

1987-88

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 3 November 1988

(Minister for Defence)

A BILL

FOR

An Act to amend the *Naval Defence Act 1910*

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title etc.

5 **1. (1)** This Act may be cited as the *Naval Defence Amendment Act 1988*.

(2) In this Act, "Principal Act" means the *Naval Defence Act 1910*.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

10 **Interpretation**

3. Section 40 of the Principal Act is amended by inserting the following definitions:

 " 'Commonwealth authority' means a company or other body corporate incorporated under a law of the Commonwealth or of a State or

Territory, being a company or body corporate in which the Commonwealth has a controlling interest;

'industrial award' means an industrial award as defined in subsection 7 (1) of the *Public Service Act 1922*;"

4. Part VI of the Principal Act is amended by inserting at the end the following section: 5

Transfer of persons where functions are to be performed by a Commonwealth authority

"42D. (1) Where the Minister certifies in writing that a function that has been performed by persons employed under section 42 is to be performed by a Commonwealth authority, the authorized person may, by writing published in the *Gazette*, declare that specified persons or classes of persons are in the employment of the Commonwealth authority. 10

"(2) A person specified in, or in a class of persons specified in, a declaration under subsection (1): 15

(a) on the day specified in the declaration for the purpose of this subsection, ceases to be employed under section 42; and

(b) from and including that day, is employed by the Commonwealth authority specified in the declaration.

"(3) For the purpose of facilitating a transfer of persons to the employment of a Commonwealth authority, the Commonwealth authority may, notwithstanding anything in any other law (other than an industrial award), determine special terms or conditions of employment that are to apply in relation to the persons (other than terms and conditions with respect to superannuation)." 20 25

NOTE

1. No. 30, 1910, as amended. For previous amendments, see No. 16, 1911; No. 21, 1912; No. 45, 1918; No. 45, 1934; No. 35, 1948; No. 72, 1949; No. 14, 1952; No. 93, 1964; No. 53, 1965; No. 93, 1966; No. 24, 1968; No. 14, 1971; No. 216, 1973; No. 96, 1975; No. 37, 1976; No. 133, 1979; No. 61, 1981; Nos. 80 and 153, 1982; Nos. 39 and 115, 1983; Nos. 164 and 165, 1984; No. 65, 1985; No. 76, 1986; and No. 65, 1987.