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Defence (Personnel) Regulations 2002

Statutory Rules 2002 No. 1

51

I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Defence Act 1903*.

Dated 14 MAR 2002 2002

PETER HOLLINGWORTH

Governor-General

By His Excellency's Command

DANNA VALE
Minister for Veterans' Affairs

Contents

	Page
Chapter 1 Preliminary	
1 Name of Regulations	3
2 Commencement	3
3 Definitions	3
Chapter 2 Interim personnel arrangements for Australian Navy	
4 Application of Chapter 2	4
5 Interpretation	4
6 Personnel arrangements	4
Chapter 3 Interim personnel arrangements for Australian Army	
7 Application of Chapter 3	6
8 Interpretation	6
9 Personnel arrangements	6
Chapter 4 Interim personnel arrangements for Australian Air Force	
10 Application of Chapter 4	8
11 Interpretation	8
12 Personnel arrangements	8

Chapter 1 Preliminary

1 Name of Regulations

These Regulations are the *Defence (Personnel) Regulations 2002*.

2 Commencement

These Regulations commence on the commencement of item 14 of Schedule 2 to the *Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Act 2001*.

3 Definitions

In these Regulations:

Air Force Act means the *Air Force Act 1923*.

commencement day means the day on which item 14 of Schedule 2 to the *Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Act 2001* commences.

Defence Act means the *Defence Act 1903*.

Naval Defence Act means the *Naval Defence Act 1910*.

Service means any of the arms of the Defence Force.

Regulation 4

Chapter 2 Interim personnel arrangements for Australian Navy

4 Application of Chapter 2

This Chapter is not intended to amend, revoke or otherwise affect any regulation to which item 88, 89, 90, 91, 92, 93 or 94 of Schedule 2 to the *Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Act 2001* applies.

5 Interpretation

(1) In this Chapter:

old legislation means:

- (a) the Naval Defence Act as in force immediately before the commencement day; and
- (b) the *Naval Forces Regulations 1935* as in force immediately before the commencement day; as modified in accordance with subregulation (2).

(2) The old legislation is taken to be modified to the extent necessary to refer to, and to apply to:

- (a) parts and components of the Australian Navy as they exist at any time after the commencement day; and
- (b) administrative arrangements or functions in relation to the Australian Navy as they exist at any time after the commencement day.

6 Personnel arrangements

(1) This regulation applies to any matter relating to:

- (a) the appointment of an officer; or

Regulation 6

- (b) the promotion, resignation, retirement, termination of appointment, transfer, posting or reduction in rank of an officer who is appointed on or after the commencement day; or
 - (c) the enlistment of a member; or
 - (d) the promotion, resignation, retirement, termination of enlistment, discharge, transfer, posting or reduction in rank of a member who is enlisted on or after the commencement day; or
 - (e) the appointment and service of chaplains.
- (2) The provisions of the old legislation are adopted for the purpose of dealing with the matter.

Regulation 7

Chapter 3 Interim personnel arrangements for Australian Army

7 Application of Chapter 3

This Chapter is not intended to amend, revoke or otherwise affect any regulation to which item 88, 89, 90, 91, 92, 93 or 94 of Schedule 2 to the *Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Act 2001* applies.

8 Interpretation

(1) In this Chapter:

old legislation means:

- (a) the Defence Act as in force immediately before the commencement day; and
- (b) the *Australian Military Regulations 1927* as in force immediately before the commencement day; as modified in accordance with subregulation (2).

(2) The old legislation is taken to be modified to the extent necessary to refer to, and to apply to:

- (a) parts and components of the Australian Army as they exist at any time after the commencement day; or
- (b) administrative arrangements or functions in relation to the Australian Army as they exist at any time after the commencement day.

9 Personnel arrangements

(1) This regulation applies to any matter relating to:

- (a) the appointment of an officer; or

Regulation 9

- (b) the promotion, resignation, retirement, termination of appointment, transfer, posting or reduction in rank of an officer who is appointed on or after the commencement day; or
 - (c) the enlistment of a member; or
 - (d) the promotion, resignation, retirement, termination of enlistment, discharge, transfer, posting or reduction in rank of a member who is enlisted on or after the commencement day; or
 - (e) the appointment and service of chaplains.
- (2) The provisions of the old legislation are adopted for the purpose of dealing with the matter.

Regulation 10

Chapter 4 Interim personnel arrangements for Australian Air Force

10 Application of Chapter 4

This Chapter is not intended to amend, revoke or otherwise affect any regulation to which item 88, 89, 90, 91, 92, 93 or 94 of Schedule 2 to the *Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Act 2001* applies.

11 Interpretation

(1) In this Chapter:

old legislation means:

- (a) the Air Force Act as in force immediately before the commencement day; and
 - (b) the *Air Force Regulations 1927* as in force immediately before the commencement day;
- as modified in accordance with subregulation (2).

(2) The old legislation is taken to be modified to the extent necessary to refer to, and to apply to:

- (a) parts and components of the Australian Air Force as they exist at any time after the commencement day; or
- (b) administrative arrangements or functions in relation to the Australian Air Force as they exist at any time after the commencement day.

12 Personnel arrangements

(1) This regulation applies to any matter relating to:

- (a) the appointment of an officer; or

Regulation 12

- (b) the promotion, resignation, retirement, termination of appointment, transfer, posting or reduction in rank of an officer who is appointed on or after the commencement day; or
 - (c) the enlistment of a member; or
 - (d) the promotion, resignation, retirement, termination of enlistment, discharge, transfer, posting or reduction in rank of a member who is enlisted on or after the commencement day; or
 - (e) the appointment and service of chaplains.
- (2) The provisions of the old legislation are adopted for the purpose of dealing with the matter.

Note

1. Notified in the *Commonwealth of Australia Gazette* on *L* 2002. *22 March*