

1910.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1° 1 September, 1910.

(Brought from the Senate.)

A BILL

FOR

AN ACT

To amend the *Defence Act* 1903-1909.

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

1.—(1.) This Act may be cited as the *Defence Act* 1910.

Short title and
citation.

5 (2.) The *Defence Act* 1903-1909 is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Defence Act* 1903-1910.

10 2. Section two of the Principal Act is amended by omitting, from the reference to Part II., the words "Division 1.—Officers and Military Districts, ss. 8-28." and the words "Division 2.—Naval and Military College, s. 29."

Parts.

3. Section seventeen of the Principal Act is amended by adding thereto the following sub-section :—

Resignation of
commission.

15 " (2.) Where an officer resigns his commission before completing twelve years' service as an officer, his service as an officer shall not, except under special circumstances as prescribed, be reckoned towards the service required under Part XII. of this Act."

4. After

[C. 3]—400/1.9.1910.—F.4838.

4. After section twenty-one of the Principal Act the following sections are inserted :—

Promotion to
rank above
Captain.

“21A.—(1.) An officer of the Military Forces, other than an officer of the Cadets, shall not be promoted, except probationally, to any rank higher than that of Captain, until he has passed, as prescribed, a course of practical and theoretical instruction by the members of the General Staff to perfect him in the practice of his own arm of the Forces and to accustom him to the uses and possibilities of the other arms. 5

Promotion to
rank above
Major.

“(2.) An officer of the Military Forces shall not be promoted to any rank higher than that of Major, until he has passed, as prescribed, a course of instruction by the members of the General Staff during which he shows himself fitted to command in the field a force of all arms. 10

“(3.) This section shall not apply to officers of the Medical, Veterinary, Ordnance, and other Departmental Services. 15

School of
Instruction.

“21B. A Special School of Instruction shall be established for the training of an instructional staff of non-commissioned officers, and all future appointments of persons to act as instructors shall be made from amongst those who have, at the close of the prescribed course, satisfied the Chief of the General Staff or some person duly appointed by him that they are competent : 20

Provided that persons who have acted as instructors in the British Army, or who, having served in the British Army, satisfy the Chief of the General Staff that they have the necessary qualifications, may be appointed without passing through such course.” 25

Naval and
Military College.

5. Section twenty-nine, and the headings of Division 1 and Division 2 of Part II., of the Principal Act are repealed.

Permanent Staff
Corps.

6. Section thirty-one of the Principal Act is amended by inserting in sub-section (2.), after the word “including”, the words “Staff Corps”. 30

7. Section sixty-one of the Principal Act is repealed, and the following sections are substituted in its stead :—

Persons exempt
from service.

“61. The following shall be exempt from service in time of war, so long as the employment, condition, or status on which the exemption is based continues:— 35

(a) Persons reported by the prescribed medical authorities as unfit for any naval or military service whatever ; and

(b) Members and officers of the Parliament of the Commonwealth or of a State ; and 40

(c) Judges of Federal or State Courts, and police, stipendiary or special magistrates of the Commonwealth or of a State ; and

(d) Persons employed in the police or prison services of the Commonwealth or of a State ; and 45

(e) Persons employed in lighthouses ; and

(f) Persons

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- (*f*) Persons employed as medical practitioners or nurses in public hospitals ; and
- (*g*) Persons who are not substantially of European origin or descent, of which the medical authorities appointed under the Regulations shall be the judges ; and
- 5 (*h*) Persons who satisfy the prescribed authority that their conscientious beliefs do not allow them to bear arms ; and
- 10 (*i*) Persons engaged in any employment specified by the Regulations or by Proclamation.

Provided that, as regards the persons described in paragraphs (*f*), (*g*), and (*h*) of this section, the exemption shall not extend to duties of a non-combatant nature.

- 15 “61A. Where any question arises as to whether a person is exempt from service in the Citizen Forces, the burden of proving the exemption shall rest on the person claiming the exemption, and applications for exemption shall be decided by the Courts authorized in that behalf by the Regulations.”

Burden of proving exemption.

- 20 8. Section sixty-two of the Principal Act is amended by adding at the end thereof the following sub-section :—

- “ (7.) A person who has served as officer in the Senior Cadets shall be eligible, on an equality with persons who have served for three years in the ranks of the Defence Force, to be appointed second lieutenant in the Citizen Forces, if his appointment as
- 25 officer in the Senior Cadets was promotion from the ranks in a manner similar to that prescribed under section eleven A of this Act.”

