

National Service

No. 51 of 1968

An Act to amend the *National Service Act* 1951-1966.

[Assented to 24 June 1968]

BE it enacted by the Queen'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 *National Service Act* 1968.

Short title
and citation.

(2.) The *National Service Act* 1951-1966* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *National Service Act* 1951-1968.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Commence-
ment.

3. Section 3 of the Principal Act is amended by omitting the words “ Medical Examination ” and inserting in their stead the words “ Examination as to Fitness ”.

Parts.

* Act No. 2, 1951, as amended by No. 63, 1951; No. 30, 1953; Nos. 16 and 40, 1957; No. 126, 1964; No. 52, 1965; and No. 93, 1966.

Interpretation.

4. Section 4 of the Principal Act is amended—

(a) by inserting in sub-section (1.), after the definition of “ authorized person ”, the following definitions:—

“ ‘contract of apprenticeship’ includes any contract for the training of a person in connexion with a profession, trade or occupation;

“ ‘contract of employment’ includes a contract of apprenticeship;

“ ‘employ’ means employ under a contract of employment, and ‘employer’ and ‘employee’ have corresponding meanings;”;

(b) by omitting from sub-section (1.) the definition of “ medical examination ”;

(c) by omitting from sub-section (1.) the definition of “ the Permanent Forces ” and inserting in its stead the following definition:—

“ ‘the Permanent Forces’ means the Permanent Naval Forces, the Australian Regular Army, the Regular Army Supplement or the Permanent Air Force;”;

(d) by adding at the end thereof the following sub-section:—

“ (6.) For the purposes of this Act—

(a) the employment of a person under a law of the Commonwealth, of a State or of a Territory but otherwise than under a contract of employment shall be treated as if that employment were employment under a contract of employment;

(b) the employment of a person as an apprentice, or as a trainee in connexion with any profession, trade or occupation, under a law of the Commonwealth, of a State or of a Territory but otherwise than under a contract of apprenticeship shall be treated as if that employment were employment under a contract of apprenticeship.”

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

Application of Act to persons employed under rostering arrangements.

“ 4A.—(1.) Where an arrangement exists under which a person keeps a list of the names of persons who are available for employment and allots the persons whose names are included in the list to employers for the purpose of the employment of those persons by those employers, each person whose name is included in the list shall, for the purposes of this Act, be deemed to be employed by the person keeping the list and to be so employed under a contract of employment constituted by the terms of the arrangement.

“ (2.) The last preceding sub-section does not apply in relation to a person whose name is included in a list referred to in that sub-section if, apart from that sub-section, the person is, at the relevant time, employed under a contract of employment.

“(3.) In this section—

‘ list ’ means any compilation of names of persons, whether called a list, roster or register or called by any other name and whether kept in a material form or not;

‘ name ’, in relation to a person, includes any means of identifying the person.”.

6. Section 11 of the Principal Act is amended—

(a) by adding at the end of sub-section (2A.) the words “ unless he is within another class of persons specified in that section ”; and

(b) by omitting sub-section (2B.).

Time for registration.

7. Section 13 of the Principal Act is amended by adding at the end thereof the following sub-sections:—

Method of registration.

“(2.) Where a particular specified in a form signed, and delivered or posted to the Registrar, in accordance with the last preceding sub-section is not filled in or supplied in the form in accordance with the instructions contained in or accompanying the form, the person required by that sub-section to fill in or supply that particular shall, if the Registrar directs that that person be registered under this Act, be deemed, for the purposes of this Act, to be so registered and to have been so registered from the time of the receipt of the form by the Registrar.

“(3.) Where—

(a) a person has, whether before or after the commencement of this sub-section, been convicted of an offence against paragraph (a) of sub-section (1.) of section forty-eight of this Act; and

(b) the person continues to be liable to register under this Act but remains unregistered,

the person shall, if the Secretary directs that the person be registered under this Act, be deemed, for the purposes of this Act, to be so registered from the time of the giving of the direction.”.

8. Section 15 of the Principal Act is amended by omitting the words “ required to register under this Act and from whom he has received the prescribed form of registration, completed as required by section thirteen of this Act,” and inserting in their stead the words “ to be deemed, by virtue of section thirteen of this Act, to be registered under this Act”.

