

AIR FORCE.

No. 94 of 1964.

An Act relating to the Air Force of the Commonwealth.

[Assented to 6th November, 1964.]

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

Short title
and citation.

1.—(1.) This Act may be cited as the *Air Force Act* 1964.

(2.) The *Air Force Act* 1923–1956* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Air Force Act* 1923–1964.

Commence-
ment.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

* Act No. 33, 1923, as amended by No. 74, 1939; No. 12, 1941; No. 80, 1950; No. 15, 1952; and No. 73, 1956.

3. Sections two, three and four of the Principal Act are repealed and the following sections inserted in their stead:—

“2. In this Act, unless the contrary intention appears— Definitions.

‘the Air Force Act’ means the Imperial Act called the Air Force Act;

‘the Defence Act’ means the *Defence Act* 1903–1964;

‘the Naval Defence Act’ means the *Naval Defence Act* 1910–1964;

‘this Act’ includes all regulations made or in force under the *Air Force Act* 1923–1964;

‘time of defence emergency’, ‘time of war’ and ‘war’ have the same meanings respectively as in the Defence Act.

“3.—(1.) Subject to this Act, Part I., sections twelve and thirteen of Part II., sections thirty, forty-three, fifty A, fifty B, fifty-one and fifty-eight of Part III., Part IV. and Parts VI. to XII. (inclusive) of the Defence Act apply to and in relation to the Air Force and the members of that Force. Application of Defence Act.

“(2.) In the application of those Parts and sections to and in relation to the Air Force and the members of that Force, any reference to the Minister shall be read as a reference to the Minister administering this Act.

“4. This Act extends to every Territory of the Commonwealth. Extension of Act to Territories.

“4A. The Air Force of the Commonwealth consists of three parts, namely, the Permanent Air Force, the Air Force Emergency Force and the Citizen Air Force. Air Force.

“4B. The Permanent Air Force consists of officers appointed to that Force or transferred to that Force from the Air Force Emergency Force or the Citizen Air Force and of airmen enlisted in that Force. Permanent Air Force.

“4C. The Air Force Emergency Force consists of airmen enlisted in that Force and of such officers as are appointed to that Force or transferred to that Force from the Permanent Air Force or the Citizen Air Force. Air Force Emergency Force.

“4D.—(1.) The Citizen Air Force consists of the Active Citizen Air Force and the Air Force Reserve. Citizen Air Force.

“(2.) The Active Citizen Air Force consists of officers appointed to, and airmen enlisted in, that Force and of such officers as are transferred to that Force from the Permanent Air Force, the Air Force Emergency Force or the Air Force Reserve.

“(3.) The Air Force Reserve consists of officers appointed to, and airmen enlisted in, that Reserve and of such officers as are transferred to that Reserve from the Permanent Air Force, the Air Force Emergency Force or the Active Citizen Air Force.

Voluntary
entry.

“4E.—(1.) The Air Force shall be kept up by the appointment to that Force, or the enlistment in that Force, of persons who volunteer and are accepted for service in that Force.

“(2.) A person called upon under section sixty of the Defence Act to enlist and serve in the Citizen Forces shall not be required, unless he voluntarily agrees to do so, to enlist and serve in the Citizen Air Force.

Territorial
limits of
service.

“4F. Members of the Air Force may be required to render air-force service on land or sea or in the air, and either within or beyond the territorial limits of Australia.

Service of the
Permanent Air
Force.

“4G.—(1.) Members of the Permanent Air Force are bound to render continuous full time air-force service for the respective terms for which—

(a) in the case of officers—they hold their appointments in that Force; or

(b) in the case of airmen—they enlisted or re-engaged to serve in that Force,

unless their services are sooner lawfully terminated.

“(2.) If the term of appointment or the term of engagement of a member of the Permanent Air Force expires during a time for which any part of the Air Force Emergency Force is called out for continuous service, a time of defence emergency or a time of war, the term of his appointment, or of his engagement, as the case may be, in the Permanent Air Force shall be deemed to be extended until the end of that time or, if more than one of those times successively occur, until the end of the last occurring of those times.

