

STATUTORY RULES.

1908. No. 60.

PROVISIONAL REGULATIONS UNDER THE DEFENCE ACTS 1903-1904.

I THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby certify that on account of urgency the following Revised Regulations under the Defence Acts 1903-1904 should come into operation on and from the 1st June, 1908, and make the Regulations to come into operation accordingly as Provisional Regulations.

Dated this twenty-first day of May, One thousand nine hundred and eight.

NORTHCOTE,
Governor-General.

By His Excellency's Command—

THOS. EWING.

The Regulations for the Military Forces of the Commonwealth heretofore made, whether provisional or otherwise, are hereby repealed, except that all appointments made thereunder will bear date of the original appointment.

DEFINITIONS.

1. "Head-Quarters" means the office of the Central Administration.
2. "District Head-Quarters" means the Office of a District Commandant.
3. "Military Decoration" means any medal, clasp, good conduct badge, or decoration.
4. "Superior Officer," when used in relation to a soldier, includes a Warrant Officer not holding a commission, and also a Non-commissioned Officer.
5. "The Act" means the Defence Acts 1903-1904.
6. "Rank," unless it is otherwise stated, means, in the case of an Officer, the highest permanent rank held by him when serving, whether substantive, brevet, or honorary.
7. "Substantive Rank" shall include all rank except brevet, honorary, local, and temporary.
8. The term "conduct sheet" or "conduct book," without the prefix "regimental," will be understood to mean the squadron, battery, or company conduct sheet or book.
9. The term "company" will be understood to mean squadron, battery, or company, as the case may be, according to the nomenclature of the portion of the Defence Force to which any regulation may be applied, and includes any corresponding subdivision, such as a transport and supply column.

ABBREVIATIONS.

C.M.R.=Commonwealth Military Regulations.

C.M.F.=Commonwealth Military Form.

C.M.B.=Commonwealth Military Book

D.A.=Defence Acts 1903-1904.

S.O.=Standing Order

M.O.=Military Order } Issued by the Military Board.

Regulations referring to Permanent Forces only are marked with the letter "P." in the margin; to Citizen Forces only, with the letter "C."; to Militia Forces only, with the letter "M"; and to Volunteer Forces only, with the letter "V"

Paragraphs of the Regulations which have been amended, or re-drafted, or are new, are denoted by a black line in the margin.

PART II.

REGULATIONS UNDER THE DEFENCE ACTS 1903-1904.

Nothing in these Regulations shall be construed to be contrary to or inconsistent with any provision of the Act.

THE COUNCIL OF DEFENCE.

Constitution.	1. The Council of Defence consists of regular members and consultative members.
Regular members.	The regular members are the Minister of State for Defence (who is the President), the Treasurer, the Inspector-General, the Director of the Naval Forces, and the Chief of Intelligence.
Consultative members.	The consultative members, at a meeting of the Council, are such officers of the Citizen Forces and expert advisers as are summoned by the President to that meeting.
Meetings.	Meetings of the Council are convened by the President. If the President is not present at a meeting, the Treasurer, if present, shall preside, and if the Treasurer is not present then the Inspector-General shall preside.
Quorum.	Three regular members constitute a quorum of the Council.
Secretary.	The Permanent Head of the Department of Defence is the Secretary to the Council.
Minutes.	Minutes are kept of the proceedings of all meetings of the Council.

POWERS AND FUNCTIONS OF THE COUNCIL OF DEFENCE.

The Council of Defence inquires into, discusses, and records opinions upon matters submitted to it by the Minister affecting—

- (a) The general policy of the Naval and Military Defence of the Commonwealth;
- (b) Measures necessary for the defence of the Commonwealth in time of war;
- (c) The total expenditure on Defence, and its distribution.

THE MILITARY BOARD.

CONSTITUTION OF THE BOARD OF ADMINISTRATION FOR THE MILITARY FORCES.

Constitution.	2. The Military Board consists of regular members and consultative members.
Regular members.	The regular members are the Minister (who is President of the Board), the Adjutant-General, the Chief of Intelligence, the Chief of Ordnance, and the Finance Member.
Consultative members.	The consultative members, at a meeting of the Board, are such officers of the Citizen Military Forces as are summoned by the President to that meeting.
Meetings.	Meetings of the Military Board are convened by the President. In the absence of the President, the Senior Military Officer present shall preside.
Quorum.	Three members constitute a quorum.
Minutes.	Minutes are kept of the proceedings of all meetings of the Military Board.

POWERS AND FUNCTIONS OF THE MILITARY BOARD.

The Military Board, subject to the control of the Minister, is charged with the administration of all matters relating to the Military Forces.

Members of the Board and Officers appointed in connexion therewith severally exercise such powers and perform such duties as are from time to time assigned to them by the Minister.

The Military Board will refer all matters in connexion with the appointment of Commandants and officers of the District Headquarters Staffs to the Inspector-General for his advice and recommendation.

PROMOTION BOARD.

3. The Promotion Board consists of officers appointed by the Governor-General in Council to consider and make recommendations with regard to all promotions in the Military Forces of the Commonwealth to ranks above the rank of Captain. Promotion Board.

THE INSPECTOR-GENERAL.

4. The Inspector-General will report upon the results of the administration of the forces, the efficiency of the troops, the system of training, the equipment, the preparedness of the forces for war, and the state and condition of all Defence Works. Inspector-General.

He will furnish a report to the Military Board on the 1st January of each year, and intermediate reports whenever he thinks fit, or is so requested by the Minister or the Board.

He will report on all matters in connexion with the appointment of Commandants and officers of District Headquarters Staffs which are referred to him by the Military Board.

He is President of a Board to consider and make recommendations with regard to all promotions in the Military Forces of the Commonwealth to ranks above the rank of Captain.

By virtue of his office he takes rank and precedence as the senior officer of the Military Forces of the Commonwealth.

MILITARY DISTRICTS.

5. The undermentioned States of the Commonwealth, viz. :— Military Districts.

- (1) New South Wales,
- (2) Victoria,
- (3) Queensland,
- (4) South Australia,
- (5) Western Australia,
- (6) Tasmania,

are appointed Military Districts under the Act.

PRECEDENCE OF CORPS.

6. The following is the order of precedence in the Military Forces of the Commonwealth :— Precedence of Corps.

- (1) The Regiments of Light Horse.
- (2) The Royal Australian Artillery Regiment.*
- (3) Batteries of Australian Field Artillery.*
- (4) Companies of Australian Garrison Artillery.
- (5) The Corps of Australian Engineers—
 - (a) Royal Australian Engineers.
 - (b) Australian Engineers.
- (6) The Infantry Regiments.
- (7) The Australian Intelligence Corps.
- (8) The Australian Corps of Signallers.
- (9) The Australian Army Service Corps.
- (10) The Australian Army Medical Corps.
- (11) The Reserve Forces.
- (12) The Military Cadet Corps.

* The Royal Australian Artillery Regiment (if mounted), and the Batteries of Australian Field Artillery (if allotted to units of Light Horse) on ceremonial parade with their guns, to take the right, and march at the head of the Light Horse Regiments.

Units of same
Arm.

Different units of the same Arm take precedence in accordance with their numerical succession, except that a unit of the Permanent Forces shall always take precedence of a unit of the same Arm not forming part of the Permanent Forces, and in like manner a unit of the Militia Forces shall take precedence of a unit of the same Arm of the Volunteer Forces. Units which are not included in any numerical succession will take precedence by Military Districts and in accordance with the order given in the authorized Military Forces List.

On parade or for the purposes of manœuvring, units will be distributed and drawn up in the mode which the officer in command of such parade or manœuvres may deem most convenient.

COMMAND, RANK, PRECEDENCE, ETC., OF OFFICERS.

Command.

7. An officer appointed to command, or an officer appointed second in command of a regiment in the Defence Force, shall exercise command over any other officers serving therein, irrespectively of the date of commission. All other officers doing duty with their regiments shall take rank according to their dates of appointment in that rank to such regiments, whether promoted on full pay or appointed from half-pay; and all officers serving together with officers of other corps shall take rank according to the dates of their respective appointments to that rank in the Defence Force. Should two officers of the same rank have been gazetted to such rank with the same date, their precedence shall, except in the case of an officer appointed to command a regiment, battalion, or corps, be determined by the date of their previous commissions, or in the case of first commissions by the order in which their names appear in the *Gazette*. (Sec. 19, D.A.)

7A. In all Regulations and Standing Orders of the Military Forces of the Commonwealth, including Financial and Allowance Regulations, unless the context otherwise provides, the terms "Commanding Officer," "Officer Commanding," "Commanding Officer of regiment, corps, or unit," include an "Officer Commanding Australian Intelligence Corps for a District."

Half-pay,
ill-health.

8. If an officer be placed on half-pay on account of ill-health caused by military service, or under circumstances over which he had no control, and be subsequently brought back to full pay in the same rank and corps or department, he shall for precedence in his rank take the same numerical position as he occupied when placed on half-pay.

Half-pay on
account of
wounds, &c.

9. If an officer placed on half-pay on account of wounds, or of sickness caused by active service in the field, be subsequently brought back to full pay in the same rank and corps or department, he shall, for precedence in his rank, revert to the original position in relation to the officers of his corps or department held by him when placed on half-pay, except that, should any officers have been promoted during his absence, he shall not be entitled to supersede them in the rank to which they had been promoted, nor have any right himself to promotion, until after his restoration to full pay in the corps or department, and then only in ordinary succession.

Imperial
officers.

10. Officers of His Majesty's Imperial Regular Forces, whilst holding local commissions conferred upon them by the Governor-General, shall take rank with officers of the Military Forces according to the dates of their respective local commissions.

Exercise of
command.

11. The function of command is to be exercised by the senior combatant officer, except in cases where an officer has been specially appointed to the command of a body of forces or appointed to the command of a corps, irrespectively of the branch of the service to which he belongs.

In the case of a District Commandant being temporarily absent from his district, or unable for temporary reasons to perform his duties, the functions of his command may be administered by the senior or other staff officer present, subject to the approval of the Military Board.

Notwithstanding the foregoing, the Inspector-General shall be entitled to assume command at any parade of the Military Forces not being a parade held in time of war.

The Australian Intelligence Corps is a combatant corps forming part of the Militia Forces but no officer of this corps shall exercise command over other corps except for the substantive rank for which he has qualified in the examinations prescribed for Light Horse, Artillery, Engineers, or Infantry.

12. When units or detachments of different corps are employed together on any duty, each unit and detachment will, subject to the orders of the officer commanding the whole body, act under the immediate authority of its own commander in matters of a purely regimental character. Command of detachments.

13. Subject to the fact that any officer, whether of permanent, local or temporary rank, may, as described in paragraph 11, be specially appointed to any particular command, an officer granted local rank by the Governor-General holds the same advantages of precedence and command as permanent rank so long as the officer is holding the appointment for which it is given. Local and temporary rank

Officers appointed to act temporarily in a higher rank shall take rank among themselves, while so acting, according to the dates of their temporary appointments, but as junior to all permanent officers of the same grade.

14. Brevet rank will only be given for Distinguished Service in the Field. Brevet rank in the Military Forces does not count in calculating seniority within the regiment or corps to which the officer belongs, nor for pay and allowances, in which cases the substantive rank is alone to be considered. Brevet rank.

15. Honorary rank shall not confer the right of any command other than that to which the holder may be entitled by reason of his substantive commission; but an officer holding honorary rank will, in virtue of such honorary rank, be entitled to such other privileges, excepting of pay, allowances, promotion, or retirement, as may belong to the corresponding substantive rank. Honorary rank.

