STATUTORY RULES.

1954. No. 129

REGULATIONS UNDER THE NAVAL DEFENCE ACT 1910-1952.*

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 1910-1952.

Dated this fifteenth day of December, 1954.

W. J. SIM
Governor-General.

By His Excellency's Command,

JOS FRAJCH
Minister of State for the Navy.

NAVY (CANTEENS) REGULATIONS.

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

2. In these Regulations, unless the contrary intention appears— Definitions.
   "the Board" means the Royal Australian Navy Central Canteens Board established by these Regulations;
   "the Committee" means the Royal Australian Navy Central Canteens Committee established by these Regulations;
   "the Fund" means the Royal Australian Navy Central Canteens Fund established by these Regulations;
   "the Royal Australian Navy Relief Trust Fund" means the Fund by that name established by the Services Trust Funds Act 1947-1950.

3.—(1.) The Naval Board may make orders and give 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 for members of the Naval Forces;
   (b) in relation to the exercise of the powers, duties and functions of the Royal Australian Navy Central Canteens Board; and
   (c) subject to regulations 7 and 8 of these Regulations, for the purpose of regulating the meetings and the procedure of that Board.

(2.) The Naval Board may from time to time impose and vary levies in respect of canteens trading to be paid to the Fund by committees conducting canteens.

* Notified in the Commonwealth Gazette on 4474.—Price 5c.

10/3.11.1954.
(3.) The powers conferred on the Naval Board by this regulation are in addition to the powers conferred on that Board by regulation 158 of the Naval Forces Regulations.

4.—(1.) There shall be a Fund which shall be known as the Royal Australian Navy Central Canteens Fund and shall be administered by the Board.

(2.) The Fund shall consist of—

(a) the proceeds of levies imposed by the Naval Board in pursuance of these Regulations;
(b) gifts and donations of money or property received by the Board for the purposes of the Fund;
(c) money and investments vested in the Board by the next succeeding regulation; and
(d) any other money or property lawfully available for the purposes of the Fund.

(3.) Subject to these Regulations, moneys and property forming part of the Fund may be applied—

(a) in making grants to the Royal Australian Navy Relief Trust Fund;
(b) in making grants and loans to committees conducting canteens, clubs, cinemas or other institutions or facilities for the welfare or entertainment of members of the Naval Forces; and
(c) otherwise for the purposes of the exercise of the powers and functions conferred on the Board by these Regulations.

(4.) Moneys forming part of the Fund may be invested in securities of, or guaranteed by, the Government of the Commonwealth.

(5.) Income derived from the investment of moneys forming part of the Fund, and from property forming part of the Fund, forms part of the Fund.

5. Upon the commencement of these Regulations—

(a) the moneys and investments comprising the Fund known as the Royal Australian Navy Central Canteen Fund are, by force of this regulation, vested in the Board;
(b) all rights, obligations and liabilities which, immediately before that commencement, were vested in, or imposed on, the trustees of that Fund in their capacity as such trustees are, by force of this regulation, vested in or imposed on the Board; and
(c) those trustees are discharged from all obligations and liabilities lawfully incurred by them in their capacity as trustees of that Fund.

6.—(1.) For the purposes of these Regulations, a Board, to be called the Royal Australian Navy Central Canteens Board, is hereby established.

(2.) Subject to these Regulations, the Board has and may exercise the rights, powers, authorities and functions conferred on it, 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 a document and shall presume that it was duly affixed.

7.—(1.) The Board consists of—
(a) the Second Naval Member of the Naval Board; and
(b) the persons for the time being performing the duties of the offices of—
(i) Director of Personal Services;
(ii) Director-General, Supply and Secretariat Branch;
(iii) Director of Victualling; and
(iv) Director of Navy Accounts,
in the Department of the Navy.

(2.) The Second Naval Member of the Naval Board is the Chairman of the Board.

(3.) Meetings of the Board shall—
(a) be convened by the Chairman; and
(b) be held at intervals not exceeding three months.

8. At a meeting of the Board—
(a) three members form a quorum;
(b) the Chairman or, in his absence, a member elected by the members present, shall preside;
(c) all questions shall be decided by a majority of votes of the members present; and
(d) the Chairman or other member presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

9.—(1.) The Naval Board may appoint a member of the Supply and Secretariat Branch of the Department of the Navy to act as Secretary to the Board.

(2.) The person so appointed shall assist the Board in the exercise and performance of its powers and functions in such manner as the Board directs.

