

Army and Air Force Canteen Service Amendment Regulations 2001 (No. 2) 2001 No. 42

EXPLANATORY STATEMENT

STATUTORY RULES 2001 No. 42

Issued by the Authority of the Minister for Veterans' Affairs

Defence Act 1903

Weapons of Mass Destruction (Prevention of Proliferation) Act 1995

Defence (Areas Control) Amendment Regulations 2001 (No. 1)

Army and Air Force Canteen Service Amendment Regulations 2001 (No. 2)

Weapons of Mass Destruction Amendment Regulations 2001 (No. 1)

Section 124 of the *Defence Act 1903* and section 21 of the *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995* ("the Acts") provide that the Governor-General may make Regulations prescribing matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to the Acts.

The purpose of the Regulations is to amend the following regulations ("the Principal Regulations") as a consequence of changes made to public service terminology by the *Public Service Act 1999*:

- *Defence (Areas Control) Regulations 1989*;
- *Army and Air Force Canteen Service Regulations 1959*, and
- *Weapons of Mass Destruction Regulations 1995*.

The *Defence (Areas Control) Regulations 1989* made under the *Defence Act 1903*, enable restrictions to be placed on the heights of buildings and other objects in areas adjacent to specified Defence airfields so as to ensure obstruction free flight operations.

The *Army and Air Force Canteen Service Regulations 1959* made under the *Defence Act 1903*, establish and provide for the control and operation of a canteen service for members of the Army and Air Force.

The *Weapons of Mass Destruction Regulations 1995* made under the *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995*, set out inter alia the procedures for supply, export, storage and control of weapons capable of causing mass destruction.

The changes to the *Public Service Act 1999* amended various legislation including Defence legislation to replace outdated public service terminology.

The Principal Regulations were identified as requiring amendment to modernise their provisions relating to the delegation of powers by the Minister. The Regulations amend each of the delegation provisions to revise the references to titles of APS officers and employees to whom powers have been delegated to reflect current terminology.

Details of the amendments to the Defence legislation are contained in the attachment.

The Regulations commenced on Gazettal.

ATTACHMENT

Details of the Statutory Rules

The *Public Service Act 1999* ("the 1999 Act") amends various legislation including Defence legislation to replace outdated public service terminology. The Principal Regulations have been identified as requiring amendment to modernise some of their provisions.

The purpose of the Statutory Rules is outlined below:

- The Defence (Areas Control) Amendment Regulations 2001 amends paragraph 19(1)(b) of the *Defence (Areas Control) Regulations 1989* so that the Minister can delegate his or her powers to an "SES employee", rather than a "Senior Officer Grade A".
- The Army and Air Force Canteen Service Amendment Regulations 2001 amends paragraph 34(1)(d) of the *Army and Air Force Canteen Service Regulations 1959*, so that the Minister can delegate his or her powers to "SES employee", rather than an "Administrative Service Officer Class 8".
- The Weapons of Mass Destruction Amendment Regulations 2001 amends paragraph 12(a) and 12(b) of the *Weapons of Mass Destruction Regulations 1995*, so that the Minister can delegate his or her powers to an "SES employee in the Department", or an "APS employee in the Department with the classification of Executive Level 2, or an equivalent classification", rather than a "Senior Executive Officer", "an officer of the Department", or a "Senior Grade A or B".

The Statutory Rules commence upon Gazettal.