16. Departmental officers shall be entitled to precedence, and, subject to the regulations for pay, &c., other advantages attached to the corresponding rank of combatant officers. Such rank or position will not, however, entitle the holder of it to the presidency of courts-martial, or to military command of any kind except over such officers and men as may be specially placed under his command, provided that an officer of the Army Ordnance Department will be the officer of, and will command, the Army Ordnance Corps. Departmental and other officers.

Officers of the Australian Army Medical Corps will not be entitled to the presidency of courts-martial, nor will they exercise any military command outside their corps, except over such officers and soldiers as may be attached thereto for duty, and over all patients in military hospitals.

Corresponding Ranks in the Military and Naval Forces of the Commonwealth.

17. Nothing contained in these Regulations is to give a claim to any officer of the Naval Forces to assume command of the Commonwealth Military Forces on shore, nor to any officer of the Commonwealth Military Forces to assume command of any of the ships of the Commonwealth, or any of the officers or men thereunto belonging, unless under special authority from the Governor-General for any particular service. Corresponding rank gives no claim to command.

18.

Corresponding Ranks.

MILITARY FORCES.	NAVAL FORCES.	
1. Major-Generals ..	Rear-Admiral	
2. Brigadier-Generals	Captains of the Fleet Commodores, 1st and 2nd Class	
3. Colonels	Captains over 3 years	Paymasters-in-Chief. Chief Inspectors of Machinery and In- spectors of Machinery of 8 years' service in that rank. Staff Captains of 4 years' seniority.
4. Lieutenant-Colonels	Captains under 3 years Commanders, but junior of that rank	Staff Captains under 4 years' senior- ity. Engineer Captains under 8 years' seniority. Staff Commanders } But Fleet-Surgeons } junior Fleet Paymasters } of Engineer Commanders and } that Naval Instructors of 15 } rank years' seniority.
5. Majors .. .	Lieutenants of 8 years' seniority	Navigating Lieutenants of 8 years' seniority. Staff-Surgeons. Secretaries to Junior Flag Officers. Commodores, 1st Class, or Captains of the Fleet. Staff Paymasters. Naval Instructors of 8 years' seniority. Engineer Lieutenants of 8 years' seniority. Paymasters, but junior of that rank.
6. Captains	Lieutenants under 8 years' seniority	Surgeons. Secretaries to Commodores, 2nd Class. Naval Instructors under 8 years' seniority. Assistant Paymasters of 12 years', and Engineer Lieutenants under 8 years' seniority. Assistant Paymasters of 6 years, but junior of that rank.
7. Lieutenants ..	Sub-Lieutenants ..	Assistant Paymasters under 6 years' seniority. Engineer Sub-Lieutenants.
8. 2nd Lieutenants ..		Chief Gunner } But junior of Chief Boatswain } that rank. Chief Carpenter }
9. Garrison Sergeant- Majors, Master Gun- ners, 1st Class, Mil- itary Staff Clerks, 1st Class.		Midshipmen } But senior of that Clerks } rank. Gunners } But junior of that Boatswains } rank. Carpenters }

Officers of the Consular Service will rank with officers of the Military Forces as follows:—

Agents and Consuls-General	with, but after Major-Generals.
Consuls-General	Brigadier-Generals.
Consuls	Colonels.
Vice-Consuls	Majors.
Consular Agents	Captains.

HONOURS AND SALUTES.

General Instructions.

19. The honours and salutes to be given by troops on parade are follows:— Honours and Salutes on parade.

- (i.) *To the King.*—On all occasions, Royal Salute. Standards and colours lowered, officers saluting, men presenting arms, bands playing the National Anthem through.
- (ii.) *To members of the Royal Family.*—Same as (i.) except that the bands will only play the first part (six bars) of the National Anthem.
- (iii.) *To Foreign Sovereigns; Presidents of those Republican States in which the Sovereign is represented by an Ambassador; and Members of Foreign Imperial and Royal Families.*—Same as (i.) or (ii.) respectively, except that their own National Hymn will, when practicable, be played.
- (iv.) *To a Viceroy; and to a Governor-General, High Commissioner, Governor or Lieut.-Governor of a State, colony, protectorate, or possession abroad; or special Royal Commissioner, acting on behalf of the Sovereign, at State ceremonials such as the opening or closing the session of the Commonwealth or State Legislature.*—Same as (i.), except that the bands may only play the first part (six bars) of the National Anthem.
- (v.) *To Field Marshals.*—General salute, same as (vi.), and regimental colours of all forces to be lowered, except when a member of the Royal Family is present.
- (vi.) *To General Officers and Inspecting Officers below the rank of General Officer.*—General salute by the troops under their command; by mounted services with swords drawn, or as laid down in the Light Horse Manual, officers saluting, and bands playing the first part of a slow march; by dismounted services, officers saluting, men presenting arms, colours flying, bands playing the first part of a slow march, and drums beating; by corps not having bands, the trumpets or bugles sounding the salute, or the drums beating a ruffle.
- (vii.) *To Commanding Officers (if under the rank of General Officer) of Districts, Garrisons, Camps, or Stations.*—Honours (not extending to a salute of guns) due to the rank one degree higher than that which they actually hold.
- (viii.) *To Standards, Guidons, and Colours*—when uncased they are, at all times, to be saluted with the highest honours, viz., arms presented, trumpets or bugles sounding the salute, drums beating a ruffle.

20. The National Anthem is not to be played in connexion with National salutes on any occasion than those mentioned in paragraph 19, and Anthem. is only due to those personages who are entitled to a Royal Salute.

21. Governors of States who are also Naval or Military Officers are entitled in every respect to the honours due to their rank, as States. well as to their civil office. Governors of States.

22. Officers temporarily acting in any higher command are entitled, during their temporary tenure, to all the honours and salutes appertaining to such command, provided, so far as artillery salutes are concerned, the officer is not under the rank of Brigadier-General. Acting appointments.

- Officers acting in civil office. 23. Officers temporarily acting in any civil office are entitled, during their temporary tenure, to all the honours or salutes that may appertain to such office.
- Foreign officers. 24. The compliments directed in these Regulations are to be paid to officers in the service of any Power in alliance with His Majesty, according to their respective ranks.
- Saluting. 25. Officers or soldiers passing troops with uncased colours salute the colours, and also the commanding officer (if senior).
- Saluting funerals. Officers, soldiers, and colours passing a funeral will salute the body.
- Compliments on the march. Armed parties in paying compliments on the march will be called to attention, infantry will slope arms, and the command "*Eyes right (or left)*" will be given; mounted units will carry swords, or as laid down in the Light Horse Manual.
- Commanders of parties paying compliments. An officer commanding an armed party passing a guard, or paying or returning a compliment, will draw his sword before giving the necessary command. When in command of an unarmed party, he will return the salute with the right hand as he gives the command "*Eyes right (or left)*." Soldiers in command of parties will conform to the rules laid down for officers.
- Officers saluting. All officers will salute their seniors before addressing them on duty or on parade; when in uniform they will salute with the right hand, in the manner prescribed for soldiers. Officers, except when their swords are drawn, are to return the salutes of junior officers and of soldiers. A salute made to two or more officers will be returned by the senior only.
- Naval Officers. 26. Officers will salute those officers of the Royal Navy and Naval Forces of the Commonwealth when in uniform who would be saluted by individuals of corresponding ranks in their own service.
- H. M. ships. 27. Officers and soldiers boarding any of His Majesty's ships will salute the quarter-deck.
- Saluting officers. 28. Warrant officers, non-commissioned officers, and men of the Permanent Forces will salute all commissioned officers whom they know to be such, whether dressed in uniform or not, including officers of the Royal Navy, Royal Marines, His Majesty's Army, and the Naval Forces of the Commonwealth, and such warrant officers as have rank corresponding to that of commissioned officers in the Army. Warrant officers, non-commissioned officers and men of the Citizen Forces, in uniform, will similarly salute all commissioned officers when in uniform. Warrant officers and non-commissioned officers when wearing swords will salute with the right hand, irrespectively of the side on which the officer saluted may be passing.
- Warrant officers. 29. Non-commissioned officers and men will address warrant officers in the same manner as they do officers, but will not salute them.
- Head-dresses in civil courts. 30. In a Civil Court an officer or soldier will remove his head-dress while the Judge or Magistrate is present, except when the officer or soldier is on duty under arms with a party or escort inside the Court.

Official Visits.

- Official visits between Navy and Army. 31. The following rules are to be observed for the interchange of official visits between Naval and Military Officers at stations where there is a military garrison :—
- (i.) On the arrival of a British or foreign vessel of war an officer is to be sent on board to arrange with the Naval Officer in command as to the exchange of visits.

- (ii.) The District Commandant or other Officer commanding is to call first on any Naval Officer (British or foreign) senior to him, as soon as practicable after arrival, or await his visit if he be junior. The visit is to be returned within 24 hours.
- (iii.) The visit of a Naval Officer below the rank of Captain is to be returned by the Aide-de-camp or some other Staff Officer on behalf of the District Commandant or other Commanding Officer.
- (iv.) The Commandant of the District in which Head-Quarters are situated before taking action in sub-para. I. and II. will consult with the Adjutant-General.

Guards of Honour.

32. A guard of honour, as a general rule, of 100 rank and file, with a Captain in command, two Subaltern Officers (one carrying the standard of Light Horse, or the King's colour of Infantry), a proportion of Sergeants, and a Regimental Band, will attend:—

Guards of honour of 100 rank and file.

- (i.) Upon the King and other Royal personages; and upon Presidents of those Republican States in which the Sovereign is represented by an Ambassador.
- (ii.) At State ceremonials.

Similar guards of honour, but with the regimental colour, will attend upon the Governor-General, Governor, and officers administering the Governments of His Majesty's possessions, and such occasions as are customary within the Governments. (Guards of Honour will not be detailed when the Governor-General, Governors, and officers administering the Government are returning after leave of absence, the duration of which has not exceeded three months; nor when they are merely arriving at, or departing to or from, one or other of the ports within their Government; nor on merely changing their residence.)

32A. A Guard of Honour, of 50 rank and file, with two Officers, one carrying the regimental colour, and a band, will attend:—

Guards of honour of 50 rank and file.

- (i.) When a Foreign General or Flag Officer lands at a military station, within His Majesty's dominions, to visit the Governor-General, the Governor, Military Board, or District Commandant.
- (ii.) To receive distinguished personages other than those mentioned in paragraph 32, or on occasions not specified in paragraph 19, if it is deemed expedient.
- (iii.) (a) At the port where the Naval Commander-in-Chief of the Australian Station lands for the first time within the Commonwealth.
- (b) On each occasion on which he receives an artillery salute on paying an official visit to the Governor-General.

32B. Voluntary Guards of Honour as in 32A may be furnished for the Governor-General or the Governor of a State when visiting Cities or Towns in the Commonwealth on other than State occasions, and provided that troops are available without expense.

Voluntary Guards of Honour.

33. Mounted Escorts will attend if ordered when Guards of Honour are furnished as provided for in para. 32. The strength of the escort for the Governor-General will be—1 Officer, 1 Sergeant, and 20 rank and file, and for the State Governors—1 Officer, 1 Sergeant, and 12 rank and file.

Mounted Escorts.

Voluntary Escorts may be furnished as in 32B.

Flag Stations and Flags to be Flown.

Flag and flag
stations.