Certificate of registration.

9. Section 16 of the Principal Act is amended by omitting sub-section (1A.) and inserting in its stead the following sub-section:—

Early registration.

“(1A.) A male person who is not a British subject and is not included in a class of persons prescribed for the purposes of sub-paragraph (ii) of paragraph (a) of sub-section (1.) of section ten of this Act may apply, in the prescribed manner, to be registered under this Act.”.

10. Section 18 of the Principal Act is amended—

(a) by omitting from paragraph (e) the word “ and ”; and

Exemption from registration.

(b) by adding at the end thereof the following word and paragraph:—

“; and (g) persons who have served in the Permanent Forces for not less than two years and have been discharged from those Forces.”.

11. Part III. of the Principal Act is repealed and the following Part inserted in its stead:—

“ PART III.—EXAMINATION AS TO FITNESS.

Notice of
examination.

“ 19.—(1.) The Secretary may serve on a person who is registered, or is required to register, under this Act a notice in writing requiring that person to attend for examination at such time and place as is, or at such times and places as are, specified in the notice for the purpose of determining the physical or mental fitness or capacity of the person for service under this Act.

“ (2.) A person so attending shall submit himself to—

(a) an examination before a Medical Board; and

(b) such other examinations as the Secretary considers necessary.

Medical
Boards.

“ 20.—(1.) Subject to the next succeeding sub-section, a Medical Board shall consist of not less than two registered medical practitioners selected as the Minister directs.

“ (2.) Where the Minister is of opinion that, if a person were required to submit himself for examination before a Medical Board consisting of two registered medical practitioners, that person would be caused undue inconvenience or would be required to travel an excessive distance, the Minister may direct that a Medical Board shall, for the purpose of the examination of that person, consist of one registered medical practitioner selected as the Minister directs.

Examination
by Medical
Board.

“ 21. A Medical Board shall, in accordance with instructions approved by the Minister, examine each person required under this Part to submit himself to examination before a Medical Board.

Further
examination.

“ 22.—(1.) Where a Medical Board or the Secretary considers that a person should submit himself to another examination for the purpose of determining the physical or mental fitness or capacity of the person for service under this Act, the Secretary may serve on that person a notice in writing requiring him to attend for examination for that purpose at such time and place as is, or at such times and places as are, specified in the notice.

“ (2.) A person so attending shall submit himself to such examination as the Secretary thinks necessary.

Reports of
examinations.

“ 23. A Medical Board that, or a person who, makes an examination under this Part shall furnish a report of the examination to the Secretary or to a person authorized by the Secretary to receive the report.

Remuneration
and allowances.

“ 24. Members of Medical Boards, and other persons conducting examinations under this Part, shall be paid such fees and allowances as the Minister determines.”.

12. Section 26 of the Principal Act is amended by adding at the end thereof the following sub-section:—

Call-up for service.

“(4.) Where a person has, whether before or after the commencement of this sub-section, failed to comply with the requirements of a notice served on him under sub-section (1.) of this section, the Secretary may at any time serve a further notice on the person under sub-section (1.) of this section.”

13. Section 27 of the Principal Act is amended by inserting after sub-section (7.) the following sub-section:—

Enlistment and service in the Military Forces.

“(7A.) A national serviceman who is serving in the Regular Army Supplement under a re-engagement referred to in sub-section (5.) of this section may be discharged from that force in accordance with regulations under the *Defence Act 1903–1966* but, upon being so discharged, he shall, subject to the succeeding provisions of this section and the next succeeding section, be deemed to have been enlisted for service in the Regular Army Reserve and to have been engaged to serve in that force for the period by which the period of five years exceeds the period for which he served in the Regular Army Supplement.”

14. Section 28 of the Principal Act is amended by omitting sub-section (4.) and inserting in its stead the following sub-section:—

Persons appointed to be officers.

“(4.) Where the appointment of a national service officer is terminated, and the Military Board or a person authorized by the Military Board certifies in writing that the appointment was terminated on disciplinary grounds or by reason that the national service officer is unsuitable to serve as an officer, he again becomes liable to render service under this Act, but any service rendered by him as a national service officer shall, in addition to any service rendered by him as a national serviceman, be taken into account as service under this Act.”

