

**Unvalidated References:**  
*Defence Act 1974*

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel  
Dated 25 November 2006

**INDEPENDENT STATE OF PAPUA NEW GUINEA.**

Chapter 74C.

***Defence (Period of Service) Regulation 1977***



## ARRANGEMENT OF SECTIONS.

1. Interpretation.
  - “appropriate authority”
  - “the Chief of Personnel”
  - “Defence Force Routine Orders”
  - “the Force Appointments and Promotion Selection Committee”
  - “non-effective service”
  - “period of service”
  - “retirement age”
2. Commissions in the Regular Force.
3. Appointment on probation.
4. Defence Training Course.
5. Service after Defence Training Course.
6. Non-commissioned members of the Regular Force.
7. Officers in Reserve Force.
8. Non-commissioned members of the Reserve Force.
9. Retirement of officers.
10. Termination, etc., of service of officer.
11. Termination, etc., of service of member.
12. Dismissal under Code of Military Discipline.

### **SCHEDULE 1 – RETIREMENT AGE FOR OFFICERS.**

#### ***Defence (Period of Service) Regulation 1977***

MADE under the *Defence Act 1974*.

Dated                      200 .

#### **1. INTERPRETATION.**

In this Regulation, unless the contrary intention appears—

**“appropriate authority”** means—

- (a) in the case of an officer of the rank of Brigadier-General or Colonel—the Head of State, acting on advice; and
- (b) in the case of an officer of the rank of Lieutenant-Colonel—the Defence Council, acting with the advice of the Commander of the Defence Force; and
- (c) in the case of an officer of the rank of Major—the Commander of the Defence Force acting on the recommendation of the Force Appointments and Promotion Selection Committee; and

- (d) in the case of an officer of a rank below that of Major—the Commander of the Defence Force, acting on the recommendations of the Chief of Personnel; and
- (e) in the case of a non-commissioned member—
  - (i) the Commander of the Defence Force; or
  - (ii) the Chief of Personnel;

**“the Chief of Personnel”** means the Chief of Personnel at the Headquarters of the Defence Force;

**“Defence Force Routine Orders”** means the routine orders issued by the Commander of the Defence Force;

**“the Force Appointments and Promotion Selection Committee”** means the Committee by that name appointed by the Commander of the Defence Force;

**“non-effective service”** means any service other than full-time service in the Regular Force;

**“period of service”** means the period of time for which a member of the Defence Force—

- (a) has enlisted; or
- (b) is required to serve in accordance with this Regulation;

**“retirement age”** means—

- (a) in the case of an officer of the Defence Force—in accordance with the Schedule; and
- (b) in the case of a non-commissioned member of the Defence Force—55 years.

## **2. COMMISSIONS IN THE REGULAR FORCE.**

(1) Officers in the Regular Force shall hold—

- (a) permanent commissions; or
- (b) short service commissions.

(2) The period of service required of an officer holding a permanent commission is the period from the date of his appointment to that commission until and including the date on which he attains retirement age.

(3) Subject to the Act and to Subsection (7), the initial period of service required of an officer holding a short service commission shall be a period of not less than three years, as determined by the appropriate authority.

(4) Notwithstanding Subsection (3), and subject to the Act and to Subsection (7), an appropriate authority may appoint an officer to a short service commission for

a period of less than three years where that officer has special qualifications as approved by the Commander of the Defence Force.

(5) Where—

- (a) an officer holding a short service commission has served—
  - (i) his initial period of service under Subsection (3); or
  - (ii) a period of re-engagement; and
- (b) he has applied or again applied to be re-engaged; and
- (c) the appropriate authority has approved his application,

the officer may be re-engaged for a further period of service not exceeding five years, as determined by the appropriate authority.

(6) Where an officer holding a short service commission has completed a period of service of not less than three years, the appropriate authority may, on the application of the officer, appoint him to be an officer holding a permanent commission of equivalent rank, with seniority dating from the date of appointment to the short service commission.

(7) An officer holding a short service commission shall not be re-engaged for a period of service that would extend beyond the date on which the officer attains retirement age.

### **3. APPOINTMENT ON PROBATION.**

(1) Where the appropriate authority so directs, an officer appointed to hold a permanent commission in the Regular Force shall be appointed on probation.

