens Organization that the holder of a particular appointment should hold office for a longer period.

(3.) The Minister shall, in making determinations, after the first determination, under sub-regulation (1.) of this regulation, determine that the appointment the holder of which for the time being shall be the Chairman of the Council shall be, successively, an appointment held by an officer of the Air Force, an appointment held by an officer of the Naval Forces and an appointment held by an officer of the Military Forces.
8.—(1) Meetings of the Council shall be convened by the Chairman of the Council and notice of each meeting shall be given and posted by the Secretary to each of the members of the Council.

(2.) A meeting of the Council may be convened as and when necessary and shall be convened at intervals of not more than six months.

(3.) The Chairman of the Council, or, in his absence, another member of the Council who is an officer of the part of the Defence Force to which the Chairman belongs shall preside at a meeting of the Council.

(4.) At a meeting of the Council—

(a) one of the members of the Council referred to in paragraph (a) of sub-regulation (2.) of regulation 5 of these Regulations;

(b) one of the members of the Council referred to in paragraph (b) of that sub-regulation;

(c) one of the members of the Council referred to in paragraph (c) of that sub-regulation;

(d) one of the members of the Council referred to in paragraph (d) of that sub-regulation; and

(e) four other members of the Council, constitute a quorum.

(5.) All questions before the Council shall be decided by a majority of votes.

(6.) Each member present at a meeting of the Council has a deliberative vote and, in the event of an equality of votes on any question, the person presiding at the meeting has, in addition, a casting vote.

9.—(1) For the purposes of these Regulations, there shall be a board of management which shall be known as the Australian Services Canteens Organization Board of Management.

(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—

(a) is a body corporate with perpetual succession and a common seal; and

(b) is capable, in its corporate name and in Australia or elsewhere, of acquiring, holding and disposing of real and personal property and of suing and being sued.

(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.
10.—(1) The Board shall consist of—

(a) the three members of the Council, referred to in paragraph (d) of sub-regulation (2.) of regulation 5 of these Regulations;

(b) an officer of the Naval Forces;

(c) an officer of the Military Forces;

(d) an officer of the Air Force;

(e) a person representing the Treasurer; and

(f) the Managing Director.

(2.) The members of the Board referred to in paragraphs (b), (c), (d) and (e) of the last preceding sub-regulation shall be appointed by the Naval Board, the Military Board, the Air Board and the Treasurer, respectively.

(3.) The Minister shall appoint one of the members of the Board referred to in paragraph (a) of sub-regulation (1.) of this regulation to be the Chairman of the Board.

(4.) The Council shall appoint another of the members of the Board referred to in paragraph (a) of sub-regulation (1.) of this regulation to be the Deputy Chairman of the Board.

11.—(1.) Subject to these Regulations, the executive authority of the Board is vested in the Chairman of the Board or, if, at any time, the Chairman is absent or unable to act, in the Deputy Chairman of the Board.

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

12.—(1.) Meetings of the Board shall be convened by the Chairman of the Board and notice of each meeting shall be given and posted to each member of the Board.

(2.) A meeting of the Board shall be held as and when necessary.

(3.) The Chairman of the Board, or, in his absence, the Deputy Chairman of the Board, shall preside at meetings of the Board.

(4.) At a meeting of the Board, five members constitute a quorum.

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

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

13. The Board has power to conduct, maintain and operate the Canteen Organization and, for that purpose, may—

(a) purchase, lease, hire or otherwise acquire property;

(b) sell goods and merchandise;

(c) supply and provide services, entertainment and other amenities, either directly or through committees, for members of the Military Forces or the Air Force or for persons employed in military or air force installations, and for the dependants of those members or persons;
(d) accept gifts and donations of money and other property;
(e) open, conduct and close canteens, officers' and servicemen's clubs and other institutions and facilities established under regulation 4 of these Regulations;
(f) dispose of any land, buildings, stock, plant, equipment and other property acquired by, or vested in, the Board;
(g) act, at the request of the Minister administering a Department of the Commonwealth and upon such terms as the Council, with the approval of the Minister, directs, as agent in the establishment and operation of a canteens service for that Department;
(h) invest moneys in securities of, or guaranteed by, the Government of the Commonwealth or of a State; and
(i) do anything which is incidental to any of its powers.