15. Section 29A of the Principal Act is amended by omitting sub-sections (3.) and (4.).

Exemptions on grounds of conscientious beliefs.

16. After section 29C of the Principal Act the following section is inserted:—

“29CA.—(1.) Notwithstanding sub-section (7.) of the last preceding section, where a court of review in a State has given a decision under that section after the commencement of the *National Service Act 1968*, a party to the proceeding before that court—

Appeals from courts of review.

- (a) may appeal from that decision to the Supreme Court of that State constituted by not less than three Judges on a ground involving a question of law only; and
- (b) may, with the leave of the Supreme Court of that State, appeal from that decision to that Court constituted by not less than three Judges on any other ground.

“(2.) Notwithstanding sub-section (7.) of the last preceding section, where a court of review in a Territory of the Commonwealth has given a decision under that section after the commencement of the *National Service Act 1968*, a party to the proceeding before that court—

(a) may appeal from that decision to the Commonwealth Industrial Court constituted by not less than three Judges on a ground involving a question of law only; and

(b) may, with the leave of the Commonwealth Industrial Court, appeal from that decision to that Court constituted by not less than three Judges on any other ground.

“(3.) The Court in which an appeal under this section is instituted—

(a) shall hear and determine the appeal;

(b) may affirm, vary or set aside the order of the court of review;

(c) may give such judgment, or make such order, as in all the circumstances it thinks fit, or refuse to make an order; and

(d) may remit the case for rehearing and determination, either with or without the hearing of further evidence, by the court of review.

“(4.) A decision of a Court on an appeal under this section is final and conclusive except so far as an appeal may be brought to the High Court by special leave of the High Court.”

Deferment of
service.

17. Section 31 of the Principal Act is amended—

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

“(2.) A deferment of liability granted under the last preceding sub-section—

(a) shall be of indefinite duration or, if the Minister grants the deferment for a specified period, shall be for that period; and

(b) is subject to such conditions as the Minister determines.

“(2A.) Where the Minister has granted a deferment of liability under sub-section (1.) of this section for a period, he may, from time to time, whether before or after the expiration of the period of the deferment, extend that period for such further period or periods, and subject to such conditions, as he determines.”;

(b) by inserting after sub-section (5.) the following sub-section:—

“(5A.) Where a court of summary jurisdiction has granted a deferment of liability under sub-section (4.) of this section, any court of summary jurisdiction constituted as provided by that sub-section may, from time to time, whether before or after the expiration of the period of the deferment, upon application being made as prescribed, extend that period for such further period or periods (not exceeding twelve months at any one time), and subject to such conditions, as the court determines if the court is satisfied that the applicant continues to be a person upon

- whom, or upon whose parents or dependants, the rendering of service would impose exceptional hardship.”; and
- (c) by inserting in sub-sections (6.) and (6A.), after the words “ under sub-section (4.) ”, the words “ or sub-section (5A.) ”.

18. Section 34 of the Principal Act is amended by omitting paragraph (d) of sub-section (1.) and inserting in its stead the following paragraph:—

“(d) was absent from duty on leave without pay for a period in excess of twenty-one days.”

Calculation of service in the Regular Army Supplement.

19. Section 35A of the Principal Act is repealed and the following sections are inserted in its stead:—

“ 35A. In the application of sub-section (1.) of section twenty-seven of this Act to a person who has, before that sub-section has effect in relation to him—

Extent of liability for service of persons who have served in the Permanent Forces or in the armed forces of another country.

(a) served in the Permanent Forces; or

(b) rendered continuous full-time service in the naval, military or air forces of a country other than Australia,

the reference in that sub-section to the period of two years shall be read as a reference to that period less the period of his service in the Permanent Forces or in the naval, military or air forces of that other country, as the case may be.

“ 35AA. Where a person who is not a British subject but who is liable to render service under this Act offers to be enlisted in the Citizen Naval Forces, the Citizen Military Forces or the Citizen Air Force and is accepted for service in the Forces or Force concerned, that person is not required to take and subscribe an oath or make and subscribe an affirmation in connexion with his enlistment but shall, upon presenting himself for service, be deemed to have enlisted for service in those Forces or that Force and to have been engaged to serve in those Forces or that Force for the period for which he is accepted for service.”