34. Where two flags are issued, the smaller is for use in bad weather.

Flag Stations.	Australian Ensign.	
	12 feet x 6 feet.	6 feet x 3 feet.
<i>New South Wales.</i>		
Victoria Barracks, Sydney ...	1††	1*
Saluting Battery, Sydney ...	1†	1†
Middle Head Fort ...	1†	1†
Fort Scratchley, Newcastle ...	1†	1†
<i>Victoria.</i>		
Victoria Barracks, Melbourne ...	1††	1*
Queenscliff Fort ...	1†	1†
Gellibrand Fort ...	...	1†
<i>Queensland.</i>		
Victoria Barracks, Brisbane ...	1††	1*
Barracks, Thursday Island ...	1††	1††
<i>South Australia.</i>		
District Head-Quarters, Adelaide ...	1††	1*
Fort Largs ...	1†	1†
<i>Western Australia.</i>		
District Head-Quarters, Perth...	1††	1*
Barracks, Albany ...	1†	1†
<i>Tasmania.</i>		
District Head-Quarters, Hobart ...	1†	1*
Saluting Battery, Hobart ...	...	1††

† On anniversaries, State occasions, and when required for saluting or other special purposes. ‡ On Sundays and anniversaries. * Daily, except Sundays.

Saluting Stations.

Stations for
firing salutes.

35. The following is a list of stations at which salutes are authorized to be fired :—

New South Wales	...	Saluting Battery, Sydney.
Victoria	...	H.M.A.S. <i>Cerberus</i> to return Salutes of foreign Men-of-war when available, and at other times, Fort Gellibrand, or the Domain Saluting Battery.
Queensland	...	Brisbane and Thursday Island.

South Australia	...	H.M.A.S. <i>Protector</i> to return Salutes to foreign Men-of-war when available, and at other times, Fort Largs.
Western Australia	...	Fremantle and Albany.
Tasmania	...	Saluting Battery, Hobart.

Artillery Salutes.

36. The forts and batteries referred to in paragraph 35 will fire Artillery salutes as follows :—

No. of guns, 21—

Royal Salute—

- (1) The Sovereign; a member of the Royal Family; a Foreign Crowned Head; Sovereign Prince or his Consort; a Prince who is a Member of a Foreign Royal Family; President of a Republican State.

(Salutes will be fired both on arrival and departure.)

- (2) The Standard of the Sovereign, or Prince of Wales, when passing in a vessel.

- (3) Anniversaries—Birthday (as notified in the *Gazette*), Accession, Coronation of Sovereign, Birthday of Consort of Sovereign, and Empire Day.

(These salutes will be fired at noon.)

No. of guns, 19—

- (1) The Governor-General.
- (2) The opening, proroguing, and dissolving Parliament of the Commonwealth or a State.
- (3) Other occasions, as directed by the Governor-General.
- (4) * ‡ Admirals of the Fleet.

No. of guns, 17—

Governors of His Majesty's Colonies or States (para. 38).

* ‡ Admirals.

No. of guns, 15—

* ‡ Vice-Admirals.

Lieutenant-Governors and officers administering the Government of Colonies or States, and Administrators acting under the Governor-General (para. 38).

No. of guns, 13—

* ‡ Rear-Admirals.

No. of guns, 11—

* ‡ Commodores (no senior Captain being present).

† Consuls-General.

No. of guns, 7—

† Consuls.

* The salutes will not be repeated oftener than once in twelve months, except in case of advance of rank when the scale for the new rank is granted. The salutes being personal, will not be returned.

† On going on board or leaving one of His Majesty's ships; but this is only to be done when within the State to which they are accredited, and only once in twelve months from the same ship to the same person.

‡ 1. The salute to be fired on the landing of the Naval Commander-in-Chief for the first time will be given on the occasion of his landing to pay his first official visit to the Governor-General.

2. The salute to which the Naval Commander-in-Chief is entitled after the expiration of twelve months from the first salute, or on promotion will, in the same manner, be fired on the occasion of an official visit to the Governor-General.

3. No salute will be fired on any other occasion of the Naval Commander-in-Chief landing within the limits of the Commonwealth.

Salutes for distinguished foreigners.

Governor-General, State Governors, and Lieut. Governors.

Foreign men-of-war.

No person to be saluted in more than one capacity.

Foreign Sovereigns and national festivals.

Salutes in honour of great victories or on special occasions.

37. A foreigner of high distinction or a foreign general or a flag officer when visiting the Governor-General, a Governor, the Military Board, or the District Commandant (see paragraph 32A) may, on landing, be saluted with the number of guns which from his rank he is entitled to receive from a ship of war of his own nation, or with such number not exceeding 19, as may be deemed proper; but such salute will not in any case exceed the number of guns given to officers of corresponding rank in His Majesty's army and navy.

38. The Governor-General, State Governors, and officers administering the Government will be saluted on the following occasions. They will not receive artillery salutes on any other occasions:—

- (i.) On first landing in their governments.
- (ii.) On reading of Royal Commission and taking the oaths of office.
- (iii.) On departing from their governments on leave of absence exceeding three months.
- (iv.) On returning from leave of absence exceeding three months.
- (v.) On finally quitting the Commonwealth, or a State, as the case may be, on expiration of term of office.
- (vi.) When officially visiting States, ports, and dependencies within their governments, but not oftener at any one place than once in 12 months.

39. All salutes from ships of war of other nations to His Majesty's forts or batteries named in paragraph 35 are to be returned gun for gun. His Majesty's ships and His Majesty's forts will not, on any account, exchange salutes.

40. Such of the authorities mentioned in the foregoing instructions as may, from their rank and appointments, be entitled to be saluted in more than one capacity, will be saluted under that rank which shall entitle them to the greatest number of guns, but on no occasion is the same individual to be saluted in more than one capacity.

41. Upon the occasion of the celebration of the birthday of the King or Queen of a foreign nation or other important national festivals or ceremonies by any ships of war of such nation, a salute not exceeding 21 guns may be fired in conjunction with any of His Majesty's ships that may be present, on official intimation of the intended celebration being received from the Governor-General.

42. No salutes other than those authorized by these Regulations are to be allowed, except such as may be necessary for the fulfilment of any treaty obligation; provided that, upon any important occurrence, such as a great victory gained by His Majesty's arms, or highly advantageous national event, the Governor-General may direct such salutes to be fired as the occasion may seem to him to require.

Salutes in Boats.

Boats saluting.

43. The following are the rules for saluting to be observed in military boats:—

(1.) When an officer is in the boat—

Rank.	When passing.	Under oars.	Meeting at landing place or alongside ship.
Field officers ..	Admiral or General ..	"Lay on Oars," Officer salutes	Crew "Eyes Front," Officer and coxswain salute.
Field officers ..	Other naval and military officers, if senior	Officer salutes ..	Officer salutes

Rank.	When passing.	Under oars.	Meeting at landing place or alongside ship.
Officers below rank of Field officer	Admiral or General ..	"Toss Oars," Officer salutes	Crew "Eyes Front," Officer and coxswain salute
Officers below rank of Field officer.	Commodore Colonel .. Captain .. Lieut.-Colonel	"Lay on Oars," Officer salutes	Crew, "Eyes Front," Officer and coxswain salute
Officers below rank of Field officer.	Other officers of either Service whom they know to be senior	Officer salutes ..	Officer salutes

(2.) When no officer is in the boat—

When passing.	Under oars.	Meeting at landing place or alongside ship.
Admiral .. General officer Commodore .. Colonel Captain .. Lieut.-Colonel	"Toss oars," coxswain salutes	Crew "Eyes Front," coxswain salutes
All other officers	"Lay on Oars," coxswain salutes	Crew "Eyes Front," coxswain salutes

NOTE.—In boats fitted with crutches, oars are never to be tossed, but the salute should be given by laying on oars.

- (3.) In steamboats, engines are to be stopped in those cases in which, in pulling boats, oars are tossed; engines are to be eased in those cases in which pulling boats "lay on" oars.
- (4.) Laden boats, or those towing or in tow, are not to toss or lay on their oars.
- (5.) Coxswains of boats under oars or sails when an officer is in charge, only salute at landing places.
- (6.) Salutes in boats, under oars or sails, are to be made sitting down; in other cases standing up.
- (7.) Boats laying off on their oars are to salute as above, but the bowmen will salute as well as the coxswain.
- (8.) Boat-keepers salute standing up in the ordinary manner.
- (9.) For a Royal salute the crew toss oars and stand up (in double-banked boats only).
- (10.) When a general officer is saluted with guns, he will, on the first gun being fired, if in a steam-boat, stop the engines, or, if in a pulling boat, "lay on oars," and on the last gun being fired will turn towards the ship and salute.

MILITARY FUNERALS.

44. Military funerals will not be ordered without special authority, unless troops are stationed within reasonable distance of the burial ground. Gun carriage and other appliances will be supplied when available. When to be ordered.

45. Officers are not to be interred with military honours unless they are, at the time of their decease, on full pay, or employed on the Staff, or in the exercise of some military command or office. No honours are to be paid officially at the funerals of other officers, or of retired soldiers. Officers when entitled to.

Salutes and
firing parties.

46. Military funerals will be accorded to officers and soldiers buried within the district or station occupied by the troops with which they are serving at the time of their death. Provided the garrison in such district or station is sufficient, military funerals are to be saluted and attended in accordance with the following table :—

Rank, or Corresponding Rank	Salute of Guns.	Rounds of Small Arms.	Troops to attend with due Proportion of Officers.
Lieut-General ..	13	..	3 Battalions and 4 Squadrons
Major-General ..	11	..	2 " " 3 "
Brigadier-General ..	9*	..	1 " " 2 "
Colonel Commanding ..	..	..	His own regiment or detachments equivalent thereto
Lieut.-Colonel ..	..	..	300 rank and file
Major ..	..	..	200 " "
Captain ..	..	..	His own company or 100 men
Lieutenant, or 2nd Lieutenant ..	..	..	40 rank and file, under a Lieutenant or 2nd Lieutenant
Warrant Officer ..	..	..	25 rank and file, under a sergeant
Sergeant ..	..	..	19 " " " "
All other grades ..	..	..	13 " " " "

* Only when commissioned as Brigadier-General.

Minute guns.

47. At the funerals of general and flag officers, or of commodores and brigadier-generals dying upon service, minute guns are to be fired while the body is proceeding to the burial ground, but these minute guns are not to exceed the number to which the officer's rank entitled him when living. When any such officers who have died when afloat are to be buried on shore, minute guns are to be fired from the ship, if a ship of war, while the body is being conveyed to the shore, and where the means exist, minute guns will be fired from the shore while the procession is moving from the landing place to the burial ground. The total minute guns so fired must not exceed twice the number of guns to which the deceased was entitled when living.

Salute after
interment.

48. The salute of guns prescribed by paragraph 46, or, in the case of flag officers and commodores, a salute of the number of guns to which the deceased was entitled when living, will be fired after the body is deposited in the grave.

Pall-bearers.

49. The pall is to be supported by officers of the same rank as that held by the deceased, but if a sufficient number of that rank cannot be obtained, officers next in seniority are to supply their places.

Staff and
departmental
officers.

50. Honours paid at the funerals of Staff and Departmental Officers are to be regulated according to the ranks, or corresponding ranks, as the case may be.

Parties to attend
funerals.

51. In addition to the firing parties, the funeral of an officer will be attended by the officers, that of a warrant officer by the warrant officers, that of a sergeant by the sergeants, and that of a corporal by the corporals, of the corps to which the deceased belonged or was attached. The funeral of a non-commissioned officer or private will be attended by the squadron, troop, battery, or company (officers included) to which he belonged, or was attached.