14.—(1.) The Council shall appoint a person to be the Managing Director of the Canteens Organization.

(2.) The remuneration and conditions of service of the Managing Director shall be as the Council determines.

(3.) The Managing Director shall carry out such duties in connexion with the Canteens Organization as the Board determines.

15.—(1.) The Board may appoint a person to be an Overseas Representative for the Canteens Organization for any area outside Australia in which members of the Military Forces or the Air Force 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 19 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 under regulation 4 of these Regulations and in the conduct, management, administration and control of canteens so established in the area for which he is appointed.

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

(2.) A Canteens Organization Representative shall, in the exercise and performance of such powers, duties and functions as are delegated to him in pursuance of regulation 19 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 under regulation 13 of these Regulations and in the conduct, management, administration and control of canteens so established in the area for which he is appointed.

17. The senior officer of the Military Forces and the senior officer of the Air Force in an area for which an Overseas Representative or a Canteens Organization Representative has been appointed may each appoint a staff officer to assist the Overseas Representative or the Canteens Organization Representative, as the case may be.

18.—(1.) There shall be, if the Board thinks fit, an advisory committee in an area for which an Overseas Representative or a Canteens Organization Representative has been appointed, to advise the Overseas Representative or the Canteens Organization Representative on matters relating to the administration, management and control of canteens in the area for which the Representative has been appointed.
(2.) An advisory committee shall consist of such persons as the Overseas Representative or the Canteens Organization Representative thinks fit after taking into consideration the recommendations of the senior officer of the Military Forces or the senior officer of the Air Force in the area or, if there are in the area members of the Military Forces and members of the Air Force, such persons as the senior officer of the Military Forces and the senior officer of the Air Force.

19.—(1.) The Board may, either generally or in relation to a matter or class of matters, by writing under its seal, delegate to the Chairman, the Deputy Chairman, an Overseas Representative, a Canteens Organization Representative or an Advisory Committee any of its powers or functions under these Regulations (except this power of delegation).

(2.) A power or function so delegated may be exercised by the delegate in accordance with the instrument of delegation.

(3.) A delegation under this regulation is revocable at will and no delegation prevents the exercise of any power or function by the Board.

20.—(1.) The Board may employ such persons as it considers necessary for the purpose of these Regulations.

(2.) An employee of the Board shall be paid at such rates and employed under such conditions as the Board determines, and, in determining those rates and conditions, the Board shall have regard to the rates of pay and conditions of employment provided by any industrial award, order, determination or agreement for persons employed in the trade and calling in which the employee of the Board is employed.

21.—(1.) Subject to these Regulations, the Board shall control the finances of the Canteens Organization.

(2.) The Board may from time to time allocate to the Managing Director, an Overseas Representative or a Canteens Organization Representative so much of the funds of the Canteens Organization as the Board, in its discretion, considers necessary for the administration and conduct of the part of that Organization for which he is the agent of the Board.

(3.) For the purpose of the last preceding sub-regulation, "funds" means—

(a) moneys deposited with or otherwise owing by the Commonwealth or a Department of the Commonwealth;

(b) moneys in hand or at credit in any fixed deposit or current account with a bank; or

(c) drafts, bills of exchange and other negotiable instruments,

but does not include investments made by the Board, 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 Canteens Organization, unless and until they are converted into money.

(4.) The Board may, with the approval of the Treasurer, borrow moneys from the Commonwealth Trading Bank of Australia for the purpose of conducting, maintaining and operating the Canteens Organization.

22.—(1.) The Board shall open and maintain a banking account with the Commonwealth Trading Bank of Australia or the Commonwealth Savings Bank of Australia, 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 a petty cash account.

23.—(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 Canteens Organization Representative and each Overseas Representative shall be as directed by the Board.

(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.) The Chairman of the Board shall prepare, or cause to be prepared, for the period of six months ending on the thirty-first day of March in each year and for each financial year, an audited profit and loss account and balance sheet in respect of the whole of the operations of the Canteens Organization inside and outside Australia for those respective periods, and shall forward a copy to the Minister, the Treasurer, the Council and the Auditor-General.

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

(a) the profits derived by the Canteens Organization between such dates as the Council 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 Council.