(2) The period of probation under Subsection (1) shall be 12 months, and may be extended by the appropriate authority for one further period not exceeding 12 months.

(3) Subject to Subsection (4), the appropriate authority shall, in relation to each officer appointed on probation, at the end of the period of probation or any extension of that period of probation—

- (a) confirm the appointment of the officer; or
- (b) discharge the officer.

(4) Where the appropriate authority does not confirm the appointment of an officer under Subsection (3)(a), it may—

- (a) offer to the officer an appointment to a non-commissioned rank in the Defence Force; or
- (b) permit the officer—
  - (i) to apply for a discharge from the Defence Force; or
  - (ii) to apply for enlistment in the Defence Force as a non-commissioned member.

(5) Where the appointment of an officer is confirmed under Subsection (3)(a), the period of probation of that officer, and any extension of the period of probation served shall be taken into account in calculating seniority in rank.

**4. DEFENCE TRAINING COURSE.**

The Commander of the Defence Force may, by notice in Defence Force Routine Orders, designate a course of training to be a Defence Training Course.

**5. SERVICE AFTER DEFENCE TRAINING COURSE.**

(1) Notwithstanding any other provisions of this Regulation, a member of the Defence Force who undergoes a Defence Training Course of more than 26 weeks' duration shall be required to serve—

- (a) where the Course is of one year's duration or less—a period of service equal to the duration of the Course and one year; and
- (b) where the Course is of more than one year's duration—a period of service equal to one year for every year or part of a year of the duration of the Course and one year.

(2) Any period of leave without pay or non-effective service exceeding 21 days granted to a member of the Defence Force shall not be counted towards the period of service required by that member under Subsection (1).

(3) The period of service required of a member under Subsection (1)—

- (a) shall not exceed five years; and
- (b) shall not extend beyond the date of retirement of that member.

(4) The period of service required of a member under Subsection (1) shall commence on the day after the conclusion of the course.

**6. NON-COMMISSIONED MEMBERS OF THE REGULAR FORCE.**

(1) Subject to the Act, a non-commissioned member of the Regular Force shall be retired when he attains the age of 55 years.

(2) The initial period of service required of a non-commissioned member of the Regular Force is six years.

(3) Where—

- (a) a non-commissioned member of the Regular Force has completed—
  - (i) his initial period of service; or
  - (ii) a period of re-engagement; and
- (b) he has applied or again applied to be re-engaged; and
- (c) an officer authorized by the Commander of the Defence Force for the purpose has approved his application,

the member shall, subject to Subsection (4), be re-engaged for a period of service as determined by the appropriate authority not exceeding two years.

(4) Where a period of service of a non-commissioned member under Subsection (3) would, but for this subsection, extend beyond the date of retirement under Subsection (1), the member shall be re-engaged for the period ending on the day he attains retirement age.

## **7. OFFICERS IN RESERVE FORCE.**

(1) Subject to the Act, the initial period of service required of an officer in the Reserve Force is five years.

(2) Where—

(a) an officer in the Reserve Force has served—

(i) his initial period of service; or

(ii) a period of re-engagement; and

(b) he has applied or again applied to be re-engaged; and

(c) the appropriate authority has approved his application,

the appropriate authority may re-engage the officer in the Reserve Force, subject to Subsection (3), for such period as the appropriate authority determines, not exceeding five years.

(3) The period of service or re-engagement of an officer of the Reserve Force shall not extend beyond the date on which the officer attains retirement age.

## **8. NON-COMMISSIONED MEMBERS OF THE RESERVE FORCE.**

(1) Subject to the Act, the initial period of service required of a non-commissioned member of the Reserve Force is four years.

(2) Where—

(a) a non-commissioned member of the Reserve Force has served—

(i) his initial period of service; or

(ii) a period of re-engagement; and

(b) he has applied to be re-engaged; and

(c) his application has been approved by an officer authorized by the Commander of the Defence Force for the purpose,

the non-commissioned member may be re-engaged, subject to Subsection (3), for such period as the appropriate authority determines, not exceeding two years.

(3) The period of service or re-engagement of a non-commissioned member of the Reserve Force shall not extend beyond the date on which that member attains retirement age.