Minute Guns at Civil Funerals.

Salutes at
funerals of civil
functionaries.

52. Upon the authority of the Governor-General at the funerals of civil functionaries the same number of guns will be fired as minute guns, while the procession is going to the burial ground, as they were entitled to as salutes when living. Civil functionaries not entitled to salutes of cannon when living are not to have guns fired at their funerals.

Salute to Remains of Distinguished Foreigners, &c.

53. Should a vessel carrying the remains of any foreigner of high distinction, foreign general, or foreign flag officer, arrive during saluting hours at any of the authorized saluting stations (see paragraph 35), the same number of minute guns will be fired on its arrival as the deceased was entitled to under paragraph 36 when living. Saluting bodies of distinguished foreigners.

OFFICERS.

Appointment, Promotion, Exchange, Transfer, Retirement, and Resignation.

General.

54. All appointments, promotions, exchanges, transfers, resignations, and retirements of Officers will be notified in the *Gazette*, and promulgated in Orders. Unless otherwise stated in the *Gazette*, these notifications will take the date of the *Gazette*. Any such resignation or retirement shall mean the absolute withdrawal of the individual concerned from the Military Forces, unless it be specially stated to the contrary. Commissions will take effect from the date above mentioned. Gazette, Date of appointments, &c.

55. Where vacancies exist in the rank of Lieutenant, owing to no Second Lieutenant being qualified for promotion, extra Second Lieutenants may be appointed, provided the total establishment of subalterns is not exceeded. The same principles shall be applied in respect to higher ranks. Establishment of officers.

56. Supernumerary Lieutenants and 2nd Lieutenants may be appointed to Regiments and Corps, on the recommendation of District Commandants, not exceeding in number 25 per cent. of the annual establishment of those ranks, except that in the Australian Corps of Signallers, two supernumerary Lieutenants or Second Lieutenants per Company may be appointed. Such officers will be required to supply themselves with undress uniform only. They will not be entitled to any pay or allowances whilst borne as supernumeraries. Supernumerary officers.

First Appointment.

57. First appointments will, as a rule, be made to the rank of Second Lieutenant (but to rank of Captain in the case of the Australian Army Medical Corps and to the rank of Lieutenant in the case of the Australian Intelligence Corps). To rank of second lieutenant.

58. An officer appointed as 2nd Lieutenant will be required to complete a period of twelve months' service in that rank, and may then, if he has passed the prescribed examinations, and is recommended by his Commanding Officer and the District Commandant, be promoted to the rank of Lieutenant. To rank of lieutenant.

An officer appointed as Lieutenant in the Australian Intelligence Corps will be required to complete a period of twelve months' service in that rank, and may then, if he has passed the prescribed examinations, and is recommended by the Officer Commanding the Corps in his District and the District Commandant, be promoted to the rank of Captain.

59. Candidates must not be less than 18 years of age, nor more than 40, except as specially prescribed in these Regulations. In special cases recommended by the Military Board, persons may be appointed who exceed the age laid down. Such special appointments, which are reserved for very exceptional cases, will be judged solely on their merits. Age.

60. In accordance with section 11 of the Defence Acts 1903-1904, preference will be given in the first appointment of officers—in case of equality of qualifications—to persons who have served in the Defence Force for three years without a commission, special consideration being given to military ability and professional experience. Promotion from the ranks.

Special appointments.

61. The Governor-General may appoint any person to be an Officer for distinguished service, or for marked ability, and for gallantry in active service, without his passing the prescribed examination.

Appointments with or without examination.

62. No person, except as prescribed in para. 61, shall be appointed an Officer in the Active Forces until he has passed the prescribed examination, but persons who have not passed that examination may be appointed "provisionally" as Officers of that rank. The requirements of this paragraph may be dispensed with by the Governor-General in the case of persons who are Officers of the King's Regular Naval or Military Forces. (Sec. 14, D.A.)

Examinations half-yearly.

63. Examinations will, if necessary and practicable, be held in each district half-yearly. The subjects and scope of the examinations shall be set out from time to time in Standing or other Orders.

Officers provisionally appointed.

64. Officers provisionally appointed must present themselves for examination at the first or second half-yearly examination subsequent to their provisional appointment, except under special circumstances, approved by the Military Board, or where a less period is prescribed in these Regulations. They must pass at either of such examinations, or the one next following, which, however, must not exceed a period of 18 months from date of provisional appointment. If successful, and if satisfactorily reported upon by their respective Commanding Officers, the provisional appointments may then be recommended for confirmation.

Failure to qualify.

65. Officers who fail to qualify as above shall be recommended by District Commandants to be retired—having failed to qualify. (Sec. 15, D.A.)

Applications for first commissions.

66. All recommendations for appointments will be forwarded by Commanding Officers to the District Commandant, on the authorized form.

When forwarding these applications to the Military Board, District Commandants will state their opinion of the fitness of each candidate for appointment.

When the candidate has previously held a commission, a certificate from his last Commanding Officer will be forwarded as to whether his services were satisfactory, and whether his retirement or resignation arose from any matter affecting his character or efficiency. A candidate may be appointed provisionally, pending the production of the aforesaid certificate. When the candidate has previously served in the ranks of the Naval or Military Forces, his discharge certificate will accompany the recommendation.

In the case of the Australian Intelligence Corps the Adjutant General will take the advice of the Chief of Intelligence and the Officer Commanding the Corps before submitting to the Military Board the names of candidates for appointment to the corps.

Appointments to First Commissions in the Royal Australian Artillery and the Royal Australian Engineers.

Notice of vacancies.

67. Notice of vacancies in the Royal Australian Artillery and Royal Australian Engineers will be given by advertisement in all the States and by Notice in Military and District Orders.

Applications from candidates, in accordance with para. 68, will be received by District Commandants, who will forward the same to the Military Board. When forwarding applications District Commandants will state their opinion of the fitness of each candidate for appointment.

Candidates will be informed of the Military Board's approval of their nomination or otherwise to undergo the examination prescribed.

Eligibility of candidates.

68. The following persons are eligible for appointment in the Royal Australian Artillery, provided they are certified by a Medi-

cal Board to be physically qualified, and subject to passing the prescribed examination :—

- (a) Officers of the Militia and Volunteer Forces, provided they are between the ages of 19 and 27 years at the date of holding the examination.
- (b) Warrant officers, non-commissioned officers and men, who have served for 3 years in the Defence Force, provided they are between the ages of 19 and 27 years at the date of holding the examination.
- (c) Candidates who have served in a campaign, provided they are between the ages of 19 and 27 years at the date of holding the examination.
- (d) Other candidates, provided they are between the ages of 18 and 23 years at the date of holding the examination.

“To be eligible for appointment in the Royal Australian Engineers, a candidate must be between the ages of 20 and 30 years, be certified by a Medical Board to be physically qualified, and must have—

- (a) Served as a pupil for three years in engineering workshops, during which one year shall have been spent in the drafting office; or
- (b) Served for three years as an articled pupil, or its equivalent, in a reputable civil engineering, electrical engineering, or architectural firm, or in a Government engineering or architectural office; or
- (c) Completed the three years course for a degree of Bachelor of Engineering, or its equivalent, in any university or technical school.”

69. Should there be more candidates than vacancies, the examination will be competitive. Competitive Examination.

70. First appointments will be made to the rank of Lieutenant. Rank on

71. Successful candidates will be appointed for eighteen months on probation, and must, during that period, pass a qualifying examination in military subjects. The appointment of any candidate who fails to pass will not be confirmed. Under very special circumstances, the term of probation may be extended, on the recommendation of the Military Board, for a period not exceeding three months. Appointment.

72. The subjects and scope of the examinations shall be as set out from time to time in Standing or other Orders. Examination to be as prescribed.

Appointment of Officers to the Administrative and Instructional Staff.

73. Notice of vacancies for Officers on the Administrative and Instructional Staff will be given by advertisement in all the States and by Notice in Military and District Orders. Applications from candidates, in accordance with paragraph 74, will be received by District Commandants, who will forward the same to the Military Board. When forwarding applications, District Commandants will state their opinion of the fitness of each candidate for appointment. Notice of vacancies.

Candidates will be informed of the Military Board's approval of their nomination or otherwise to undergo the examination prescribed.

74. The following persons are eligible for appointment to the Administrative and Instructional Staff, provided they are certified by a Medical Board as being physically qualified, and subject to passing the prescribed educational and military examinations.

- (a) Officers of the Militia and Volunteer Forces, provided they are between the ages of 22 and 35 years at the date of holding the educational examination.

(b) Warrant Officers, Non-commissioned Officers and men, who have served for three years in the Defence Force, provided they are between the ages of 22 and 35 years at the date of holding the educational examination.

(c) Other candidates, provided they are between the ages of 22 and 30 years at the date of holding the educational examination.

Competitive
examinations.
Appointment.

75. Should there be more candidates than vacancies, the Military examination will be competitive.

76. First appointments will be made to the rank of Lieutenant. A successful candidate will be appointed for six months on probation. At the end of this period his appointment may be confirmed on the report of the District Commandant under whom the candidate served, that he has satisfactorily performed the duties of an Officer of the Administrative and Instructional Staff, and is likely to become a suitable Staff Officer.

Examination to
be as prescribed.

77. The subjects and scope of the examination shall be set out from time to time in Standing or other Orders.

Seconding or
appointing of
officers of
R.A.A. and
R.A.E.

78. Officers of the Royal Australian Artillery and Royal Australian Engineers may be seconded or appointed for service on the Administrative and Instructional Staff.

Commanding Officers.

Period of
command.

79. Officers appointed to command regiments or corps or larger units may hold such appointments, subject to the provisions for retirement on account of age, for a term of five years; but the Governor-General may extend such term for a further period, subject in either case to the provisions of paragraph 134.

Aides-de-Camp to the Governor-General.

Number.

80. Officers, not exceeding 12 in number, may be appointed as Aides-de-Camp to the Governor-General for gallantry and distinguished service in the field or for meritorious service in the interests of the Commonwealth.

Eligibility.

81. Officers eligible for the above distinction must be on the Active List, or the Reserve of Officers, and not below the rank of Major.

Tenure.

82. The appointment to be for five years. In exceptional circumstances Officers may be re-appointed for an additional term of two years.

Aiguillette.

83. Aides-de-Camp to the Governor-General will wear, on the right shoulder, when on duty, a special gold cord aiguillette of a somewhat similar design to that worn by Aides-de-Camp to the Sovereign.

Without pay.

84. These appointments will not entitle the officer to any pay or allowances.

Honorary Physicians and Honorary Surgeons to the Governor-General.

Number.

85. Officers of the Australian Army Medical Corps, not exceeding two in number, may be appointed as Honorary Physician and Honorary Surgeon respectively to the Governor-General for distinguished service in the field, or for meritorious service in the interests of the Commonwealth.

Regulations as
for A.D.C.

86. Regulations applying to the appointment, duties, &c., of Aides-de-Camp to the Governor-General will apply to Honorary Physicians and Honorary Surgeons.

Without pay.

87. These appointments will not entitle the officer to any pay or allowances.

Aides-de-Camp to State Governors.

88. The Governor-General may approve of any officers of the Number. Defence Forces not being in the Permanent Forces, and not exceeding two in number, accepting appointment as Aides-de-Camp on the Personal Staff of a Governor of a State.