24.—(1.) After such provision as the Council thinks proper has been made for the conduct, maintenance and operation of the Canteens Organization for—

(a) liabilities, accrued or contingent;

(b) repayment of moneys borrowed by the Board or repayment of monies the repayment of which is guaranteed by the Treasurer;

(c) reserves; and

(d) amounts required for allocation under sub-regulation (2.) of regulation 21 of these Regulations,

and after such provision has been made for the future activities of the Canteens Organization as the Minister, with the concurrence of the Treasurer, thinks fit, the profits arising from the activities, during a financial year, of the Canteens Organization and any other surplus funds of the Canteens Organization may be disposed of in such manner for the benefit of members of the Military Forces, members of the Air Force and other persons from whom the Canteens Organization has derived income as the Minister, after taking into consideration the recommendations of the Council, directs.

(2.) The profits and surplus funds available under the last preceding sub-regulation for the benefit of—

(a) members of the Military Forces and persons employed by, or in, the Department of the Army; or
members of the Air Force and persons employed by, or in, the Department of Air, shall be disposed of as the Military Board or the Air Board, as the case may be, directs.

(3.) At any time during a financial year, if the Council is of opinion that there will, for that year, be a surplus of profits available for disposal after making the provision referred to in sub-regulation (1.) of this regulation, the Minister may make, in anticipation of that surplus, such a disposal of funds as is authorized by this regulation.

25.—(1.) Except as provided by this regulation, a member of the Board or of an advisory committee is not entitled to be paid in respect of any services performed by him under these Regulations.

(2.) The Chairman, Deputy Chairman and the member of the Board appointed by the Minister under paragraph (a) of sub-regulation (1.) of regulation 11 of these Regulations, are entitled to be paid from the funds of the Board such remuneration for their services under these Regulations as the Minister directs.

(3.) Where the Managing Director is a member of the Defence Force he shall not be entitled to receive pay and allowances as such a member for a period in respect of which he receives remuneration under regulation 14 of these Regulations.

(4.) 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 which he has reasonably incurred in respect of any services performed by him under these Regulations; or

(b) except as provided by the last preceding sub-regulation, affects the right of any such member who is a member of the Defence Force to receive the pay and allowances due to him as such a member.

26. Where, in consequence of a sentence or award of a court-martial or of an officer dealing summarily with a charge, a sum is required to be paid by a member of the Naval, Military or Air Forces of the Commonwealth—

(a) to or towards the making good any loss, damage or destruction of property of the Board; or

(b) as compensation for any loss, damage or destruction of property of the Board,
occaisioned by the commission of an offence by the member, that sum shall be deemed to be a debt due and owing by the member to the Board and, without prejudice to any other means of recovery, may be deducted from moneys which are, or which become, due and payable by the Commonwealth to the member and may be paid to the Board in such instalments, and in such manner, as the Naval Board, Military Board or Air Board, as the case may be, directs.
27. It is not necessary, under or by reason of any law of a State to obtain or have any licence or permission for—

(a) keeping;
(b) supplying, on sale or otherwise, to a person—
   (i) who is a member of the naval, military or air forces of the Commonwealth or of another part of the Queen's dominions;
   (ii) who is employed in a naval, military or air force installation;
   (iii) who is employed by or in the Department of Defence, the Department of the Navy, the Department of the Army or the Department of Air;
   (iv) who is employed by the Board; or
   (v) who is employed at a special defence undertaking within the meaning of section 6 of the Defence (Special Undertakings) Act 1952;
(c) supplying, at the expense of such a person, to a guest of that person; or
(d) permitting the consumption of, intoxicating liquor at a canteen or club established, conducted, maintained or operated in pursuance of these Regulations, if the intoxicating liquor is the property of the Board, of such a person or of any such persons.

28. The Board may, with the approval of the Commanding Officer of a military or air force installation, grant, upon such terms and conditions as the Board determines, to any person a licence to trade in a military or air force installation for the purpose of rendering a service not catered for in that installation by the Canteens Organization.