**9. RETIREMENT OF OFFICERS.**

Subject to the Act, an officer of a rank specified in Column 1 of the Schedule shall be retired from the Defence Force when he attains the age specified in Column 2 opposite that rank.

**10. TERMINATION, ETC., OF SERVICE OF OFFICER.**

(1) For the purposes of this section, “appropriate authority” means—

(a) in reference to Subsection (2)(a)—

- (i) in the case of an officer of the rank of Brigadier-General or Colonel—the Head of State, acting on advice; and
- (ii) in the case of an officer of the rank of Lieutenant-Colonel or below—the Defence Council; and

(b) in reference to Subsection (2)(b) and (c)—

- (i) in the case of an officer of the rank of Brigadier-General or Colonel—the Head of State, acting on advice; and
- (ii) in the case of an officer of the rank of Lieutenant-Colonel—the Defence Council; and
- (iii) in the case of an officer of the rank of Major and below—the Commander of the Defence Force.

(2) The service of an officer may be terminated at any time by an appropriate authority—

(a) by the acceptance of his resignation; or

(b) where a medical practitioner who is a member of the Defence Force certifies that he is unfit to discharge, or incapable of discharging, his duties; or

(c) where the appropriate authority is satisfied that—

- (i) the officer gave false information in connection with his enlistment; or
- (ii) an offence committed by the officer for which he has been convicted is such as to render him unsuitable for service in the Defence Force; or
- (iii) the officer is for any reason not suitable for service in the Defence Force.

**11. TERMINATION, ETC., OF SERVICE OF MEMBER.**

(1) For the purposes of this section, “appropriate authority” means—

- (a) in the case of a Sergeant, Warrant Officer or Chief Warrant Officer—the Chief of Personnel acting after consultation with the Commander of the Defence Force; and
- (b) in any other case—the Chief of Personnel.

(2) A member of the Defence Force, other than an officer, may before the end of his period of service, be discharged by the appropriate authority—

- (a) on reaching retirement age; or
- (b) on completion of his current period of engagement; or
- (c) where a medical practitioner who is a member of the Defence Force certifies that he is unfit to discharge, or incapable of discharging his duties; or
- (d) where he has by written notice addressed to the appropriate authority, requested his discharge; or
- (e) where the appropriate authority is satisfied that—
  - (i) the member of the Defence Force is for any reason not suitable for service in the Defence Force; or
  - (ii) the retention of the member of the Defence Force is not in the best interests of the Defence Force; or
  - (iii) the member of the Defence Force gave false information in connection with his enlistment; or
  - (iv) an offence committed by the member of the Defence Force for which he has been convicted is such as to render him unsuitable for service in the Defence Force.

## **12. DISMISSAL UNDER CODE OF MILITARY DISCIPLINE.**

(1) For the purposes of this section “appropriate authority” means—

- (a) in the case of an officer of the rank of Brigadier-General or Colonel—the Head of State acting on advice; and
- (b) in the case of an officer of the rank of Lieutenant-Colonel—the Defence Council; and
- (c) in the case of an officer of the rank of Major and below—the Commander of the Defence Force; and
- (d) in the case of a Sergeant, Chief Warrant Officer, or Warrant Officer—the Chief of Personnel acting after consultation with the Commander of the Defence Force; and
- (e) in any other case—the Chief of Personnel.

(2) The execution of the sentence of dismissal awarded in accordance with the Code of Military Discipline shall be subject only to the result of any appeal lodged in the National Court pursuant to Section C10 of the Code of Military Discipline.

(3) The termination of the service of a member dismissed in accordance with Subsection (2) shall be notified by an appropriate authority once legal proceedings are complete.

**SCHEDULE 1 – <sup>1</sup>RETIREMENT AGE FOR OFFICERS.**

<b>COLUMN 1</b> <b>Rank</b>	<b>COLUMN 2</b> <b>Retirement Age</b>
Brigadier-General	50
Colonel	50
Lieutenant-Colonel	47
Major	45
Captain	45
Lieutenant	45
Second Lieutenant	45

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<sup>1</sup> Schedule 1 replaced by *Defence (Period of Service) (Amendment) Regulation 1994* (No. 1 of 1994); and; replaced by *Defence (Period of Service) (Amendment No. 2) Regulation 1994* (No. 7 of 1994).

*Defence (Period of Service) Regulation 1977*