89. Aides-de-Camp are not to be of higher rank than Lieutenant-Colonel. Officers of the Military Forces will not be placed on the Supernumerary List of their Regiments, but when doing duty on the Personal Staff of the Governor of a State will be shown as "On Command" upon the occasions when they may be prevented from carrying out their usual military duties. Rank. Not to be seconded.

90. Aides-de-Camp will be permitted to wear, on the right Aiguillette shoulder, an aiguillette when on duty similar to that allowed for Personal Aides-de-Camp under Dress Regulations.

91. These appointments will not entitle officers to any pay or allowances. Without pay.

Militia and Volunteer Adjutants.

92. Officers not above the rank of Captain will be provisionally appointed as Adjutants on the recommendation of Commanding Officers and District Commandants, and, within a period of nine months of such provisional appointment, will be required to pass such examinations as are set out from time to time in Standing or other Orders, and failing to pass such examination will cease to hold the appointment. Upon passing such examination an Adjutant will be confirmed in the appointment. Appointment.

No officer shall retain the appointment of Adjutant for a longer period than twelve months after promotion to field rank.

93. The appointment of Adjutant should not exceed a period of three years, but may, if recommended by the Commanding Officer and the District Commandant, be extended for a further period of two years. Tenure.

Staff Officers—Australian Intelligence Corps.

93A. A Staff Officer to the Officer Commanding the Australian S.O. to O.C. Intelligence Corps and to each Officer Commanding the Corps in a District may in like manner be appointed, on the recommendation of the Chief of Intelligence and the Officer Commanding the Corps for such period as is thought fit and at the rates of pay provided for Militia Adjutants. Aust. Intelligence Corps.

Quartermasters.

94. Recommendations for appointment as Quartermaster will be forwarded by Commanding Officers to District Commandants, accompanied by the documents specified in para. 66. Appointment.

95. Candidates promoted from the ranks are eligible for Age. appointment as Quartermaster up to the age of 50.

96. On appointment, a Quartermaster will be granted the honorary rank of Lieutenant, and, after seven years' service as a Quartermaster, will be granted the honorary rank of Captain. Honorary rank

97. Quartermasters of not less than twelve years' commissioned service who have held the rank of Captain or Honorary Captain for not less than five years may be promoted to the honorary rank of Major if recommended by the District Commandant. Promotion.

98. In case of an officer holding substantive rank being appointed as Quartermaster, he will continue to hold such rank. Substantive rank.

Honorary Colonels-in-Chief and Honorary Colonels.

99. An Honorary Colonel-in-Chief may be appointed to the Conditions of Australian Light Horse, the Australian Artillery, the Corps of Australian Engineers and the Australian Infantry, and an Honorary appointment.

Colonel may be appointed to any Regiment or Corps of the Military Forces, subject to the following conditions :—

(a) The appointment to be purely honorary, and to confer no right of command.

(b) No expense to the public to be entailed by such appointment.

Tenure of appointment.

100. Honorary Colonels shall not be subject to the provisions for compulsory retirement on account of age, but may continue to hold their appointments during the pleasure of the Governor-General.

For whom reserved.

101. The above honorary positions are reserved for Officers and others who have rendered valuable, distinguished, or gallant service to Australia in a military or other public capacity. Appointments will not be tendered to any person without permission of the Military Board.

Duration of Appointments on the Administrative and Instructional Staff.

Duration of appointments.

102. (a) No Officer, unless re-appointed, shall hold the position of Inspector-General or a position on the Staff of the Inspector-General for a longer period than four years.

(b) No Officer of the Administrative and Instructional Staff, unless re-appointed, shall hold the same position for a longer period than four years.

Promotions.

Special promotion.

103. The Governor-General may promote an Officer for distinguished service, or for marked ability and gallantry in active service, without his passing the prescribed examination. (Sec. 22, D.A.)

Graduates' Staff College.

103A. Officers who have graduated at the Staff College, England, will be exempt from all examinations for promotion to the ranks of Captain and Major.

Qualifying examination.

104. No Officer below the rank of Lieutenant-Colonel, except as provided in para. 103, shall be promoted unless he has previously passed the prescribed examination for promotion to a higher rank. (Sec. 21 (1), D.A.)

Provisional promotion.

105. Where an officer has had no opportunity of passing the prescribed examination, he may be provisionally promoted subject to his passing such examination within twelve months of such promotion. (Sec. 21 (2), D.A.)

Subjects of Examinations.

106. The subjects and scope of the examinations shall be set out from time to time in Standing or other Orders.

Officers who qualify at an approved university in subjects prescribed for examination for promotion will be exempted from further examination in such subjects for promotion to the next higher rank.

The universities and subjects to which this paragraph applies will be notified from time to time in Military Orders.

Proposed promotions.

107. Recommendations for promotions are to be submitted to the Military Board in the same manner as appointments, but in the case of the Australian Intelligence Corps the Adjutant-General will take the advice of the Chief of Intelligence and the Officer Commanding the Corps before submitting proposed promotions to the Military Board.

Recommendations.

108. When recommending an appointment or promotion, by which an officer will be superseded, the Commanding Officer will state the circumstances which have induced him to make his recommendation, and also that the officer to be superseded has been informed.

Promotion and appointment by selection.

109. Promotion up to the rank of Captain will usually be made according to seniority, and to higher grades by selection, subject, in all cases, to the passing of such examinations as may from time to

time be laid down. In the case of the Australian Intelligence Corps promotions will be by selection subject to the passing of the prescribed examinations.

110. No officer is entitled to claim promotion as a right.

Promotion not a right.

111. In the case of squadrons or companies of the Militia and Volunteer Forces, which are detached at some distance from the rest of their Regiment or Corps, promotion to the rank of Lieutenant, Captain, and Major, will be limited to vacancies in that Company, unless, in the opinion of the Commanding Officer, an Officer, who is otherwise due for promotion, can be conveniently transferred to the Company in which the vacancy has occurred.

Promotion in units detached.

In the case of the Australian Field Artillery, Australian Garrison Artillery, Corps of Australian Engineers, Australian Intelligence Corps, and Departmental Corps, promotion to higher rank will be limited to the State in which the vacancy occurs, except that in the case of the Australian Intelligence Corps promotions may be made on transfer from the Corps in a State to Corps Head-quarters or *vice versa*.

Chaplains' Department.

112. The Administration of the Chaplains' Department in each Administration District is vested in the District Commandant of such District.

113. The Regulations governing the maximum age for first Age. appointment of officers to the Military Forces of the Commonwealth shall not apply in the case of Chaplains.

114. First appointments will be to the 4th Class.

Appointments.

115. Chaplains of the 4th Class will hold relative rank of—

Classification.

			Captains.
"	3rd	"	Majors.
"	2nd	"	Lieut-Colonels.
"	1st	"	Colonels.

116. Promotions of Chaplains will be governed by length of service as follows:—

After 10 years' commissioned service as Chaplain, to the 3rd Class.

After 15 years' commissioned service as Chaplain, including 5 years in the 3rd Class, to the 2nd Class.

After 20 years' commissioned service as Chaplain, five of which must have been in the 2nd Class, Chaplains may be recommended for promotion to 1st Class.

117. Chaplains shall not be subject to the Regulations governing retirement for age laid down in para. 134, but shall, on reaching the age of 60 years, be retired. In cases of exceptional nature, the Governor-General may extend the age for retirement for a period not exceeding two years.

Retirement for age.

118. The appointment of Chaplain will not carry any pay or emolument, except the pay and allowance prescribed when called out for active service.

Pay.

119. Chaplains are to be treated with those marks of respect which are due to their rank and profession, and Commandants and Officers Commanding are to render them every possible assistance in carrying out their duties.

Courtesies.

Exchange and Transfer.

120. Officers of different Regiments or Corps, but of the same rank and arm, may be allowed to exchange, subject to the following conditions:—

Exchange.

(a) Approval must be obtained from the Officer Commanding each Regiment or Corps concerned.

(b) Each Officer shall rank regimentally in his new Regiment or Corps as may be prescribed.

Proposed exchanges are to be submitted to the Military Board, in the same manner as appointments, and in the case of the Australian Intelligence Corps the Adjutant-General will take the

advice of the Chief of Intelligence and the Officer Commanding the Corps.

Transfer.

121. Any Officer may be transferred to another Regiment or Corps subject to such conditions as may be approved by the Governor-General.

Seconded Officers.

Officers, when to be seconded.

122. An officer below the substantive rank of Lieutenant-Colonel may be seconded in his Regiment or Corps :—

- (a) From the date of appointment, as notified in the *Gazette*, to the Administrative and Instructional Staff.
- (b) From the date of appointment to an Adjutancy.
- (c) From the date of appointment or embarkation in the case of an over-sea military appointment.
- (d) From the date of appointment to any civil office, or to any public position which prevents the performance of military duty.
- (e) From the date of being appointed or attached to the Australian Intelligence Corps.

Service with Cadets.

123. Officers of the Militia and the Volunteer Forces who are detailed to serve with the Commonwealth Military Cadet Corps will be seconded from their Regiments or Corps whilst so serving unless special authority is obtained from the Military Board for them to continue to serve with their Regiments or Corps.

To become supernumerary until absorbed.

124. On reverting from the Seconded List an Officer shall, unless liable to retirement, rejoin his regiment as supernumerary, retaining his regimental rank and position.

Regimental vacancy, when retained.

125. If a vacancy occurs in a regiment in which there is a seconded Officer who would revert, within three months, to the Regimental List, such vacancy may be retained for the absorption of the seconded Officer.

Supernumerary Regimental Officers.

Supernumerary officers.

126. An Officer may be retained as supernumerary on the strength of his Regiment or Corps :—

- (a) In the case of a reduction in the establishment of the Regiment or Corps.
- (b) While awaiting a vacancy under paras. 56 or 124.
- (c) As an Adjutant.

Unattached List.

Who may be placed on list.

127. An Unattached List shall be formed to which Officers who have served for not less than five years in a Regiment or Corps as Officers, shall be appointed, transferred, or promoted, when they are temporarily unable to serve with their Corps, or when they are, for any reason whatever, unable to discharge the more active duties entailed by service with defined Regiments, Corps or on the Staff. Officers will only be appointed to the Unattached List who certify that they are capable of and desirous for military employment if required. (Sec. 24, D.A.)

Application to be placed on list.

128. Officers who desire to be placed on the Unattached List will apply to their Commanding Officers, who will forward the applications to the District Commandant, with their observations.

Counting of service.

129. Service upon the Unattached List will count towards Honorary Rank. Officers who have been on the Unattached List more than two consecutive years without either attending a School of Instruction or being employed for at least four days at a Camp of Training, will be transferred to the Reserve of Officers, except Officers of the Australian Army Medical Corps and those Officers whose civil avocations qualify them for the position they are allotted to in the scheme of Defence.

Instruction of officers.

130. Officers upon the Unattached List should be called upon by District Commandants to attend a course of instruction or camp of training, or to perform other military duty.

District Commandants are to afford all Officers on the Unattached List facilities to comply with this Regulation.

131. Officers on the Unattached List are available for duty with Service with the Commonwealth Military Cadet Corps. Cadets.

Reserve of Officers.

132A. Officers within the age limit may be transferred to the Reserve List. Reserve of Officers. (Sec. 25, D.A.)

132B. The Reserve of Officers shall form part of the Reserve To form part of Forces. (Sec. 32, 4b.) Reserve Forces..

132C. Officers on the Reserve List are available for duty with Service with the Commonwealth Military Cadet Corps. Cadets.

