

DEFENCE.

No. 98 of 1952.

An Act to amend the *Defence Act* 1903-1951,
and for other purposes.

[Assented to 18th November, 1952.]

[Date of commencement, 16th December, 1952.]

BE it enacted by the Queen'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* 1952.

(2.) The *Defence Act* 1903-1951* 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* 1903-1952.

Regulations.

2. Section one hundred and twenty-four of the Principal Act is
amended—

(a) by omitting paragraph (ga) of sub-section (1.); and

* Act No. 20, 1903, as amended by No. 12, 1904; No. 15, 1909; Nos. 30 and 37, 1910; No. 15, 1911; No. 5, 1912; No. 36, 1914; No. 3, 1915; No. 36, 1917; Nos. 16 and 47, 1918; No. 1, 1927; No. 50, 1932; No. 45, 1934; Nos. 13, 38, 70 and 74, 1939; No. 4, 1941; No. 11, 1945; No. 73, 1947; No. 35, 1948; No. 71, 1949; No. 80, 1950; and Nos. 19 and 59, 1951.

(b) by omitting sub-section (2.) and inserting in its stead the following sub-sections :—

“(2.) The regulations may make provision for or in relation to the certification or proof of the death—

- (a) of a member of the Defence Force who died, or is presumed to have died, while on service ; and
- (b) of a person, not being a member of the Defence Force, who died, or is presumed to have died, while in the hands of an enemy or in other circumstances which make proof of death difficult, being circumstances arising out of—
 - (i) a war in which the Commonwealth has been or is engaged ;
 - (ii) the war-like operations in Korea after the twenty-sixth day of June, One thousand nine hundred and fifty, or in Malaya after the twenty-eighth day of June, One thousand nine hundred and fifty ; or
 - (iii) such other war or war-like operations as are prescribed.

“(3.) For the purposes of paragraphs (qb), (qe) and (gf) of sub-section (1.) of this section and for the purposes of the last preceding sub-section—

- (a) a member of the Defence Force shall be deemed to be on service while he is a prisoner of war or interned in a place outside Australia ; and
- (b) a person, not being a member of the Defence Force, who accompanies a part of the Defence Force shall be deemed to be a member of, and on service with, that part of the Defence Force.”.

3. Regulations made under the Principal Act as amended by this Act may—

- (a) repeal the National Security (War Deaths) Regulations ; and
- (b) make provision for or in relation to the validity and effect of certificates issued under, or having effect by virtue of, the National Security (War Deaths) Regulations.

National
Security (War
Deaths)
Regulations.

4. The regulations made under the Principal Act prescribing matters providing for and in relation to the certification of death of members of the Defence Force shall be deemed to have been at all times, and to be, as valid and effectual as if made under the Principal Act as amended by this Act.

Saving.