10. The Board may make recommendations to the Naval Board concerning—
(a) the opening, conducting and closing of canteens;
(b) the imposition and variation of levies in respect of canteens trading;
(c) the authorization of committees to open and conduct clubs, cinemas and other institutions and facilities for the welfare or entertainment of members of the Naval Forces, and the closing of those clubs, cinemas, institutions and facilities;
(d) the appointment of representatives of naval administrative authorities, Her Majesty's Australian ships and naval establishments to the Royal Australian Navy Central Canteens Committee; and
(e) matters incidental to the exercise by the Naval Board of powers in respect of a matter referred to in any of the preceding paragraphs.

11.—(1.) Subject to these Regulations, the Board has power to—
(a) receive levies imposed by the Naval Board in pursuance of these Regulations in respect of canteens trading;
(b) accept gifts and donations of money and other property for the purposes of the Fund;
(c) make grants of money from the Fund to the Royal Australian Navy Relief Trust Fund for the purposes of that Fund;
(d) make grants and loans of money and property from the Fund to committees conducting canteens, clubs, cinemas or other institutions or facilities for the welfare or entertainment of members of the Naval Forces;
(e) purchase, lease, hire or otherwise acquire land, buildings, stock, plant, equipment or other property for the purpose of providing services, entertainment, recreation or other amenities for members of the Naval Forces;
(f) dispose of any property acquired by, or vested in, the Board;
(g) enter into contracts for, or relating to, the purchase or supply of goods to be sold in canteens or clubs (whether as agent for, or otherwise on behalf of, committees conducting canteens or clubs or for the purpose of re-sale to those committees);
(h) sell to committees conducting canteens or clubs goods purchased by the Board for the purpose of re-sale; and
(i) do anything which is incidental to any of its powers.

(2.) A grant or loan of money or property in pursuance of paragraph (d) of the last preceding sub-regulation may be made subject to such conditions as to the application of the money or property as the Board directs.

12.—(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.

13.—(1.) Subject to this regulation, the forms and financial records to be used, kept and maintained, and the financial statements to be furnished, by the Board shall be as the Naval Board directs.

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

(3.) The Board shall, as soon as practicable after the end of the six months period to which they relate, furnish to the Naval Board an account of income and expenditure and an audited balance-sheet to the end of the months of January and July, respectively, in each year in respect of the Fund.
14.—(1.) There shall be a Committee which shall be known as the Royal Australian Navy Central Canteens Committee.

(2.) The Committee shall consist of the person performing the duties of the office of Director of Personal Services in the Department of the Navy, who shall be the Chairman of the Committee, and such representatives, not exceeding twelve in the aggregate, of naval administrative authorities, Her Majesty’s Australian ships and naval establishments as the Naval Board from time to time directs.

(3.) The representatives referred to in the last preceding sub-regulation shall be selected in a manner approved by the Naval Board.

15.—(1.) Meetings of the Committee may be convened by the Chairman of the Committee as often as he considers necessary.

(2.) At a meeting of the Committee—

(a) the Chairman and one-half of the other members of the Committee, or if there is not an even number of those other members, a majority of them, form a quorum;

(b) all questions shall be decided by a majority of votes of the members present; and

(c) the Chairman has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

16. The Committee may—

(a) make recommendations and suggestions to the Board on matters concerning the interests and welfare of members of the Naval Forces in relation to canteens; and

(b) make recommendations to the Board on matters of principle concerning the application of money or property forming part of the Fund.

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

(a) keeping;

(b) supplying, on sale or otherwise, to members of the Naval Forces or to persons employed in naval establishments;

(c) supplying, at the expense of members of the Naval Forces or of persons employed in naval establishments, to their guests; or

(d) permitting the consumption of, intoxicating liquor at a canteen or club established by, or with the authority of, the Naval Board, if the intoxicating liquor is the property of the Board, of the committee conducting the canteen or club, of the members of the Naval Forces or of the persons employed in naval establishments.

18. The Naval Board may, upon such terms and conditions as it determines, grant to a person a licence to trade in a naval establishment for the purpose of rendering a service not otherwise catered for in that establishment.
19.—(1.) Subject to the next succeeding sub-regulation, neither a member of the Board nor of the Committee nor the person appointed to act as Secretary to the Board is entitled to be paid in respect of duties or functions performed by him in pursuance of these Regulations.

(2.) The last preceding sub-regulation does not—

(a) prevent the reimbursement of a member of the Board or of the Committee or the person appointed to act as Secretary to the Board for out-of-pocket expenses reasonably incurred by him in the performance of his duties or functions under these Regulations; or

(b) prevent any such member or person who is a member of the Naval Forces or an officer of the Public Service of the Commonwealth from receiving his pay and allowances in that capacity.