132D. Officers of the Reserve Forces may resign in the same Resignation. manner as Officers of the Active Forces.

Retired List.

133. Officers of the Military Forces who are retired with per- Retired List. mission to retain their rank and wear the prescribed uniform will be placed on the Retired List.

Ages for Retirement.

134. Officers and soldiers of the Military Forces shall be retired at the ages set forth in the following table, but in special cases of an exceptional nature the Governor-General may extend the prescribed age for retirement for a period not exceeding two years :—

Rank or Appointment.	Age for Retirement.
Major-General	62
Colonel	62
Lieutenant-Colonel	60
Major	55
Captain	53
Lieutenant	48
Officers of the Australian Army Medical Corps	
Reserve	60
Quartermaster and Bandmaster holding com- missions	60
Military Staff Clerks	60
Warrant Officers	60
Armament Artificers, Assistant Armament Arti- ficers, and other Ordnance Department Artificers	60
Non-commissioned Officers	60
Men	55*

* Volunteers, 60.

Local, temporary, or honorary rank will not be considered in reference to the age for retirement.

Rank on Retirement.

135A. Officers on retirement may be granted honorary rank, When granted. or may be allowed to retain their rank, with the right to wear the uniform of their Corps, and with the addition of the letter R on the shoulder strap, as follows :—

WITH STEP OF RANK ON RETIREMENT.

Substantive Rank.	Service Qualifications.
Colonel	After ten years' service in that rank.
Lieut.-Colonel... ..	{ After twenty years' commissioned service in the Permanent, Militia, or Volunteer Forces.
Major	
Captain	{ After fifteen years' commissioned service in the Permanent, Militia, or Volunteer Forces.
Lieutenant	

RETENTION OF RANK.

Substantive Rank.	Service Qualifications.
Lieut.-Colonel ... Major ..	{ After fifteen years' commissioned service in the Permanent, Militia, or Volunteer Forces.
Quartermaster ...	{ After ten years' commissioned service in the Permanent, Militia, or Volunteer Forces.

This paragraph will not apply to Officers who retired before the 1st January, 1904.

Service to count.

135B. Service in the Reserve Forces will not count, and no Officer will be placed on the Retired List who has less commissioned service than that specified in para. 135A.

One-half of any period of service in the ranks of the Permanent Forces, or one-fifth of any period of service in the ranks of the Militia or Volunteer Forces, will be allowed to reckon as commissioned service with reference to the periods of service specified in para. 135A. Under no circumstances, however, will the reckoning of service in the ranks under these Regulations give directly, or indirectly, any claim to extra pay or pension.

Application for honorary ranks.

135C. A certified statement in detail of each Officer's service, signed by the Commanding Officer, will accompany all applications for honorary rank.

Re-appointment, Active List.

135D. Officers granted a step of honorary rank on retirement shall revert to the rank they held prior to retirement, should they be re-appointed to the Active List.

Unattached, Reserve, and Retired Officers.

Annual report of address.

136. An Officer of the Unattached, Reserve, or Retired List shall report himself at the commencement of each year, in writing, to the Commandant of the District in which he last served on the Active List, failing which his name may be removed from the List. An Officer reporting himself will, at the same time, forward his address for the current year, and any subsequent change of address should be notified.

Death of Officers.

Report of deaths.

137. District Commandants will report to the Military Board the deaths of Officers within their commands.

Resignations.

Resignation, Effect of.

138. Resignations and retirements are to be submitted to the Military Board, in the same manner as appointments.

Officers relinquishing their commissions are not to be considered as retaining any rank in the service, either on account of such commissions or of any brevet commission they may have held, except in cases specially approved by the Governor-General.

An Officer who tenders the resignation of his commission, whether the same be accepted and notified in the *Gazette* or not, shall not be thereby exempted from any liability under the Act or these Regulations.

Retirements.

Compulsory retirements.

139. The services of an Officer may be dispensed with for any of the following reasons:—

- (a) Absence without leave for three months.
- (b) In the case of Militia, absence from continuous training.

(bb) In the case of the Australian Intelligence Corps non-performance of the prescribed work.

(c) Medical unfitness.

(d) Misconduct or incapacity.

(e) Failing to pass the prescribed examinations.

(f) On reaching the limit of age prescribed.

(g) By sentence of Court Martial.

(h) For any other cause which the Governor-General may deem sufficient.

PRECEDENCE OF WARRANT OFFICERS AND NON-COMMISSIONED OFFICERS.

140. The position of warrant officers is inferior to that of all commissioned officers, but superior to that of all non-commissioned officers. Precedence of warrant officers and non-commissioned officers.

141. The following will be the order of precedence of warrant and non-commissioned officers. Those bracketed together rank with one another according to the dates of promotion or appointment.

(1) *Warrant Officers.*

- { Garrison Sergeant-Major.
- { Master Gunner, 1st class.
- { *Military Staff Clerk, 1st class.
- { Master Gunner, 2nd class.
- { Staff Regimental Sergeant-Major.
- { Brigade or Regimental Sergeant-Major.
- { *Military Staff Clerk, 2nd class.
- { *Bandmaster.
- { *Armament Sergeant-Major.
- { *Mechanist Sergeant-Major.

(2) *Non-commissioned Officers.*

- { Master Gunner, 3rd class.
- { Staff Squadron, Battery, or Company Sergeant-Major (Class II.).
- { Brigade or Regimental Sergeant-Major who is not a W.O.
- { Staff Squadron, Battery, or Company Sergeant-Major (Class III.).
- { Brigade or Regimental Quartermaster-Sergeant.
- { *Armament Q.M.S.
- { *Mechanist Q.M.S.
- { *Military Staff Clerk, 3rd class.
- { Staff Squadron, Battery, or Company Sergeant-Major (Class IV.).
- { Squadron, Troop, Battery, or Company Sergeant-Major.
- { Colour Sergeant.
- { *Military Staff Clerk, 4th class, after 3 years' service.
- { †Squadron, Troop, Battery, or Company Quartermaster-Sergeant.
- { *Barrack Sergeant.
- { Sergeant.
- { *Military Staff Clerk, 4th class, after 1 year's service.
- { Lance Sergeant.
- { Corporal.
- { *Military Staff Clerk, 4th class on appointment.
- { Bombardier.
- { 2nd Corporal.
- { Acting Bombardier.
- { Lance Corporal.

Armament, Armourer, Artificer, Collar-maker, Farrier, Mechanist, Pioneer, Saddler, Shoeing-smith, and Wheeler, Non-commissioned Officers take precedence according to their rank as Q.M.S., Sgt., &c.

Specialists of the Royal Australian Engineers will take precedence in accordance with their relative ranks.

Specialists of the Royal Australian Engineers and the warrant and non-commissioned officers against whose names an asterisk (*) is placed are not entitled to assume any command on parade or duty, except over such W.O.'s, N.C.O.'s, and men as may be specially placed under their orders. In matters of discipline, however, they will, at all times, exercise the full authority attached to their rank.

Classification for pay shall not affect the above classification for purposes of command and precedence.

† A Squadron, Troop, Battery, or Company Sergeant-Major will rank regimentally senior to the Squadron, Troop, Battery, or Company Quartermaster-Sergeant, except for promotion.

APPOINTMENT, PROMOTION, RESIGNATION, TRANSFER AND RETIREMENT OF WARRANT AND NON-COMMISSIONED OFFICERS.

Appointments and Promotions.

Who may
appoint and
promote W.O.
and N.C.O.'s.

142A. District Commandants and Commanding Officers of Permanent Forces are empowered to appoint Non-commissioned Officers below the rank of Sergeant in the Permanent Forces. P

142B. District Commandants are empowered to appoint Warrant Officers in the Militia and Volunteer Forces, and Commanding Officers of the Militia and Volunteer Forces are empowered to appoint Non-commissioned Officers in such Forces. C

143. Warrant Officers and Non-commissioned Officers of the Permanent Forces of and above the rank of Sergeant will be appointed by the Adjutant-General. P

144. The appointments held by Warrant Officers, Non-commissioned Officers, and Men of the Military Forces, set forth in the following table, confer upon the holder the rank specified opposite that appointment in the table:—

Rank.	Appointments.
(I.) WARRANT OFFICERS.	
Warrant Officer ...	(See para. 141 (1).
(II.) NON-COMMISSIONED OFFICERS AND MEN.	
Master Gunner, Class III.	
Quartermaster Sergeant	{ Brigade or Regimental Q.M. Sergeant. Armament Q.M. Sergeant. Mechanist Q.M. Sergeant. Military Staff Clerk, Class III Squadron, Battery, or Company Sergeant-Major.
Squadron, Battery, or Company Sergeant Major	{ Military Staff Clerk, Class IV., after three years' service. Staff Sergt. Artificer.
Colour Sergeant ...	
Squadron, Battery, or Company Q.M. Sergeant ...	
Sergeant ...	{ Sergeant. Military Staff Clerk, Class IV., after one year's service. Armourer Sergeant. Lance-Sergeant.
Corporal ...	{ Military Staff Clerk, Class IV., under one year's service.

Rank.	Appointments.
Bombardier	{ Lance Corporal. Acting Bombardier. Assistant Armament Artificer. Saddler. Shoeing Smith. Wheeler. Trumpeter. Bugler. Drummer.
2nd Corporal	
Gunner, Driver, Sapper, or Private	

145. A Non-commissioned Officer or man on receiving an appointment will thereupon be vested with the rank attached to that appointment, and this will be his permanent rank. The rank attached to any appointment is that indicated in the title of that appointment, unless some superior rank is expressly attached to it by regulation; for example, the permanent rank of a Wheeler Bombardier is Bombardier. Permanent rank.

146. No Non-commissioned Officer shall be appointed or promoted until he has passed such qualifying examination as may be from time to time authorized, provided that in cases of necessity appointments or promotions may be made on probation; and any soldier so appointed or promoted shall in such event be required to pass the necessary examination within six months of his appointment or promotion; the examination will be conducted by Boards appointed by District Commandants. Examination for promotion.

147. Non-commissioned Officers may, with their Commanding Officer's consent, resign their rank and revert to the rank or position they previously held, but, without the sanction of the District Commandant, they are not to be allowed to do so in order to escape trial by court-martial. The written application of the Non-commissioned Officer and a certificate from the Commanding Officer, stating the cause of the resignation (together with the written authority of the District Commandant, if the case has been referred to him), is to be attached to the soldier's record of service. Resignation of N.C.O.

148. For inefficiency or a cause other than an offence, a soldier may be removed from his appointment by order of his Commanding Officer, and will, in that case, revert to his permanent rank, remaining as a supernumerary in that rank until absorbed into the first vacancy. In cases where the soldier's permanent rank is higher than that of corporal, the Commanding Officer will not exercise his power in this respect, but when necessary, will make application to the District Commandant for the soldier's removal, with a view to his reduction to a lower rank being at the same time considered. A bandsman will not be ordered by his Commanding Officer to revert to the rank of private except for misconduct or inefficiency. Removal from appointment.

149. An acting Non-commissioned Officer can be ordered by his Commanding Officer to revert to his permanent rank. The permanent rank of a Lance-Sergeant is Corporal; that of a Lance-Corporal is Private; that of an acting Bombardier is Gunner. Reversion of acting N.C.O.

150. A Non-commissioned Officer reduced to a lower rank will take rank and precedence in the lower rank from the date of the signing of the original sentence of the court-martial, or, in the case of reduction by order of the District Commandant, from the date of such order. Reduction of N.C.O.'s.

Lance ranks
Establishment.

