

Naval Defence

No. 53 of 1965

An Act relating to Naval Defence.

[Assented to 7 June, 1965]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

- 1.—(1) This Act may be cited as the *Naval Defence Act 1965*. Short title and citation.
(2) The *Naval Defence Act 1910–1964** is in this Act referred to as the Principal Act.
(3) The Principal Act, as amended by this Act, may be cited as the *Naval Defence Act 1910–1965*.
- 2.—(1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent. Commencement.
(2) The amendments made by paragraphs (a) and (b) respectively of the next succeeding section shall come into operation on such dates as are fixed by Proclamation.
3. Section 5 of the Principal Act is amended— Application of Defence Act.
(a) by omitting the word “forty-three,”; and
(b) by omitting the words “Parts VI. to XII.” and inserting in their stead the words “Parts VI. to XI.”.
4. Section 9 of the Principal Act is repealed and the following section inserted in its stead:—
- “9.—(1) In appointing a person to be an officer, the Governor-General (or his delegate under section eleven of this Act) shall specify the part of the Naval Forces to which the appointment is made and— Terms of appointment.
(a) may express the appointment to be for a specified period of service in that part of the Naval Forces; or
(b) may express the appointment to be for a specified period of service in one part of the Naval Forces, to be followed by a specified period of service in another part of the Naval Forces.

* Act No. 30, 1910, as amended by No. 16, 1911; No. 21, 1912; No. 45, 1918; No. 45, 1934 No. 35, 1948; No. 72, 1949; No. 14, 1952; and No. 93, 1964.

“(2.) Upon completion by an officer of the period of service for which he was appointed, or for which the term of his appointment is, under this section, to be deemed to have been extended, the appointment of the officer shall be terminated with all convenient speed, but until the appointment is so terminated he remains an officer of the part of the Naval Forces in which he is serving.

“(3.) If the period of service in a part of the Naval Forces for which an officer was appointed, or for which the term of his appointment is, under this section, to be deemed to have been extended, expires during a time of war, the term of his appointment as an officer of that part of the Naval Forces shall be deemed to be extended until the end of the time of war.

“(4.) If the period of service in the Permanent Naval Forces for which an officer was appointed, or for which the term of his appointment is, under this section, to be deemed to have been extended, expires during a time of defence emergency or a time for which any part of the Naval Emergency Reserve Forces is called out for continuous service, the term of his appointment as an officer of the Permanent Naval Forces shall be deemed to be extended until the end of that time.

“(5.) If the period of service in the Naval Emergency Reserve Forces or in the Citizen Naval Forces for which an officer was appointed, or for which the term of his appointment is, under this section, to be deemed to have been extended, expires during a time of defence emergency or a time for which the part of the force to which he belongs is called out for continuous service, the term of his appointment as an officer of the part of the Naval Forces in which he is serving shall be deemed to be extended until the end of that time.

“(6.) The preceding provisions of this section do not affect any power expressly or impliedly conferred by any other provision of this Act to transfer an officer from one part of the Naval Forces to another part of the Naval Forces or to terminate the appointment of an officer before the expiration of the term of his appointment.”.

5. Section 24 of the Principal Act is repealed and the following section inserted in its stead:—

Voluntary
entry.

“24. Except as provided by Part IV. of the *Defence Act* 1903–1965, the Naval Forces shall be kept up by the appointment to those Forces, or the enlistment in those Forces, of persons who volunteer and are accepted for service in those Forces.”.

6. Section 28 of the Principal Act is repealed and the following section inserted in its stead:—

“ 28.—(1.) A seaman is entitled to be discharged—

(a) if he was voluntarily enlisted—upon the expiration of the period for which, on his original enlistment or subsequent re-engagement, he was engaged to serve; or

(b) if he is rendering service under Part IV. of the *Defence Act 1903–1965*—upon the end of the time of war.

Discharge on
expiration of
period of
engagement.

“(2.) If the period for which a voluntarily enlisted seaman is engaged to serve, or under this section is to be deemed to have been re-engaged to serve, expires during a time of war or a time of defence emergency, he shall, upon his completion of that engagement, be deemed to have been re-engaged to serve for the duration of that time.

“(3.) If the period for which a seaman of the Permanent Naval Forces is engaged to serve, or under this section is to be deemed to have been re-engaged to serve, expires during a period for which any part of the Naval Emergency Reserve Forces is called out for continuous service, he shall, upon his completion of that engagement, be deemed to have been re-engaged to serve for the duration of that last-mentioned period.

“(4.) If the period for which a voluntarily enlisted seaman of the Naval Emergency Reserve Forces is engaged to serve, or under this section is to be deemed to have been re-engaged to serve, expires during a period for which the part of those Forces to which he belongs is called out for continuous service, he shall, upon his completion of that engagement, be deemed to have been re-engaged to serve for the duration of that last-mentioned period.

“(5.) When a seaman becomes entitled to be discharged, he shall be discharged with all convenient speed, but, until he is discharged, he remains a seaman of the part of the Naval Forces in which he is serving.

“(6.) The preceding provisions of this section do not affect any power expressly or impliedly conferred by any other provision of this Act to discharge a seaman before the expiration of the period for which he is engaged to serve.”.

7. Section 30 of the Principal Act is repealed and the following section inserted in its stead:—

“ 30. A seaman may at any time be discharged by such authority and for such reasons as are prescribed, notwithstanding—

(a) that he has not completed the period of service for which he is, or is to be deemed to have been, engaged or re-engaged to serve; or

Discharge by
prescribed
authority.

(b) that he has not attained the age prescribed for his compulsory retirement.”.

8. Section 31 of the Principal Act is repealed and the following section inserted in its stead:—

Service of
the Permanent
Naval Forces.

“ 31. Members of the Permanent Naval Forces are bound to render continuous full time naval service for the respective terms for which—

(a) in the case of officers—they hold their appointments in those Forces; or

(b) in the case of seamen—they are, or are to be deemed to have been, engaged or re-engaged to serve in those Forces,

unless their services are sooner lawfully terminated.”.
