

DEFENCE.

No. 12 of 1904.

An Act to amend the *Defence Act* 1903.

[Assented to 9th December, 1904.]

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. This Act may be cited as the *Defence Act* 1904, and this Act and the *Defence Act* 1903 (in this Act referred to as the Principal Act) shall be read together and may together be cited as the Defence Acts 1903–1904.

Short title and incorporation.

2. Section four of the Principal Act is hereby amended by omitting therefrom the paragraphs defining “General Officer Commanding” and “Naval Officer Commanding,” and by inserting in lieu thereof the following paragraphs :—

Amendment of definition.

“Inspector-General” means the Inspector-General of the Military Forces appointed under this Act.

“Naval Commandant” means the officer in command of a State Division of the Naval Forces.

3. Section eight of the Principal Act is hereby amended by omitting therefrom paragraphs I. and II., and by inserting in lieu thereof the following paragraphs :—

Appointment of Inspector-General of Military Forces and Director of Naval Forces.

I. Appoint a Military Officer to be Inspector-General of the Military Forces.

II. Appoint a Naval Officer to be Director of the Naval Forces.

and by adding the following paragraph :—

VIII. Appoint an officer or officers of the Defence Force to command the whole or any portion of the Defence Force in time of war.

4. Section nine of the Principal Act is hereby repealed and the following section substituted in lieu thereof :—

Powers and duties of Inspector-General of Military Forces and Director of Naval Forces.

“9. The Inspector-General and the Director of the Naval Forces shall have such seniority and powers and perform such duties as are prescribed or as the Governor-General directs, and if there is no

Inspector-General, or no Director of the Naval Forces, or if these officers, or either of them, is absent from the Commonwealth, or unable to exercise their powers or perform their duties those powers or duties may be exercised or performed by any person directed by the Governor-General to exercise or perform them."

Appointment of
warrant
and non-com-
missioned
officers.

5. Section eighteen of the Principal Act is hereby repealed and the following section substituted in lieu thereof:—

"18. Warrant officers, non-commissioned officers and petty officers shall be appointed and shall hold their offices as prescribed."

Seniority of
officers.

6. Section nineteen of the Principal Act is hereby repealed and the following section substituted in lieu thereof:—

"19.—(1) The seniority (other than the regimental seniority) of officers in the Active Forces in their respective ranks shall be regulated by the date of their appointments and when appointments are of the same date by their seniority immediately prior to their appointments or in the case of first appointments by the order in which their names appear in the *Gazette* or *Government Gazette* of a State or of a Colony which has become a State in which their appointments are notified.

(2) The regimental seniority of officers shall be as prescribed."

Substitution of
Council of
Defence for
Board of
Advice.

7. Section twenty-eight of the Principal Act is hereby repealed, and the following section substituted in lieu thereof:—

"28.—(1) The Governor-General may constitute a Council of Defence, which shall have such powers and functions as are prescribed.

Boards of
Administra-
tion for Naval
and Military
Forces.

(2) The Governor-General may constitute a Board of Administration for the Military Forces, to be called the Military Board, and a Board of Administration for the Naval Forces, to be called the Naval Board.

(3) The Military Board and the Naval Board shall respectively have such powers and functions as are prescribed."

Amendment of
Section 64.

8. Section sixty-four of the Principal Act is hereby amended by omitting therefrom the words "the General Officer Commanding or.

Amendment of
section 99.

9. Section ninety-nine of the Principal Act is hereby amended by omitting from sub-section (1) the words "through the General Officer Commanding or the Naval Officer Commanding as the case may be."

Amendment of
sections 110
and 111.

10. Sections one hundred and ten and one hundred and eleven of the Principal Act are hereby amended by omitting therefrom wherever they occur the words "Naval Officer Commanding" and inserting in lieu thereof the words "Naval Commandant."

Amendment of
section 124.

11. Section one hundred and twenty-four of the Principal Act is hereby amended by omitting therefrom paragraph (a).

12. In all copies of the Principal Act hereafter printed by the Government Printer, all repeals and amendments of the provisions of the Principal Act made by this Act or any Act hereafter to be passed shall be omitted and inserted, as the case may be, and reference shall be made in the margin of the Principal Act to the sections of the Acts by which such repeals or amendments are respectively made.

Principal Act,
when reprinted
to be altered
as amended.