151. The following proportion of Lance-Sergeants and Lance-Corporals may be appointed without pay, namely :—

Lance-Sergeants, 50 per cent. of establishment of Sergeants.

Lance-Corporals or Acting Bombardiers, 100 per cent. of establishment of Corporals.

District Commandants may, in cases of well-ascertained necessity, sanction the appointment of a small number of unpaid Lance-Sergeants, Lance-Corporals, and Acting Bombardiers in excess of the establishment.

Appointment of Warrant and Non-Commissioned Officers to the Instructional Staff of the Commonwealth Military Forces.

Who are gible

152. Appointments on the Instructional Staff will be granted to Warrant and Non-commissioned Officers of the Military Forces of the Commonwealth or others, under the following conditions as to age, physical and moral fitness, literary and military qualifications.

Age and service.

153. A candidate will not be eligible for appointment on probation unless he is within the ages of 22 and 40 years, and unless he has served for at least three years in the Active Force of the Military Forces of the Commonwealth, except under special circumstances approved by the Military Board.

Applications.

154. The applications of candidates who have served in the Military Forces of the Commonwealth, as provided in para. 153, will be submitted to District Commandants through the usual channels. Commanding Officers will, in their recommendations, state their opinion from personal knowledge as to the eligibility of the candidate for appointment.

Approval.

155. Candidates will be informed of their nomination or otherwise to undergo the examinations referred to in paras. 156 and 157.

District Commandants will forward with their recommendations the names and all particulars of such candidates to the Adjutant-General when notified that there are vacancies.

Railway passes.

Railway passes to attend the examinations may be issued to candidates whose applications have been approved by the Military Board.

Medical examination.

156. Each candidate will be medically examined, either by the Principal Medical Officer or Staff Officer of Medical Services, or the medical officer appointed to medical charge of Permanent Troops of his station, of each District, and will not be further tested unless certified to be physically qualified.

Qualifying and competitive examinations.

157. Candidates whose applications have been approved under para. 155 will be eligible for the educational examination. Those who qualify in the educational examination and pass the test prescribed in para. 156 will be eligible for military competitive examination.

(a) These examinations will consist of—

(1) An educational qualifying examination, and

(2) A military competitive examination. (Written questions and answers, and also practical test.)

(b) The papers for each subject will be prepared by a Board, of which the Adjutant-General shall be president, and forwarded to District Commandants.

(c) Boards of Officers will be assembled in each District on dates to be fixed, and will supervise the written and oral examinations, and also conduct the practical tests.

At the conclusion of the examinations, the Board will return the written questions and answers to the Adjutant-General, together with their report as to the qualifications of each candidate in the oral portion of the educational examination (reading), and also in the practical test in drill, &c.

- (d) The Board referred to in (b) will award marks in the written papers, and report to the Military Board upon the result of the examination.

158. Successful candidates will be appointed for six months on probation. At the end of this period the appointment may be confirmed if recommended by the Commandant, and the Commanding Officer, under whom the candidate has served, certifies that he has satisfactorily carried out his duties as a Non-commissioned Officer of the Instructional Staff, and is likely to prove himself an efficient Instructor.

159. Candidates who pass the examination, but who are not successful in securing an appointment at the time, will be eligible for appointment to any vacancy occurring within eighteen months, subject to again passing the medical examination prescribed in para. 156.

Military Staff Clerks.

P 160. (a) Except under special circumstances, appointments as Military Staff Clerks will only be granted to Non-commissioned Officers and Men of the Permanent Military Forces of the Commonwealth who fulfil the following conditions as to age, educational and other qualifications.

(b) A candidate will not be eligible for appointment unless he is within the ages of 19 and 35 years, and has served for at least two years in the Permanent Military Forces of the Commonwealth, except under special circumstances approved by the Military Board. Should, however, there not be a sufficient number of qualified candidates forthcoming from the Permanent Forces, candidates may, at the discretion of the Military Board, be appointed from outside the Permanent Forces.

(c) Candidates will be required to be in possession of educational certificates, showing that they have passed either—

The Matriculation Examination, or its equivalent, of a British or Australian University.

The junior Public Examination of one of the Australian Universities.

The examination qualifying for appointment to the Clerical Division of the Commonwealth Public Service, or of the Public Service of one of the States.

Candidates must also be certified to be efficient typists, and must be in possession of a certificate that they can write shorthand from dictation at the rate of at least 80 words a minute.

(d) The applications of candidates for appointment, accompanied by the certificates referred to in (c), and certified copies of Conduct Sheets and statements of service of the candidates, will be submitted to the Military Board through the usual channels. Commanding Officers and Commandants will, in forwarding the applications, state their opinion as to the suitability of the candidates for appointment.

(e) Approved candidates will, as vacancies occur, be appointed for six months on probation. At the end of this period, the appointment may be confirmed if recommended by the Commandant (or by the Staff Officer in the case of a clerk appointed to the Central Administration) under whom he is serving.

(f) All appointments will be to the 4th Class, at the minimum rate for that class prescribed in Financial and Allowance Regulations, except that a non-commissioned officer or man in receipt of a higher rate of pay may be permitted to retain such higher rate (provided it does not exceed the maximum prescribed for Class IV.), but he will not be granted any increase thereto until he is either promoted to a higher class or until such time as he would be enabled, by ordinary increments, to reach his existing salary had he been appointed at the minimum rate prescribed.

- Classification. 161. Military Staff Clerks are classified for rank and precedence as Warrant Officers and Non-commissioned Officers, in accordance with paras. 141 and 144.
- Establishment. 162. The establishment of the various classes will be in accordance with the provision made from year to year on the Estimates.
- Promotion. 163. Promotion to higher classes will be subject to the approval of the Military Board, on the recommendation of the District Commandant, or in the case of Head Quarters on the recommendation of a member of the Military Board.

RANK ON RETIREMENT.

Honry. rank on retirement W. and N.C.O.'s. 164. Warrant and Non-commissioned Officers who are retired under paragraph 134, or who resign, provided that they—

- (1) have completed 20 years' service,
- (2) have held the rank of Warrant or Non-commissioned Officer for not less than 15 years, and
- (3) are in possession of, or are eligible for, the award of the Long Service Medal,

may, on the recommendation of the District Commandant, and subject to the approval of the Military Board, be granted honorary rank on retirement as under, with the right to wear the uniform of their Corps, with the addition of the letter "R" on the shoulder straps :—

Warrant Officers (after 5 years' service in that rank).—May be granted honorary rank of Lieutenant.

Warrant Officers (with less than 5 years' service in that rank).—May be permitted to retain rank.

Staff Sergeants and Sergeants (after 5 years' service in rank of Sergeant or Staff Sergeant).—May be granted honorary rank of Warrant Officer.

Staff Sergeants and Sergeants (with less than 5 years' service in rank of Sergeant or Staff Sergeant).—May be permitted to retain rank.

Non-commissioned Officers below the rank of Sergeant.—May be permitted to retain rank.

This paragraph will not apply to Warrant and Non-commissioned Officers who retired or resigned before the 1st January, 1905.

SOLDIERS.**ENLISTMENT.**

165. The standard age, height, and chest measurement for recruits Standard. for each arm of the service shall be :—

	Age Limit.	Height		Chest Measurement Minimum.
		Minimum.	Minimum.	
Permanent—	Years.	Ft. In.	Inches.	
Royal Australian Artillery ...	18 to 30	5 7	35	
Royal Australian Engineers ...	" "	5 7	35	
Army Service Corps ...	" "	5 7	35	
Australian Army Medical Corps ...	" "	5 7	35	
Army Ordnance Corps ...	" "	5 7	35	
Militia—				
Australian Light Horse* ...	18 to 35	5 6	34	
Australian Field Artillery—Gunners	" "	5 6	34	
" " Drivers	" "	5 4	33	
Australian Garrison Artillery ...	" "	5 7	35	
Corps of Australian Engineers ...	" "	5 6	34	
Infantry ...	" "	5 6	34	
Australian Corps of Signallers ...	" "	5 6	34	
Army Service Corps ...	" "	5 6	34	
Australian Army Medical Corps ...	" "	5 6	34	
Army Ordnance Corps ...	" "	5 6	34	
Volunteers—				
Infantry ...	18 to 45	5 4	33	
Departmental ...	" "	5 4	33	

166. Recruits for the Permanent and Militia Forces will be Recruit medically examined as regards general fitness for military service before final approval.

167. Boys not less than 14 years of age may be enrolled as musi- Boys. cians, trumpeters, and buglers, subject to examination as to probable fitness.

168. Recruits for Light Horse Regiments should be good horse- Light Horse men, and must have in their possession, or at their disposal, a quick, Regiments. active, compact, well-built horse, showing quality, and capable of carrying weight of not less than 16 stone.

169. Horses should not exceed 16 hands, but in special cases Horses. Commanding Officers are authorized to approve of horses slightly in excess of 16 hands, and, in very special cases, of horses less than 15 hands. Under no circumstances will horses less than 14.2 hands be permitted.

170. Exceptions to the foregoing standards may in special cases Exceptions. be allowed by District Commandants.

171. Any soldier who was a member of the Military Forces before the commencement of the *Defence Act 1903*, and who continued to serve under the Act and these Regulations, shall not be liable to pay on resignation from such continued service a greater sum than is herein provided, or than he would have been liable to pay before the commencement of the said Act and Regulations under any other Act and Regulations. Continuan-
of service
under Defence
Act.

* Embraces all Mounted Services exclusive of Field Artillery.

Term of service	172. Men approved for enlistment shall engage to serve for a period of five years in the Permanent Forces, of three years in the Militia Forces, and of not less than two or more than three years in the Volunteer Forces. Enlistment in the Reserve Forces is for an unlimited period, subject to the right of resignation. (Sec. 36 D.A.)
Preference.	173. In the enlistment of soldiers in the Permanent Forces, preference shall be given to men of the Militia or Volunteer Forces, who are otherwise suitable, and who are efficient members in such Forces.
Soldier cannot belong to more than one unit.	174. No soldier of one regiment or corps shall be enlisted in another until he has legally ceased to be a member of the former corps.
Bad characters not to be enlisted.	175. No person who has been dismissed or discharged from a regiment or corps for disciplinary reasons, or has been called upon to resign, shall be enlisted in any other regiment or corps without express authority from the District Commandant.
Procedure on enlistment. Notice.	176. Enlistments shall be carried out as follows :— (a) Every person before enlisting in the Defence Force shall be given a notice on the prescribed form, stating the general requirements of attestation and the general conditions of the engagement. (b) Upon the appearance before an officer or a justice of the peace of a person offering to enlist, the officer or justice shall ask him whether he has been given and understands the notice, and whether he assents to be enlisted. (c) If he assents to be enlisted, the officer or justice, after cautioning such person that if he makes any false answer to the questions read to him he will be liable to be punished, as provided by the Act and Regulations, shall read or cause to be read to him the questions set forth in the attestation paper for the time being prescribed, and shall take care that such person understands each question so read, and after ascertaining that the answer of such person to each question has been duly recorded opposite the same in the attestation paper, shall require him to sign the declaration as to the truth of those answers set forth in the said paper, and shall then administer to him the oath of allegiance as prescribed by the Act. (d) Upon signing the declaration and taking the oath, such person shall be deemed to be enlisted as a soldier of the Defence Force. (e) The officer or justice shall attest by his signature, in manner prescribed by the said paper, the fulfilment of the requirements as to attesting a recruit. (f) A District Commandant, or the Commanding Officer of a recruit, if satisfied that there is any error in the attestation paper of a recruit, may cause the recruit to attend before an officer or a justice, and such officer or justice, if satisfied that such error exists, and is not so material as to render it just that the recruit should be discharged, may amend the error in the attestation paper, and the paper as amended shall thereupon be deemed as valid, as if the matter of the amendment had formed part of the original matter of such paper. (g) Justice of the Peace means a Stipendiary, Police, or Special Magistrate, or some Magistrate of the State who is specially authorized by the Governor-General.
Appearance before attesting officer.	
Enlistment questions.	
Declaration.	
Oath.	
Attestation.	
Amendment of errors.	
Recruit training.	177. Upon enlistment all persons shall be required to attend a course of recruit training, as may be from time to time prescribed in Orders, and shall not be passed into the ranks until they have been inspected by an officer detailed for the purpose, who shall

certify that the recruits are acquainted with the drill of the arm of the service to which they belong, that they have received the prescribed musketry training, and that they have the necessary knowledge of their duties.

