

Naval Forces Regulations (Amendment) 1991 No. 134

EXPLANATORY STATEMENT

STATUTORY RULES 1991 No. 134

ISSUED BY THE AUTHORITY OF THE MINISTER FOR DEFENCE SCIENCE AND PERSONNEL

NAVAL FORCES REGULATIONS (AMENDMENT)

The Naval Forces Regulations ("the Regulations") made under the Naval Defence Act 1910 prescribe various matters relating to the organisation and administration of the Navy.

Regulation 102 of the Regulations prescribes compulsory retirement ages for officers in the Permanent Naval Forces. Subregulation 102(4) prescribes the compulsory retirement ages for chaplains in those Forces. Under paragraph 102(4)(a) the prescribed age for Senior Chaplains was 55, while under paragraph 102(4)(b) the prescribed age for other chaplains was 50.

A review of the conditions of service for chaplains indicated that career prospects for chaplains in the Permanent Naval Forces would be enhanced if a compulsory retirement age of 55 applied to all chaplains in those Forces. The higher retirement age would also be likely to assist in the retention of chaplains.

The Statutory Rule therefore prescribes a compulsory retirement age of 55 for all chaplains in the Permanent Naval Forces. This amendment will not affect voluntary retirements.

The Statutory Rule also contains a savings provision to protect the interests of certain chaplains, who could be disadvantaged by the amendment, by allowing them the option of retaining their present retirement age. As an example, under the Defence Force Retirement and Death Benefits Act 1973, members are normally required to complete 20 years' service to qualify for pension. However, officers who retire at the compulsory retirement age with between 15 and 20 years' service are eligible for partial benefits. A compulsory retirement age of 55 for all chaplains would disentitle a chaplain who had been covered by paragraph 102(4)(b) from a legitimate expectation of eligibility for this benefit at age 50. The savings provision empowers the Chief of Naval Staff to nominate a chaplain who had been covered by paragraph 102(4)(b), with the chaplain's consent, to retain the compulsory retirement age of 50 so as to preserve the present eligibility.

The Statutory Rule comes into operation on the date of gazettal.