Enlistment in Citizen Forces.

20. Section 35B of the Principal Act is amended by inserting after sub-section (5.) the following sub-section:—

Discharge of a national serviceman.

“(5A.) Where—

(a) a national serviceman has been granted leave without pay for periods amounting in the aggregate to not less than two years on the ground that the rendering of the service that he was liable to render under this Act was imposing or would impose exceptional hardship on him or on his parents or dependants; and

(b) the Military Board, or a person authorized by the Military Board, has no reason to believe that the circumstances that led to the grant of leave will not continue and is satisfied that the national serviceman should, for that reason, be discharged,

the national serviceman may be discharged from the Military Forces and may be so discharged on the ground of exceptional hardship.”

Failure to register.

21. Section 48 of the Principal Act is amended—

(a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“ (1.) A person who, being required to register under this Act—

(a) fails so to register; or

(b) while the liability continues, remains unregistered under this Act,

is guilty of an offence punishable, upon conviction, by a fine of not less than Forty dollars or more than Two hundred dollars.”;

(b) by inserting in paragraph (a) of sub-section (2.), before the word “ section ”, the words “ sub-section (1.) of ”; and

(c) by adding at the end thereof the following sub-section:—

“ (3.) In a prosecution for an offence against sub-section (1.) of this section, an averment of the prosecutor, contained in the information or complaint, stating—

(a) that the defendant is a male person;

(b) that the defendant was born on a specified date;

(c) that, on a specified date, the defendant was a British subject and was ordinarily resident in Australia; or

(d) that, on a specified date, the defendant was not a British subject but was ordinarily resident in Australia and was included in a prescribed class of persons for the purposes of sub-paragraph (ii) of paragraph (a) of sub-section (1.) of section ten of this Act,

or stating any two or more of those matters is evidence of the matters so averred.”.

22. Section 49 of the Principal Act is repealed and the following sections are inserted in its stead:—

Filling in false forms of registration.

“ 48A. If a document that purports to be a prescribed form of registration and to have been completed as required by sub-section (1.) of section thirteen of this Act is posted or delivered to the Registrar and that document is false or misleading in a material particular, the person who signed the document is guilty of an offence punishable on conviction by a fine not exceeding Two hundred dollars.

Furnishing false documents and making false statements.

“ 48B. A person shall not knowingly—

(a) furnish or cause to be furnished to an officer or other person performing any duty in relation to this Act or the regulations a document; or

(b) make to such an officer or person a statement, that is false or misleading in a material particular.

Penalty: Two hundred dollars.

Destroying or damaging certificate of registration.

“ 48C. A person shall not wilfully destroy, damage or deface a certificate of registration issued in accordance with this Act.

Penalty: Two hundred dollars.

“ 49.—(1.) A person who has been required by a notice served on him under Part III. to attend for examination but does not comply with the requirements of the notice is guilty of an offence punishable, upon conviction, in accordance with the next succeeding sub-section. Failure to attend for examination

“ (2.) Where a person is convicted of an offence against the last preceding sub-section, the person is liable to a fine of not less than Forty dollars or more than Two hundred dollars and, whether or not a fine is imposed on the person, if the prosecution so requests—

- (a) the court shall ask the person whether he is willing to enter forthwith into a recognizance, to the satisfaction of the court, that he will comply with the requirements of any notice to attend for examination that is subsequently served on him under Part III. and will, upon attending for examination, submit himself to examination in accordance with that Part; and
- (b) if the person does not forthwith enter into such a recognizance to the satisfaction of the court, the court shall, whether or not a fine is imposed on the person, sentence him to imprisonment in respect of the offence for a period of seven days.

“ (3.) A person who has entered into a recognizance under the last preceding sub-section but does not comply with a condition specified in the recognizance is guilty of an offence and, upon conviction, shall be sentenced to imprisonment for a period of seven days.

“ (4.) If a person who is undergoing imprisonment in pursuance of a sentence imposed under this section submits to such examination as the Secretary considers necessary for the purpose of determining the physical or mental fitness or capacity of the person for service under this Act, the person shall be forthwith released from prison.