Service of the
Air Force
Emergency
Force.

“4H.—(1.) Except as provided by the succeeding provisions of this section, members of the Air Force Emergency Force are not bound to serve continuously but are bound to render air-force service for such periods as are fixed by or in accordance with the regulations.

“(2.) Where the Governor-General considers it desirable to do so, he may, by notice in the *Gazette*, call out the Air Force Emergency Force, or any specified part of that Force, for continuous service.

“(3.) Subject to the succeeding provisions of this section, while the Air Force Emergency Force, or a part of that Force, is called out for continuous service in pursuance of the last preceding sub-section, a member of that Force, or of that part of that Force, as the case may be, is bound to render continuous full time air-force service for such period or periods as the prescribed authority directs.

“(4.) Where a member of the Air Force Emergency Force has completed a period of twelve consecutive months’ full time air-force service, he shall be released from employment on that form of service with all convenient speed but, until he is so released, he remains bound, notwithstanding anything in the last preceding sub-section, to render that form of service.

“(5.) Where a member of the Air Force Emergency Force has, whether in accordance with the last preceding sub-section or otherwise, been released from employment on continuous full time air-force service upon completion of a period of that form of service, then, except in time of war or in time of defence emergency, he is not liable to be again employed on continuous full time air-force service until the expiration of a period equal to the first-mentioned period.

“(6.) A member of the Air Force Emergency Force may, at any time, voluntarily undertake to render continuous full time air-force service for a period specified by him and, if that undertaking is accepted, he is bound to render that form of service for that specified period, or for such period or periods within that specified period, as the prescribed authority directs.

“(7.) In time of war or in time of defence emergency, members of the Air Force Emergency Force are bound to render continuous full time air-force service for such period or periods during that time as the prescribed authority directs.

“(8.) A direction by the prescribed authority under this section may be given with respect to different parts, or members within specified classes of members, of the Air Force Emergency Force.

“4J.—(1.) Subject to this section, members of the Citizen Air Force are not bound to serve continuously, but are bound to render air-force service for such periods as are fixed by or in accordance with the regulations.

Service of the
Citizen Air
Force.

“(2.) The regulations may make provision for different periods of air-force service with respect to different parts, or members within specified classes of members, of that Force.

“(3.) A member of the Citizen Air Force may, at any time, voluntarily undertake to render continuous full time air-force service for a period specified by him and, if that undertaking is

accepted, he is bound to render that form of service for that specified period, or for such period or periods within that specified period, as the prescribed authority directs.

“(4.) Nothing in this section affects the liability of a member of the Citizen Air Force to be employed on continuous full time air-force service while he is a member of a part of that Force called out for such service under section fifty A of the Defence Act.”.

Application of
Air Force Act.

4.—(1.) Section five of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(2.) Where by this Act it is provided that provisions of the Air Force Act or of any other law apply or may be applied subject to such modifications as are provided by the regulations, the regulations may make provisions in addition to or in substitution for any of the provisions that may be so modified.”.

(2.) It is hereby declared that the *Air Force Act* 1923, or that Act as amended, in so far as it enacted that provisions of the Air Force Act or of any other law applied, or might be applied, subject to such modifications as were provided by the regulations, authorized the making of regulations making provisions in addition to, or in substitution for, any of the provisions that might be so modified.

Saving.

5.—(1.) Members of the Air Force who are serving at the date of commencement of this Act shall continue to serve in accordance with the Principal Act as amended by this Act.

(2.) All regulations made under the Principal Act that were in force immediately before the date of commencement of this Act continue in force except in so far as they are inconsistent with the Principal Act as amended by this Act, but any such regulation may be amended or repealed by regulations under the Principal Act as amended by this Act.

Termination
of service
in certain
cases.

6. Where a member of the Citizen Air Force serving at the date of commencement of this Act has, within thirty days after that date, by writing under his hand addressed to his commanding officer—

(a) stated that he is unwilling to be liable to be called out for continuous service in time of defence emergency; and

(b) applied, on that account, to resign his air-force office or to be discharged,

his resignation shall be accepted or he shall be discharged, as the case requires, with all convenient speed.