29.—(1.) In this regulation—

"assets" means property of every kind, and, without limiting the generality of the foregoing, includes—

(a) choses in action; and
(b) rights, interests and claims of every kind in or to property, whether arising under or by virtue of an instrument or otherwise, and whether liquidated or unliquidated, certain or contingent, accrued or accruing;

"liabilities" means liabilities of every kind, and, without limiting the generality of the foregoing, includes obligations of every kind, whether arising under or by virtue of an instrument or otherwise, and whether liquidated or unliquidated, certain or contingent, accrued or accruing;

(2.) Upon the commencement of these Regulations—

(a) the assets of the Australian Army Canteens Service Board shall, by force of this regulation, cease to be assets of that Board and shall become assets of the Australian Services Canteens Organization Board of Management;
(b) the liabilities of the Australian Army Canteens Service Board shall, by force of this regulation, cease to be liabilities of that Board and shall become liabilities of the Australian Services Canteens Organization Board of Management; and
(c) an instrument—
   (i) to which the Australian Army Canteens Service Board
      is a party;
   (ii) which was given to or in favour of the Australian
        Army Canteens Service Board; or
   (iii) under which money is or may become payable, or
        any other property is to be, or may become liable
        to be, transferred conveyed or assigned, to or by
        the Australian Army Canteens Service Board,
       being an instrument subsisting immediately before the com-
       mencement of these Regulations shall, by force of this
       regulation, continue in full force and effect but, in its opera-
       tion in relation to acts, transactions, matters or things done,
       entered or occurring on or after the commencement of
       these Regulations, has effect as if a reference in the
       instrument to the Australian Army Canteens Service Board
       were a reference to the Australian Services Canteens Organi-
       zation Board of Management.

(3.) Upon the commencement of these Regulations and the repeal of
the Air Force (Canteens) Regulations—

(a) the assets of the Royal Australian Air Force Canteens Service
Board shall, by force of this regulation, cease to be assets of
that Board and shall become assets of the Australian Services
Canteens Organization Board of Management;

(b) the liabilities of the Royal Australian Air Force Canteens
Service Board shall, by force of this regulation, cease to be
liabilities of that Board and shall become liabilities of the
Australian Services Canteens Organization Board of Manage-
ment; and

(c) an instrument—
   (i) to which the Royal Australian Air Force Canteens
       Service Board is a party;
   (ii) which was given to or in favour of the Royal Aus-
       tralian Air Force Canteens Service Board; or
   (iii) under which money is or may become payable, or
        any other property is to be, or may become liable
        to be, transferred conveyed or assigned, to or by the
        Royal Australian Air Force Canteens Service Board,
       being an instrument subsisting immediately before the com-
       mencement of these Regulations shall, by force of this
       regulation, continue in full force and effect but, in its opera-
       tion in relation to acts, transactions, matters or things done,
       entered or occurring on or after the commencement of
       these Regulations, has effect as if a reference in the
       instrument to the (Australian Army Canteens Service Board
       were a reference to the Australian Services Canteens Organi-
       zation Board of Management.

(4.) Upon the assets of the Australian Army Canteens Service Board
becoming the assets of the Australian Services Canteens Organization
Board of Management, that last-mentioned Board shall set aside an amount
equal to the amount of the undistributed profits made by the first-mentioned
Board in the year ending on the thirtieth day of June, 1959.
(5.) The amount set aside by the Australian Services Canteens Organization Board of Management under the last preceding sub-regulation shall be disposed of—

(a) by the Board retaining as assets of the Board so much of the amount as the Minister of State for the Army, after consultation with the Military Board and with the concurrence of the Treasurer, determines to be the amount that would, if the Australian Army (Canteens Service) Regulations had not been repealed, have been retained for the continued maintenance and operation of the Canteens Service referred to in those Regulations; and

(b) by the Board distributing the balance of the amount set aside in such manner as the Military Board, with the approval of the Minister of State for the Army, directs.

(6.) Upon the assets of the Royal Australian Air Force Canteens Service Board becoming the assets of the Australian Services Canteens Organization Board of Management, that last-mentioned Board shall set aside an amount equal to the amount of the undistributed profits made by the first-mentioned Board in the year ending on the thirtieth day of June, 1959.

(7.) The amount set aside by the Australian Services Canteens Organization Board of Management under the last preceding sub-regulation shall be disposed of—

(a) by the Board retaining as assets of the Board so much of the amount as the Minister of State for Air, upon the recommendation of the Air Board, determines to be the amount that would, if the Air Force (Canteens) Regulations had not been repealed, have been retained for the continued maintenance and operation of the Canteens Service referred to in those Regulations; and

(b) by the Board distributing the balance of the amount set aside in such manner as the Minister of State for Air, upon the directions of the Air Board, directs.