“ 49A.—(1.) A person who has attended for examination in accordance with a notice served on him under Part III. but does not submit himself to examination in accordance with that Part is guilty of an offence punishable, upon conviction, in accordance with the next succeeding sub-section. Failure to submit to examination

“ (2.) Where a person is convicted of an offence against the last preceding sub-section, the person is liable to a fine of not less than Forty dollars or more than Two hundred dollars and, whether or not a fine is imposed on the person, if the prosecution so requests—

- (a) the court shall ask the person whether he is willing to enter forthwith into a recognizance, to the satisfaction of the court, that he will comply with the requirements of any notice to attend for examination that is subsequently served on him under Part III. and will, upon attending for examination, submit himself to examination in accordance with that Part; and
- (b) if the person does not forthwith enter into such a recognizance to the satisfaction of the court, the court shall, whether or not a fine is imposed on the person, sentence him to imprisonment in respect of the offence for a period of seven days.

“ (3.) A person who has entered into a recognizance under the last preceding sub-section but does not comply with a condition specified in the recognizance is guilty of an offence and, upon conviction, shall be sentenced to imprisonment for a period of seven days.

“ (4.) If a person who is undergoing imprisonment in pursuance of this section submits to such examination as the Secretary considers necessary for the purposes of determining the physical or mental fitness or capacity of the person for service under this Act, the person shall be forthwith released from prison.

Person not to be punished twice for same act or omission.

“ 49B. A person is not liable to be punished under more than one provision of the last two preceding sections in respect of the same act or omission.”

23.—(1.) Section 51 of the Principal Act is repealed and the following sections are inserted in its stead:—

Failure to comply with notice calling person up for service.

“ 51.—(1.) Where a notice has, whether before or after the commencement of the *National Service Act 1968*, been served on a person under section twenty-six of this Act and the person fails after the commencement of that Act to comply with the requirements of the notice, the person is guilty of an offence punishable, upon conviction, in accordance with the next succeeding sub-section.

“ (2.) Where a person is convicted of an offence against the last preceding sub-section—

- (a) the person is, subject to paragraph (c) of this sub-section, liable to a fine not exceeding Two hundred dollars;
- (b) the court shall, whether or not a fine is imposed on the person, ask the person whether he is willing to enter forthwith into a recognizance, to the satisfaction of the court, that he will comply with the requirements of any notice that is subsequently served on him under section twenty-six of this Act; and
- (c) if the person does not forthwith enter into such a recognizance to the satisfaction of the court, the court shall sentence him to imprisonment in respect of the offence for a period equal to the period of service that he is liable to render under this Act in the Regular Army Supplement but, in that case, any order of the court imposing a fine on him ceases to have effect.

“ (3.) A person who has entered into a recognizance under the last preceding sub-section but does not comply with a condition specified in the recognizance is guilty of an offence and, upon conviction, shall be sentenced to imprisonment for a period equal to the period of service that he is liable to render under this Act in the Regular Army Supplement.

“ (4.) An offence against this section is punishable on summary conviction and not otherwise.

“ (5.) A prosecution for an offence against this section may be commenced at any time.

“ 51A.—(1.) Where a notice has, whether before or after the commencement of the *National Service Act* 1968, been served on a person under section twenty-six of this Act and the person fails, after the commencement of the *National Service Act* 1968, to perform duties lawfully required to be performed by him in the course of rendering the service that he is liable to render under this Act in the Regular Army Supplement, the person is guilty of an offence and, upon conviction, shall be sentenced to imprisonment for a period equal to the period of service that he is so liable to render.

Failure to
render service.

“ (2.) An offence against this section is punishable on summary conviction and not otherwise.

“ (3.) A prosecution for an offence against this section may be commenced at any time.

“ (4.) Proceedings under this section shall not be instituted without the consent in writing of the Minister.

“ 51B.—(1.) For the purposes of the imposition of a penalty of imprisonment on a person convicted of an offence against section fifty-one or section fifty-one A of this Act, the period of service that that person is liable to render under this Act in the Regular Army Supplement shall be taken to be a period of two years less the sum of such of the following periods as are applicable in relation to him:—

Calculation
of service's
purpose of
sentence.

