

consent in writing of the alien and upon proof that the alien has since done that act, determine the matter, and may order that person to pay such pecuniary penalty, not exceeding Five pounds, as he thinks proper, and upon payment of that penalty the alien shall not be liable to be further proceeded against in respect of the same matter.

**21.** A summary prosecution in respect of any offence against this Act or the Regulations may be commenced at any time after the commission of the offence.

Time for commencement of prosecutions.

**22.**—(1.) The provisions of paragraph (d) of sub-section (3.) of section eight and of section eleven of this Act shall not have effect during any time of war.

Non-application of certain provisions in time of war.

(2.) In this section, "time of war" has the same meaning as in the *Defence Act* 1903-1934.

**23.** The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act and in particular, but without limiting the generality of the foregoing, for obtaining information as to the movements and location of aliens in the Commonwealth, and for prescribing penalties not exceeding Fifty pounds or imprisonment not exceeding three months for any offence against the regulations.

Regulations.

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## DEFENCE.

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### No. 13 of 1939.

An Act to amend the *Defence Act* 1903-1934, and for other purposes.

[Assented to 21st June, 1939.]

**B**E 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* 1939.

Short title and citation.

(2.) The *Defence Act* 1903-1934\* 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* 1903-1939.

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\* Act No. 20, 1903, as amended by No. 12, 1904; No. 15, 1909; No. 30, 1910; No. 37, 1910; No. 15, 1911; No. 5, 1912; No. 36, 1914; No. 3, 1915; No. 36, 1917; No. 16, 1918; No. 47, 1918; No. 1, 1927; No. 50, 1932; and No. 45, 1934.

Commencement.

2. This Act shall come into operation on a day to be fixed by Proclamation.

Interpretation.

3. Section four of the Principal Act is amended—

(a) by inserting, after the definition of "Army Act", the following definition :—

" 'Australia'—Includes the Territories of the Commonwealth to which this Act extends." ; and

(b) by inserting, after the definition of "Sub-District", the following definition :—

" 'The Commonwealth'—Includes the Territories of the Commonwealth to which this Act extends.".

4. After section five of the Principal Act the following section is inserted :—

Extension of Act to Territories.

" 5A.—(1.) This Act shall extend to the Territories of the Commonwealth as if each of those Territories were part of the Commonwealth.

(2.) Parts IV., V., XII., XIII. and XIV. of this Act shall not apply to the native inhabitants of any Territory governed by the Commonwealth under a Mandate."

5.—(1.) Section eight of the Principal Act is repealed and the following section inserted in its stead :—

Power to appoint Commands, Military Districts, &amp;c.

" 8. The Governor-General may—

(a) appoint a Military Officer to be Inspector-General of the Military Forces ;

(b) appoint any part of Australia to be a Command or Military District ;

(c) divide any Command or Military District in such manner as he thinks fit ;

(d) direct what forces shall be established in any Command or Military District, or in any portion of a Command or Military District into which it has been divided in pursuance of paragraph (c) of this section ;

(e) appoint and promote officers of the Defence Force and issue commissions to them ; and

(f) appoint an officer of the Defence Force to command the whole or any portion of the Defence Force."

(2.) All appointments and promotions of officers, all commissions, all appointments of Military Districts and sub-districts, and all directions as to the forces to be established in any Military District or sub-district, made, issued or given under section eight of the Principal Act shall continue in force as if made, issued or given under section eight of the *Defence Act* 1903-1939.

Delegation of powers.

6. Section eighty-seven of the Principal Act is amended by inserting, before the word "Military", the word "Command,".