

DEFENCE.

No. 5 of 1912.

An Act to amend the *Defence Act* 1903-1911.

[Assented to 4th September, 1912.]

BE it enacted by the King'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 *Defence Act* 1912.

(2.) The *Defence Act* 1903-1911 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* 1903-1912.

Amendment of section 2.

2. Section two of the Principal Act is amended by omitting therefrom all references to sections.

Amendment of section 21A.

3. Section twenty-one A of the Principal Act is amended by inserting in sub-section (3.) thereof after the word "officers" the words "who, prior to the first day of January One thousand nine hundred and eleven, completed the examination for promotion to the rank of Lieutenant-Colonel or Major respectively, or to officers".

Amendment of section 31.

4. Section thirty-one of the Principal Act is amended—

(a) by inserting in sub-section (2.) after the word "Medical" the word "Veterinary"; and

(b) by omitting from sub-section (2.) after the word "Ordinance" the word "Staffs" and inserting in its stead the word "Corps".

Amendment of section 35.

5. Section thirty-five of the Principal Act is amended by omitting the words "Part IV." and inserting in their stead the words "Parts IV. and XII."

6. Section sixty-two of the Principal Act is amended by adding thereto the following sub-section :—

Officers may continue to serve in Senior Cadets.

"(8.) Officers of the Senior Cadets, on becoming liable for service in the Citizen Forces under the provisions of paragraphs (c) and (d) of section one hundred and twenty-five of this Act, may continue to serve as officers in the Senior Cadets for such time and under such conditions as may be prescribed, and such service shall be in lieu of service in the Citizen Forces."

7. Section sixty-seven of the Principal Act is amended—

- (a) by inserting, after the word “bullock”, the words “aerial machine”; and
- (b) by omitting the words “such vehicles and animals” and inserting in their stead the words “any vehicles, horses, mules, bullocks, aerial machines, boats or vessels”.

Amendment of section 67.

8. Section one hundred and ten of the Principal Act is repealed and the following section inserted in its stead :—

“110.—(1.) A prosecution for an offence against this Act or the Regulations may be brought in any court of summary jurisdiction.

On whose complaint prosecutions may be brought.

“(2.) A prosecution against an officer of the Military Forces shall be brought by or by the authority of the District Commandant.

“(3.) A prosecution against an officer of the Naval Forces shall be brought by or by the authority of the Naval Commandant.

“(4.) The averment of the prosecutor that he was authorized by the District Commandant or the Naval Commandant to bring the prosecution shall be sufficient, and shall not be controverted or questioned by the Court or by the defendant.

“(5.) A prosecution against a soldier, seaman, or person liable to render personal service under the provisions of Part XII. of this Act may be brought by the commanding officer or adjutant of the corps to which the soldier belongs, or by the commanding officer of the vessel to which the seaman belongs, or by an area officer, or by any prescribed officer.”

9. Section one hundred and fourteen of the Principal Act is amended—

Amendment of section 114.

(a) by inserting after the words “may be arrested” the words “within the Commonwealth or a Territory under the control of the Commonwealth”; and

(b) by inserting after the words “or of a State” the words “or of a Territory under the control of the Commonwealth”.

10. Section one hundred and twenty-two of the Principal Act is amended—

Amendment section 122.

(a) by inserting after the words “may be executed” the words “within the Commonwealth or a Territory under the control of the Commonwealth”; and

(b) by inserting at the end thereof the words “or of a Territory under the control of the Commonwealth”.

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

“123AA. No intoxicating or spirituous liquors shall be sold to any cadet whilst in uniform, nor shall any intoxicating or spirituous liquors, except by direction of a duly qualified medical practitioner, be supplied to any cadet whilst in uniform.

Intoxicating liquors not to be supplied to Cadets.

Penalty: Twenty pounds.”

Amendment of
section 127.

12. Section one hundred and twenty-seven of the Principal Act is amended—

- (a) by omitting from paragraph (a) the words “one hundred and twenty” and inserting in their stead the word “ninety”;
- (b) by omitting from the first proviso the words “Engineers in”, and inserting in their stead the words “Engineer arms of”;
- (c) by inserting after “Military Forces” the words “and to units of the Army Service Corps allotted to those arms”;
- (d) by omitting from the fourth proviso the words “sixty-four” and inserting in their stead the words “forty-eight”; and
- (e) by adding thereto the following sub-section:—

Compulsory
drills.

“(2.) The Regulations may provide that attendance at such drills as are prescribed shall be compulsory.”

Amendment of
section 135.

13. Section one hundred and thirty-five of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words “and not less than Five pounds”;
- (b) by adding thereto after sub-section (1.) the following sub-section:—

“(1A.) Every person who, being a person liable to training under this Part—

- (a) fails, without lawful excuse, to attend a compulsory drill; or
- (b) commits a breach of discipline while on parade,

shall be guilty of an offence and shall, in addition to any liability under section one hundred and thirty-three of this Act, be liable to a penalty not exceeding Five pounds”;

- (c) by inserting in sub-section (4.) after the words “the custody of any prescribed authority” the words “for such time not exceeding twenty days, as it thinks fit, or”; and
- (d) by adding thereto the following sub-sections:—

“(8.) A person liable to be trained under the provisions of paragraphs (a) and (b) of section one hundred and twenty-five of this Act shall not be committed to gaol in default of payment of a pecuniary penalty imposed for an offence against the provisions of this section, but the Court may order that, in default of payment of the pecuniary penalty imposed, the person shall be committed to the custody of any prescribed authority for such time, not exceeding the time for which the Court could, but for this sub-section, have committed the person to gaol in default of payment of the pecuniary penalty imposed, as the Court thinks fit.

“(9.) Where a person liable to be trained under the provisions of paragraphs (a) and (b) of section one hundred and twenty-five of this Act, has been convicted, before the commencement of this sub-section, of an offence against this section, and but for sub-section (8.)

of this section would be liable to be committed to gaol in default of payment of the pecuniary penalty imposed for the offence, and makes default in payment of the penalty, he may, on the application of a prescribed officer, be committed to the custody of any prescribed authority for such time, not exceeding the time for which, but for sub-section (8.) of this section, he might have been committed to gaol in default of payment of the pecuniary penalty imposed, as the Court thinks fit.

“(10.) In places where Children’s Courts exist, offences against this section committed by cadets under the age of sixteen years shall be prosecuted in such Courts as far as is reasonably practicable.”

14. Section one hundred and forty-two of the Principal Act is amended by omitting from paragraph (a) of sub-section (1.) the words “month of January” (where they first occur) and inserting in their stead the words “months of January and February”.

Amendment of section 142.

15. Section one hundred and forty-six of the Principal Act is repealed and the following section inserted in its stead :—

“146.—(1.) Every person who registers shall receive a Record Book, a duplicate of which shall be retained by prescribed persons, in which books shall be entered such information as is prescribed, and all records of service, and the production of such book or duplicate shall be *primâ facie* evidence of all matters entered therein.

Record Book.

“(2.) A Company Roll Book shall be kept by prescribed persons, in which shall be entered such information as is prescribed, and the production of such book shall be *primâ facie* evidence of all matters entered therein.

Company Roll Book.

“(3.) No entry shall be made in a Record Book or Company Roll Book except by those authorized by the Regulations.”

AUDIT.

No. 6 of 1912.

An Act to amend the *Audit Act* 1901-1909.

[Assented to 4th September, 1912.]

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 *Audit Act* 1912.

Short title and citation.

(2.) The *Audit Act* 1901-1909, as amended by this Act, may be cited as the *Audit Act* 1901-1912.