- (a) any period of service rendered by the person in the Permanent Forces;
- (b) any period of service rendered by the person that, by reason of sub-section (4.) of section twenty-eight of this Act, is to be taken into account as service under this Act;
- (c) any period of continuous full-time service rendered by the person in the naval, military or air forces of a country other than Australia.

“ (2.) In calculating, for the purposes of this section, the period of any service rendered under this Act in the Regular Army Supplement or of any service referred to in paragraph (b) of the last preceding sub-section, account shall not be taken of any period of service during which the person rendering the service was—

- (a) absent from duty without leave for a period in excess of twenty-one days; or
- (b) absent from duty on leave without pay for a period in excess of twenty-one days.

“ (3.) For the purposes of the imposition of a penalty of imprisonment on a person convicted of an offence against section fifty-one or section fifty-one A of this Act, a certificate given under the hand of the Secretary, or of a person to whom the Secretary has delegated his powers and functions under this sub-section, certifying any matter necessary for the calculation of the period of service that the convicted person is liable to render under this Act in the Regular Army Supplement is evidence of that matter.

“(4.) For the purposes of the last preceding sub-section, a document purporting to be a certificate referred to in that sub-section shall, unless the contrary is proved, be deemed to be such a certificate and to have been duly given.

Exclusion of section 4 of Commonwealth Prisoners Act.

“51C. Section four of the *Commonwealth Prisoners Act* 1967 does not apply in relation to the sentencing of a person to a period of imprisonment for an offence against section fifty-one or section fifty-one A of this Act.

Person sentenced to imprisonment not liable for service.

“51D. A person who has, after the commencement of this section, been sentenced to imprisonment for an offence against section fifty-one or section fifty-one A of this Act is not liable to render service under this Act.”.

(2.) Nothing in the sections inserted in the Principal Act by the last preceding sub-section shall be taken to affect the operation of section 8 of the *Acts Interpretation Act* 1901-1966 in relation to the repeal of section 51 of the Principal Act effected by that sub-section.

Person may be requested to answer questions and furnish information.

24. Section 52 of the Principal Act is amended by omitting sub-sections (1.) to (3.), inclusive, and inserting in their stead the following sub-sections:—

“(1.) The Secretary may, by notice in writing served on a person—

(a) require that person to answer, within fourteen days after the service of the notice, such questions as are specified in the notice and to furnish, within that period, such information as is required by the notice, being questions or information relating to a prescribed matter; or

(b) require that person to attend before a person specified in the notice at the time and place so specified and there to answer such questions, and to furnish such information, relating to a prescribed matter as the person specified in the notice puts to him or requires of him.

“(2.) Where a person is required by a notice served on him under this section to answer any questions or furnish any information within fourteen days after service of the notice, the person shall not refuse or fail within that period—

(a) to answer truthfully those questions; or

(b) to furnish that information if that information is in his possession.

Penalty: Two hundred dollars.

“(3.) Where a person is required by a notice served on him under this section to attend at a time and place specified in the notice and there to answer questions and furnish information, the person shall not refuse or fail—

(a) to attend at that time and place;

(b) to answer truthfully any questions put to him relating to a prescribed matter; or

(c) to furnish any information in his possession that is required of him relating to a prescribed matter.

Penalty: Two hundred dollars.

“(3A.) The following are prescribed matters for the purposes of this section:—

- (a) the liability of a person to register or render service under this Act; and
- (b) the address of the place of living or employment of a person who the Secretary has reason to believe is required to register under this Act but has failed so to register or has failed to comply with the requirements of a notice served on him under this Act.

“(3B.) A person is not guilty of an offence against this section for failing to answer truthfully any question, or failing to furnish any information, relating to another person if—

- (a) the first-mentioned person is a member of the family of the other person;
- (b) the first-mentioned person had, in the opinion of the court before which he is charged with the offence, reasonable cause, founded upon compassionate or other grounds, for the failure; or
- (c) the first-mentioned person is a minister of religion, a legal practitioner or a registered medical practitioner and the answering of the question or the furnishing of the information would require him to reveal a communication of confidence made to him in the course of his profession.

