Navy (Canteens) Regulations 1954

Statutory Rules 1954 No. 129 as amended

made under the

Naval Defence Act 1910

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Prepared by the Office of Legislative Drafting,
Attorney-General’s Department, Canberra
Contents

1 Name of Regulations [see Note 1] 3
2 Interpretation 3
2A Delegations 3
3 Powers of Chief of Navy in relation to canteens, clubs etc 3
4 Royal Australian Navy Central Canteens Fund 4
5 Transfer of assets etc of existing Fund 5
6 Royal Australian Navy Central Canteens Board 5
7 Constitution of Board 6
8 Quorum and voting 6
9 Secretary to the Board 6
10 Recommendations by Board 7
11 Powers of the Board 7
12 Bank account 8
13 Financial records and audit 9
18 Licences 9
19 No remuneration to be paid to members of Board or Secretary 9

Notes 10
1 Name of Regulations

These Regulations are the *Navy (Canteens) Regulations 1954*.

2 Interpretation

In these Regulations, unless the contrary intention appears:

- **the Board** means the Royal Australian Navy Central Canteens Board 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*.

2A Delegations

(1) The Minister may, by writing signed by him, delegate to an officer who holds a rank above the rank in the Australian Navy of Captain any of his powers or functions under these Regulations other than this power of delegation.

(2) The Chief of Navy may, by writing signed by him, delegate to an officer who holds a rank above the rank in the Australian Navy of Captain any of his powers or functions under these Regulations other than this power of delegation.

(3) A delegation under this regulation shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Minister or the Chief of Navy, as the case may be.

3 Powers of Chief of Navy in relation to canteens, clubs etc

(1) The Chief of Navy 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 Navy;
(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, for the purpose of regulating the meetings and the procedure of that Board.

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

4 Royal Australian Navy Central Canteens Fund

(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 Minister 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 regulation 5; 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 persons conducting canteens, clubs, cinemas or other institutions or facilities for the welfare or entertainment of members of the Navy; 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 not immediately required for the purposes of the Fund may be invested:
   (a) on deposit with an approved bank;
(b) in Commonwealth securities; or
(c) in any other manner approved in writing by the Treasurer for the purposes of this regulation.

(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.

(6) In subregulation (4) approved bank means a trading bank as defined in subsection 5 (1) of the Banking Act 1959 or another bank approved in writing by the Treasurer for the purposes of this regulation or a person authorized by the Treasurer to give approvals under this regulation.

5 Transfer of assets etc of existing Fund

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 those 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 Royal Australian Navy Central Canteens Board

(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
Regulation 7

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 Constitution of Board

(1) The Board shall consist of:
   (a) a Chairman; and
   (b) 6 other persons;
   appointed by the Chief of Navy.

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

8 Quorum and voting

At a meeting of the Board:
   (a) 4 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 Secretary to the Board

(1) The Chief of Navy may appoint a person 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 Recommendations by Board

The Board may make recommendations to the Minister or to the Chief of Navy concerning:

(a) the opening, conducting and closing of canteens; and
(b) the imposition and variation of levies in respect of canteens trading; and
(c) the authorization of persons to open and conduct clubs, cinemas and other institutions and facilities for the welfare or entertainment of members of the Navy, and the closing of those clubs, cinemas, institutions and facilities; and
(e) matters incidental to the exercise by the Minister or the Chief of Navy of powers in respect of a matter referred to in any of the preceding paragraphs.

11 Powers of the Board

(1) Subject to these Regulations, the Board has power to:

(a) receive levies imposed by the Minister 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 persons conducting canteens, clubs, cinemas or other institutions or facilities for the welfare or entertainment of members of the Navy;
(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 Navy;
(f) dispose of any property acquired by, or vested in, the Board;
(fa) subject to this regulation, enter into a contract under which the Board, in consideration of a person rendering assistance in connection with the erection of a building for the provision of services specified in the contract for
members of the Navy, accepts the liability to pay a sum of money to that person if the building ceases to be used for the provision of those services;

(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, persons conducting canteens or clubs or for the purpose of re-sale to those persons);

(h) sell to persons 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 (1) (d) may be made subject to such conditions as to the application of the money or property as the Board directs.

(3) The Board shall not enter into a contract in pursuance of paragraph (1) (fa) if the services specified in the contract are not services:

(a) in respect of which the Board is authorized to make grants or loans of money or property from the Fund by virtue of paragraph (1) (d); or

(b) for the providing of which the Board is authorized to purchase, lease, hire or otherwise acquire land, buildings, stock, plant, equipment or other property by virtue of paragraph (1) (e).

12 Bank account

(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 Financial records and audit

(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 Minister directs.

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

(3) As soon as practicable after 30 June in a year, the Board must give the Minister an account of income and expenditure and an audited balance-sheet for the Fund as at 30 June.

18 Licences

The Chief of Navy may, upon such terms and conditions as he 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 No remuneration to be paid to members of Board or Secretary

(1) Subject to subregulation (2), neither a member of the Board 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) Subregulation (1) does not:

(a) prevent the reimbursement of a member of the Board 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 Navy or an officer of the Australian Public Service from receiving his pay and allowances in that capacity.
Notes to the *Navy (Canteens) Regulations 1954*

Note 1

The *Navy (Canteens) Regulations 1954* (in force under the *Naval Defence Act 1910*) as shown in this compilation comprise Statutory Rules 1954 No. 129 amended as indicated in the Tables below.

### Table of Statutory Rules

<table>
<thead>
<tr>
<th>Year and number</th>
<th>Date of notification in Gazette</th>
<th>Date of commencement</th>
<th>Application, saving or transitional provisions</th>
</tr>
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<tbody>
<tr>
<td>1954 No. 129</td>
<td>23 Dec 1954</td>
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<td>—</td>
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<td>1971 No. 119</td>
<td>2 Sept 1971</td>
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<td>1973 No. 31</td>
<td>15 Feb 1973</td>
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<td>31 July 1974</td>
<td>31 July 1974</td>
<td>R. 4</td>
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<td>1982 No. 175</td>
<td>23 July 1982</td>
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### Table of Amendments

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<thead>
<tr>
<th>Provision affected</th>
<th>How affected</th>
</tr>
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<tbody>
<tr>
<td>R. 1 ..................</td>
<td>rs. 2003 No. 199</td>
</tr>
<tr>
<td>R. 2 ..................</td>
<td>am. 1992 No. 25; 1997 No. 44</td>
</tr>
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<td>ad. 1976 No. 53</td>
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<td>am. 1997 No. 44</td>
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<td>am. 1971 No. 119; 1976 No. 53; 1997 No. 44</td>
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<td>am. 1971 No. 119; 1976 No. 53; 1982 No. 175</td>
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<td>am. 1967 No. 173; 1970 No. 24; 1973 No. 31; 1974 No. 131; 1976 No. 53; 1997 No. 44; 2003 No. 199</td>
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<td>am. 1976 No. 53; 2003 No. 199</td>
</tr>
<tr>
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<td>am. 1976 No. 53; 2003 No. 199</td>
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