Eligibility of Senior Cadet Officers.

9. Section sixty-three of the Principal Act is amended—

- (*a*) by inserting after paragraph (*db*) the following paragraph :—
- 30 “ (*dc*) Establish and maintain horse depôts, and farms and stations for the breeding of horses ;” and
- (*b*) by omitting from sub-section (3.) the words “ Central Staff” and inserting in their stead the words “ clerical staff of the Central Administration, Pay, and Ordnance
- 35 Branches ”.

Horse depôts, &c.

10. After section one hundred and eleven of the Principal Act the following section is inserted:—

- “ 111A. For the purposes of legal proceedings, all arms, ammunition, or other military articles, belonging to or used by any
- 40 Rifle Club, shall be deemed to be the property of the captain of the Rifle Club.”

Property of Rifle Club vested in Captain.

11. After section one hundred and twenty-three of the Principal Act the following sections are inserted :—

Military bands.

- “ 123D. After the expiration of three years from the commencement of Part XII. of this Act, the number of soldiers allotted to military bands shall not exceed two per cent. of the persons undergoing training.
- 45

“ 123E. Military

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Supply of uniforms.		“123E. Military uniforms shall be supplied free of charge to all ranks of the Citizen Forces.”	
Regulations.		12. Section one hundred and twenty-four of the Principal Act is amended by omitting paragraph (b), and inserting in its stead the following paragraph :—	5
		“(b) The regulation and good government of the Military College ;”	
Persons liable to be trained.		13. Section one hundred and twenty-five of the Principal Act is amended—	
		(a) by omitting from paragraphs (c) and (d) the word “twenty” and inserting in its stead the word “twenty-five” ;	10
		and	
		(b) by omitting from the proviso the words “in each year”.	
Training years.		14. Section one hundred and twenty-six of the Principal Act is amended by omitting from sub-section (3.) the word “two” and inserting in its stead the word “seven”.	15
Duration of training.		15. Section one hundred and twenty-seven of the Principal Act is amended—	
		(a) by omitting from paragraph (a) the words “not exceeding” ; and	20
		(b) by adding at the end of paragraph (c) the words “of which not less than eight shall be in camps of continuous training ;” and	
		(c) by adding at the end of the first proviso the words “of which not less than seventeen shall be in camps of continuous training.”	25
Repeal.		16. Sections one hundred and twenty-eight and one hundred and twenty-nine of the Principal Act are repealed.	
Partial exemption.		17. Section one hundred and forty of the Principal Act is amended by adding after paragraph (c) the following word and paragraph :—“or	30
		(d) limit any exemption under this section to any part of the training required by this Act.”	
		18. After section one hundred and forty of the Principal Act the following section is inserted :—	35
Temporary exemption.		“140A. The Governor-General may by Proclamation grant a temporary exemption for a period not exceeding one year to—	
		(a) persons who reside outside the areas in which training is carried out; and	40
		(b) persons who reside at so great a distance from the places appointed for training that compulsory attendance at the training would involve great hardships.”	
		19. Sections	

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19. Sections one hundred and forty-seven and one hundred and forty-eight of the Principal Act are repealed, and the following sections substituted in their stead :—

- 5 “ 147.—(1.) There shall be established a Military College under a Commandant, assisted by a staff as prescribed, for the education of candidates for commissions in all arms of the Military Forces. Military College.

“ (2.) The Commandant shall in each year furnish to the Minister, for presentation to Parliament, a report on the Military College.

- 10 “ 147A. Persons enrolled as cadets at the Military College shall be formed into a corps and shall form part of the Permanent Forces. Service in this corps shall be deemed to be service in the ranks of the Defence Force. College Corps.

- 15 “ 147B. No person who is not a British subject shall be admitted to be a student at the Military College, but British subjects not permanently resident in Australia may be admitted to attend on such conditions as are prescribed, and while so attending shall be subject to this Act in the same way as other students. Students to be British subjects.

- 20 “ 148. No person who is not a graduate of the Military College as prescribed shall be appointed an officer of the Permanent Forces : Appointment of officers.
Provided that this provision shall not take effect until the expiration of five years after the establishment of the College.”

20. Sections one hundred and forty-nine, one hundred and fifty, and one hundred and fifty-two of the Principal Act are repealed. Repeal.