“(3C.) In considering for the purposes of paragraph (b) of the last preceding sub-section whether a person had reasonable cause for failing to answer truthfully any question, or failing to furnish any information, relating to another person, a court shall take into account any relationship between those persons other than a relationship existing by reason of the first-mentioned person being a member of the family of the other person.

“(3D.) In this section, ‘ member of the family ’, in relation to a person, means—

- (a) the wife of the person;
- (b) the father, step-father, mother or step-mother of the person or a guardian of the person or other person standing *in loco parentis* to the person; or
- (c) a brother, sister, half-brother or half-sister of the person.”.

25. Section 52A of the Principal Act is amended by inserting in sub-section (1.), after the word “ person ” (first occurring), the words “ who has at any time been exempt from liability to render service under this Act by reason of any employment, condition or status referred to in sub-section (1.) of section twenty-nine of this Act or ”.

Persons to
furnish
information.

26. Section 54 of the Principal Act is amended by inserting after the word “ not ” the words “ hinder or ”.

Parent or
guardian
hindering
or preventing
a person from
serving.
Employer
not to hinder
or prevent
employee from
serving.

27. Section 54A of the Principal Act is amended by inserting after the word “ not ” the words “ hinder or ”.

28. Sections 55 and 56 of the Principal Act are repealed and the following sections inserted in their stead:—

Compensation may be paid to employee.

“ 54C.—(1.) Where an employer is convicted of an offence against the last preceding section with respect to an employee, the court may order that the employer shall pay to the employee such compensation as the court thinks reasonable.

“ (2.) Where a court has made an order under the last preceding sub-section, a certificate under the hand of the appropriate officer of the court specifying the amount of the compensation ordered to be paid, the person to whom the amount is payable and the person by whom the amount is payable may be filed in a court having civil jurisdiction to the extent of that amount and is thereupon enforceable in all respects as a final judgment of that court.

Employers to notify Secretary or Registrar of names and addresses of employees who have failed to register or to render service.

“ 55. Where at any time an employer has reason to believe that a person employed by him—

- (a) is required to register under this Act but has not registered;
- (b) has failed to comply with the requirements of a notice served on him under section twenty-six of this Act; or
- (c) has failed to render the service, or a part of the service, that he is liable to render under this Act,

the employer shall, before the expiration of seven days after that time or the expiration of one month after the date of commencement of the *National Service Act 1968*, whichever is the later, serve, either personally or by post, on the Secretary or a Registrar notice in writing of the name of the person, of the address of the place of living of the person last known to the employer and of the matter that he has reason so to believe in relation to the person.

Penalty: Four hundred dollars.

Persons liable for service to obtain permission before leaving Australia.

“ 56.—(1.) A person who has registered or is liable to register under this Act and is not included in a prescribed class of persons shall not leave Australia before commencing to render service under this Act, or after having commenced to render that service but before completing that service, unless he has obtained the permission in writing of the Secretary.

Penalty: Two hundred dollars.

“ (2.) A prosecution for an offence against the last preceding sub-section may be commenced at any time.

Person liable for service not to be given authority to leave Australia by ship or aircraft.

“ 56A.—(1.) This section applies in relation to a person who—

- (a) has registered or is liable to register under this Act and is not included in a prescribed class of persons; and
- (b) is liable to render service under this Act but has failed to render that service or a part of that service.

“ (2.) Where the owner or charterer of a ship or aircraft, or an employee of the owner or charterer, has reason to believe that a person is a person in relation to whom this section applies, an authority for that

person to leave Australia by that ship or aircraft shall not be given by the owner or charterer, or by an employee of the owner or charterer, to that person unless and until the permission in writing of the Secretary has been presented to the owner or charterer or to an employee of the owner or charterer.

“(3.) Where an authority has been given in contravention of the last preceding sub-section, the owner or charterer is guilty of an offence punishable, upon conviction, by a fine not exceeding Four hundred dollars.

“(4.) Where an agent of the owner or charterer of a ship or aircraft, or an employee of the agent, has reason to believe that a person is a person in relation to whom this section applies, an authority for that person to leave Australia by that ship or aircraft shall not be given by the agent, or by an employee of the agent, to that person unless and until the permission in writing of the Secretary has been presented to the agent or to an employee of the agent.

