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Statutory Rules 1987 No. 61

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Air Force Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting
with the advice of the Federal Executive Council, hereby make the following
Regulations under the *Air Force Act 1923*.

Dated 30 January 1987.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

John Brown

Minister of State for Sport, Recreation and Tourism
for and on behalf of the
Minister of State for Defence

Interpretation

1. Regulation 4 of the Air Force Regulations is amended by omitting
the definition of "head-quarters" from sub-regulation (1).

Repeal of regulation 21

2. Regulation 21 of the Air Force Regulations is repealed.

Reports and applications to be in writing

3. Regulation 22 of the Air Force Regulations is amended by omitting
", or proper air-force authority".

Precedence within the Air Force

4. Regulation 34 of the Air Force Regulations is amended by omitting
"Members" and substituting "Subject to these Regulations, members".

Repeal of regulation 58

5. Regulation 58 of the Air Force Regulations is repealed.

Appointments to be held during pleasure

6. Regulation 72 of the Air Force Regulations is amended by omitting
from sub-regulation (2) "the civil power" (wherever occurring) and
substituting "a civil court".

Resignation of officers

7. Regulation 73 of the Air Force Regulations is amended—

- (a) by omitting from sub-paragraph (2) (c) (ii) “or whose transport, or whose family’s transport,” and substituting “and whose transport to Australia, or whose family’s transport to Australia,”; and
- (b) by omitting from paragraph (2) (c) “and in the circumstances,”.

Period of enlistment

8. Regulation 92 of the Air Force Regulations is amended by omitting from sub-regulation (3) “expiration of the period for which he engages to serve under this regulation” and substituting—

“expiration of—

- (a) the period for which the airman engages to serve under this regulation;
- (b) the period for which the airman re-engages under regulation 106; or
- (c) the period for which the airman re-engages under regulation 106A,

whichever last occurs”.

9. After regulation 106 of the Air Force Regulations the following regulation is inserted:

Re-engagement of airmen—period expiring on retirement

“106A. (1) The Chief of the Air Staff may offer an airman—

- (a) who is medically fit for service;
- (b) whose conduct and efficiency are satisfactory; and
- (c) who, on completion of the period for which the airman was enlisted or previously re-engaged, will have completed a period of not less than 12 years service,

re-engagement in the Permanent Air Force for a period that will expire on the retirement of the airman in accordance with regulation 118, and, if the airman accepts the offer, the airman shall be re-engaged accordingly.

“(2) A period of re-engagement under sub-regulation (1) commences on the day immediately after the expiration of the period during which, on enlistment or previous re-engagement, the airman had engaged to serve.”.

Power to discharge

10. Regulation 109 of the Air Force Regulations is amended—

- (a) by omitting sub-regulation (1); and
- (b) by omitting from sub-regulation (2) “a discharge” and substituting “the discharge of an airman from the Air Force”.

11. Regulation 111 of the Air Force Regulations is repealed and the following regulation substituted:

Discharge of airman re-engaged under regulation 106A

“111. (1) An airman who has been re-engaged under regulation 106A may, by giving notice in writing to the airman’s commanding officer of the airman’s intention to do so, being notice the period of which is determined in accordance with sub-regulation (2), apply for discharge before the expiration of the period in respect of which the airman has re-engaged to serve.

“(2) For the purposes of sub-regulation (1), the Chief of the Air Staff shall determine a period of notice, having regard to the length of the remaining period during which the airman giving notice has re-engaged to serve, which the Chief of the Air Staff considers appropriate but, in any case, a period of notice so determined shall not exceed 12 months.

“(3) Subject to sub-regulation (4), an airman who has applied for discharge under sub-regulation (1) shall be discharged at the expiration of the period of notice.

“(4) The Chief of the Air Staff may, by instrument, refuse to authorize the discharge of an airman—

- (a) in time of war or in time of defence emergency;
- (b) if the discharge would, in the opinion of the Chief of the Air Staff, seriously prejudice the Air Force in the carrying out of Air Force operations that it is carrying out or may be required to carry out; or
- (c) in the case of an airman—
 - (i) who is engaged in, or who has completed, in whole or in part, a course of special training, a period of employment on special duties or a period of service outside Australia; or
 - (ii) who was appointed outside Australia and whose transport to Australia, or whose family’s transport to Australia, was at the expense of the Commonwealth,

if the airman has not completed a period of service that, under a determination of the Chief of the Air Staff, the airman is required to complete.

“(5) Where the Chief of the Air Staff considers that an airman to whom this regulation applies should not be discharged unless and until the airman has complied with a condition, the airman shall not be discharged under this regulation until the airman has complied with that condition.”.

Reasons for discharge

12. Regulation 115 of the Air Force Regulations is amended—
- (a) by omitting “An airman” and substituting “Subject to regulation 111 and this regulation, an airman”;
 - (b) by omitting from paragraph (h) “the Civil Power” and substituting “a civil court”;

- (c) by omitting paragraph (j) and substituting the following paragraph:
 “(j) having been sentenced to imprisonment by a court martial or by a civil court;” and
- (d) by adding at the end the following sub-regulation:
 “(2) An airman who has been re-engaged under regulation 106A shall not be discharged during the period of that re-engagement for the reason of being surplus to establishment unless the Chief of the Air Staff has given the airman not less than 12 months notice.”

Repeal of regulation 441

13. Regulation 441 of the Air Force Regulations is repealed.

Citizen Air Force to be returned to districts

14. Regulation 447 of the Air Force Regulations is amended by omitting “war” and substituting “active”.

Eligibility for service in Reserve

15. Regulation 455 of the Air Force Regulations is amended by omitting from sub-regulation (3) “, or who fails to pass the medical examination approved by the Chief of the Air Staff”.

Interpretation

16. Regulation 527 of the Air Force Regulations is amended by omitting sub-regulation (2).

Allottee resident outside Australia

17. Regulation 564 of the Air Force Regulations is amended by omitting sub-regulation (2).

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 6 1987.
2. Statutory Rules 1927 No. 161 as amended by 1928 Nos. 52 and 109; 1929 Nos. 75 and 114; 1930 Nos. 77, 94 and 135; 1931 Nos. 3, 78 and 115; 1932 Nos. 9, 63 and 133; 1933 Nos. 16, 46, 58, 82, 89 and 117; 1934 Nos. 25, 51, 74, 81, 122 and 125; 1935 Nos. 32 and 98; 1936 No. 17; 1937 No. 21; 1938 Nos. 12, 13, 22, 48, 77, 97 and 120; 1939 Nos. 21, 64 and 142; 1940 Nos. 31, 53, 75, 114, 125, 140, 220, 241 and 279; 1941 Nos. 68, 106, 137, 181 and 228; 1942 Nos. 29, 158, 232, 254, 346, 383, 416, 440, 441, 476 and 543; 1943 Nos. 119 and 198; 1944 Nos. 34, 50, 64, 75, 146 and 153; 1945 Nos. 49, 79, 95, 105, 196 and 201; 1946 Nos. 40, 111, 145 and 162; 1947 No. 22; 1948 Nos. 34, 51, 67, 86 and 152; 1949 Nos. 82, 86 and 115; 1950 No. 66; 1952 Nos. 14, 34, 49 and 86; 1954 Nos. 30 and 132; 1955 Nos. 36, 41 and 92; 1956 Nos. 19 and 43; 1958 No. 62; 1959 No. 100; 1960 No. 52; 1961 Nos. 7, 14, 28, 46, 88, 95, 126, 131 and 138; 1962 No. 24; 1963 Nos. 63, 64, 76, 91, 114, 116 and 117; 1964 Nos. 9, 13, 47, 94 and 99; 1965 Nos. 9, 10, 25, 57, 58, 77, 141, 142, 143, 153 and 166; 1966 Nos. 4, 30, 127 and 150; 1967 Nos. 11, 39, 104 and 171; 1968 Nos. 90, 98, 140 and 155; 1969 Nos. 3, 116, 117, 148 and 180; 1970 Nos. 2, 37, 117, 132 and 156; 1971 Nos. 29, 50, 78, 121, 153 and 169; 1972 Nos. 16, 28, 54, 87, 89, 91 and 144; 1973 Nos. 96, 97, 98, 172, 199, 200, 246 and 256; 1974 Nos. 76, 79, 90, 160, 202 and 257; 1975 Nos. 3, 38 and 56; 1976 Nos. 6, 10, 60, 128, 191,

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NOTES—continued

241 and 257; 1977 Nos. 5, 38, 129, 142, 203, 240, 276, 277 and 279; 1978 Nos. 23, 61, 71, 78, 89, 162, 181, 198, 225, 237 and 238; 1979 Nos. 19, 31, 49, 50, 63, 130, 133, 257, 303 and 310; 1980 Nos. 2, 35, 40, 41, 129, 146, 151, 152, 153, 176, 221, 224, 246, 250, 301, 306, 313, 351 and 361; 1981 Nos. 22, 26, 48, 68, 92, 132, 144, 185, 186, 224, 240, 273, 315, 336 and 340; 1982 Nos. 3, 6, 37, 51, 104, 109, 174, 182, 203, 221, 248, 333, 356 and 360; 1983 Nos. 12, 15, 63, 170, 196, 259, 271, 284, 300, 334, 337 and 340; 1984 Nos. 59, 73, 77, 91, 151, 187, 198, 214, 226, 239, 277, 298, 302, 327, 330, 334, 339, 374, 379, 382, 384, 385, 438, 440, 447, 450, 455 and 458; 1985 Nos. 73, 77, 91, 115, 170, 213, 216 and 219; 1986 No. 105.