“(5.) Where an authority has been given in contravention of the last preceding sub-section, the agent is guilty of an offence punishable, upon conviction, by a fine not exceeding Four hundred dollars.

“(6.) This section applies only in respect of an authority given on or after a date to be fixed by the Minister by notice published in the *Gazette*.”.

29. Section 57 of the Principal Act is amended by omitting sub-section (3.) and inserting in its stead the following sub-section:— Evidence.

“(3.) The Secretary, or a person to whom the Secretary has delegated his powers and functions under this sub-section, may, by writing under his hand, certify that a prescribed form of registration or a notification of change of address was not received at any National Service Registration Office from a person specified in the certificate before a date so specified.”.

30. After section 57C of the Principal Act the following section is inserted:—

“57D.—(1.) Where a fine has been imposed on a national serviceman or on a national service officer for an offence against this Act, whether committed before or after he became a national serviceman or national service officer, and the fine has not been paid, the Military Board or a person authorized by the Military Board may direct that an amount not exceeding the amount of the fine or so much of the amount of the fine as remains unpaid be deducted, as specified in the direction, from the pay and allowances payable to the national serviceman or national service officer in respect of his service under this Act or his service as a national service officer and be applied in payment of the fine. Deductions from pay of national servicemen and national service officers in respect of unpaid fines.

“(2.) A court, Judge or Magistrate having power to issue a warrant committing a national serviceman or a national service officer to prison for failure to pay a fine imposed in respect of an offence against this Act may postpone indefinitely, or for such period as the court, Judge or Magistrate thinks fit, the issue of the warrant if the court, Judge or Magistrate is satisfied that adequate arrangements have been, or will be, made for the payment of the fine by means of deductions from the pay and allowances of the national serviceman or national service officer under the last preceding sub-section.

“(3.) A reference in this section to a fine imposed on a national serviceman or on a national service officer for an offence against this Act shall be read as including a reference to any costs ordered to be paid by the national serviceman or national service officer in connexion with the proceedings relating to that offence.”.

31. Section 59A of the Principal Act is repealed and the following sections are inserted in its stead:—

Payment
for certain
absences from
employment.

“59A. Where a person is necessarily absent from his employment for the purpose of attending at a place in accordance with a notice under Part III. or a notice under section fifty-two of this Act, the period of his absence shall be deemed, for the purposes of his contract of employment, to be a period of absence permitted by the employer and shall be without deduction or loss of pay.

Allowance in
respect of
attendance.

“59B. Where a person attends at a place in accordance with a notice under Part III. or a notice under section twenty-six or section fifty-two of this Act, there is payable to the person such allowance, if any, in respect of his attendance as the Minister determines.

Compensation
for expenses
of travelling.

“59C. Where a person incurs a reasonable expense in travelling for the purpose of complying with a requirement of this Act, not being an expense for which he is, or is entitled to be, reimbursed by his employer or for which he receives, or is entitled to receive, an allowance under the last preceding section, the Minister may, in his discretion, authorize the Secretary to pay to the person an amount equal to the whole, or such part as the Minister determines, of the expense.”.

Service of
documents.

32. Section 60 of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“(1.) A certificate of registration or other document provided for by this Act and required by this Act to be issued to or served on a person may be sent by post to the registered address of the person or to the address of the person last known to the person, being the Secretary, a delegate of the Secretary or a Registrar, who caused the document to be so issued or served.”.

33. Section 61 of the Principal Act is amended by omitting all the words after the words “in particular” and inserting in their stead the words “prescribing penalties not exceeding a fine of One hundred dollars or imprisonment for a period not exceeding six months for any offence against the regulations.”. Regulations.

34. The Principal Act is amended as set out in the Schedule to this Act. Additional amendments.

THE SCHEDULE

Section 34.

Provisions amended	Omit—	Insert—
Section 17 (1.)	One hundred dollars ..	Two hundred dollars
Section 50	One hundred dollars ..	Two hundred dollars
Section 54	One hundred dollars ..	Two hundred dollars
Section 54A	Two hundred dollars ..	Four hundred dollars
Section 54B (2.)	Two hundred dollars ..	Four hundred dollars