178. Officers commanding Regiments and Corps, subject to the Super-approval of District Commandants, may enlist men as supernumeraries not exceeding in number 10 per cent. of the annual establishment of privates. Men enlisted as supernumeraries are to sign a declaration, upon attestation, that they are aware that they are not entitled to receive any pay or allowances whilst borne as supernumeraries to the annual establishment of the Regiments or Corps.

TRANSFER.

179. Any soldier of the Military Forces may be transferred at his own request from one regiment or corps to another, if recommended by the officers commanding the regiments or corps concerned, and subject to the approval of the District Commandant, or Commandants, and provided that if the soldier is transferred from the Reserve or Volunteer Forces to the Militia or Permanent Forces, or from the Militia Forces to the Permanent Forces, he shall be again attested and medically examined. The fresh attestation shall be for the period laid down for the Force to which he is transferred.

Any Warrant Officer, Non-commissioned Officer, or Soldier of the Citizen Forces who permanently leaves the locality in which his corps is raised, may, subject to the approval of the District Commandant, or Commandants, as the case may be, be transferred to any other corps or arm of the Military Forces in the locality to which he has removed, and the order so transferring him shall state what position he is to occupy in the corps to which he is transferred.

RE-ENLISTMENT.

180. Any soldier of the Military Forces within three months of the completion of the period of service for which he was enlisted may, subject to the approval of the Commanding Officer, be re-enlisted for a period of—

- (a) Three years in the Permanent Forces,
- (b) Three years in the Militia Forces,
- (c) One or two years in the Volunteer Forces,

and in the case of the Permanent and Militia Forces, provided that he is still medically fit.

181. Re-enlisted soldiers shall be attested in the same manner as on original enlistment.

182. Soldiers who re-enlist without a break in their service will not receive a new number.

DISCHARGE.

183. Any soldier who has enlisted as a member of the Active Forces shall be entitled to be discharged therefrom at the expiration of the period of service for which he engaged, unless such expiration occurs in time of war, in which case he shall not be entitled to his discharge until war has ceased. (Sec. 39 D.A.).

184. Any soldier may, except in time of war, resign from the Militia or Volunteer Forces on giving three months' notice in writing to his Commanding Officer of his intention to claim his discharge, and by paying the following sums:—

Militia Forces—

£2, if such resignation is tendered during the first year of the soldier's service

£1, if such resignation is tendered during the second year.

10s., if such resignation is tendered during the third year.

Volunteer Forces—

£1, if such resignation is tendered during the first year of the soldier's service.

10s., if such resignation is tendered during the second year.

Provided that such payments may, for special reasons, be waived by the Commanding Officer, subject to the approval of the District Commandant. (Sec. 45 D.A.).

In the case of the Reserve Forces, 14 days' notice is sufficient, and no sum is payable except for loss of or damage to Government property in charge of the soldier. (Sec. 41 D.A.).

Permanent
Forces.

Discharge
on purchase
and "free."

185. No soldier in the Permanent Forces can claim his discharge until the expiration of his term of service, but, at any time within three months after enlistment, he may, subject to the approval of the District Commandant and his Commanding Officer, obtain his discharge "Free." At subsequent periods, he may, subject to the approval of the District Commandant and his Commanding Officer, purchase his discharge at the rate set forth below :—

Under one year's service, £10.

Over one year and under two years' service, £8.

Over two years and under three years' service, £6.

Over three years and under four years' service, £4.

Over four years and under five years' service, £2.

To the above sums shall be added the unexpired value of the soldier's uniform and kit.

The rates for re-enlisted men are :—

For under two years' re-enlisted service, £2.

Afterwards free.

Provided that such payments may, for special reasons, be waived by the Commanding Officer, subject to the approval of the District Commandant.

In the case of the Permanent Forces, the Commanding Officer for purposes of "discharge" shall mean the senior permanent officer of his regiment in the district.

Re-enlisted
soldiers of
Citizen Forces.

186. Any re-enlisted soldier of the Militia or Volunteer Forces who has, under his present and previous attestations, completed without a break the length of service prescribed for the portion of the Military Forces to which he belongs, shall be entitled to be discharged, under para. 184, without payment.

Discharge of
Recruits.

187. A recruit may be discharged by a Commanding Officer, at any time prior to his being passed into the ranks, if he should seem to be an undesirable character, or is unlikely to become an efficient soldier. (Sec. 112 D.A.).

For medical
unfitness.

188. Any soldier of the Military Forces who may be found at any time during the continuance of his military service to be medically unfit, shall be discharged, unless under special circumstances, which must be reported to and approved by the District Commandant.

The discharge of soldiers of the Permanent Forces, medically unfit, will be conducted as laid down in Orders for Australian Army Medical Services, 1906.

Penalty on
discharge for
disciplinary
reasons.

189. Any soldier dismissed from the service by the District Commandant, or by his Commanding Officer, or by sentence of court-martial, for a military offence, shall forfeit to the Government the amount he would have to pay if he were purchasing his discharge on the day the offence was committed, or such smaller sum as the District Commandant may determine, and such sum may be stopped from his pay, if any.

Discharge
certificate.

190. Upon the discharge of any soldier of the Military Forces for any reason whatever, he shall, in the Permanent Forces, be given a Certificate of Discharge (C.M. Form A.16), and in the Citizen Forces upon application (C.M. Form A.17), which shall serve as a

record of his military service and military character, and shall be signed in the case of the Permanent Forces by the District Commandant, and in other cases by the soldier's Commanding Officer.

191. No duplicate or copy of the discharge certificate, or extract from official records, will be issued to a discharged soldier, but a copy of all such certificates shall be kept in regimental and corps records. No duplicate certificate.

192. When a soldier is brought forward for discharge, his Commanding Officer will prepare the "Proceedings on Discharge" on the authorized form (C.M. Form A.45), for confirmation in accordance with the instructions thereon. Proceedings on discharge.

193. When a man on discharge submits a claim which cannot be settled on the spot, the discharge documents will be completed and forwarded to the District Head-Quarters for settlement of the claim and confirmation of the discharge. Unsettled claims.

194. The competent officer to authorize a discharge shall be, in the case of the Permanent Forces the District Commandant, otherwise the soldier's Commanding Officer, and the competent officer to confirm discharges shall be the soldier's Commanding Officer. Authorizing and confirming officers.

195. The confirming officer will see that the entries in the "Proceedings on Discharge" of a soldier of the Permanent Forces are in agreement with the regimental books, and, in the case of the Permanent and Militia Forces, that a non-effective account on the authorized form has been made out and signed by the soldier and the officer commanding his company. Duty of confirming officer.

196. (a) The cause of discharge of a soldier of the Permanent Forces is to be stated in the following terms :— Cause of discharge.

- | | |
|-------|--|
| Class | i. Having irregularly enlisted. |
| " | ii. Not being likely to become an efficient soldier. |
| " | iii. Having been claimed as an apprentice. |
| " | iv. Having claimed a free discharge within three months of his attestation. |
| " | v. Having made a misstatement as to age on enlistment. |
| " | vi. Having made a false answer on attestation.* |
| " | vii. Unfitted for the duties of the corps. |
| " | viii. Having been convicted by the Civil Power for an offence committed before enlistment. |
| " | ix. Being incorrigible and worthless (or misconduct).† |
| " | x. Having been sentenced to penal servitude (or imprisonment) by Court-martial (or by Civil Power).‡ |
| " | xi. Having been sentenced to be discharged with ignominy.§ |
| " | xii. At his own request on payment of £..... under para..... of the Regulations. |
| " | xiii. Free after..... years' service, under para..... of the Regulations. |

* When a man has been convicted of having wilfully made a false answer to any question set forth in the attestation paper, the District Commandant will decide whether he is to be retained in the service or not.

† Applications accompanied by conduct sheet (or copy) to be made to the District Commandant, who will authorize the discharge if he thinks it desirable to do so. It should be stated if the man is thought to have misconducted himself with a view to discharge. In the case of a man whose last offence has been disposed of, the application should be made as soon as the case has been dealt with. In the case of a conviction by court-martial or by civil power, in consequence of which the discharge of the man is desirable, the application should be made as soon as the man is sent to prison. The discharge certificate should be sent to the Governor of the prison.

‡ The discharge of men sentenced to penal servitude is to be at once carried out. The District Commandant will decide in the case of a man sentenced to imprisonment whether he is to be retained in the service or not.

§ If the man is imprisoned, the certificate of discharge will be sent to the Governor of the prison.

Class xiv. Having been found medically unfit for further service.

„ xv. The termination of his period of enlistment.*

„ xvi. Having reached the age for retirement.

„ xvii. His services being no longer required.

(b) The cause of discharge of a soldier of the Militia or the Volunteer Forces will be stated as in (a), omitting Class ix. C

Permanent Forces—Disposal of Soldiers on Discharge.

Transport to
place of
enlistment.

197. A soldier on discharge (and the family of a soldier on the married roll) is entitled to be sent free to the place of his enlistment, or, in lieu thereof, to any other place to which the cost of transit may be less. This paragraph shall not apply to soldiers who are in prison at the time of discharge. P

Not when
discharge is
on purchase.

Men discharged on purchase, or those attested at the place where their corps is stationed at the time of their discharge, will not receive transport to any other station.

Discharged
soldiers in
hospital.

198. Discharged soldiers who, on account of illness, are unable to proceed to their homes, will be subsisted in hospital, at the discretion of District Commandants. In such cases it will not be necessary to cancel the man's discharge. P

EFFICIENCY.

Militia Forces.

Requirements for Efficiency.

Attendances.

199. Officers and soldiers serving under the Militia System, except those enumerated in para. 200, shall not be entitled to be classified as efficient on the 1st July of any year unless during the previous twelve months they have attended as under:— M

Light Horse, Field Artillery, Garrison Artillery, Infantry, Corps of Signallers, and Departmental Corps.

An equivalent of twelve days, made up as under:—

(a) Continuous training and exercise for not less than four or more than eight days in camp or bivouac, at such time and place as may be ordered.

(b) Whole-day, half-day, and night parades, as ordered, to make up twelve days, but not more than sixteen night parades to be allowed to count. District Commandants will determine the allotment of parades under this sub-section.

(c) Prescribed course of Gunnery or Musketry.

(d) Annual Inspection by Commandant, or his representative, which will be carried out at any parades mentioned in (a) or (b).

Corps of Australian Engineers: Field Engineers and Electrical Engineers.

An equivalent of fourteen days, made up as under:—

(a) Continuous training and exercise for not less than four or more than eight days in camp or bivouac, at such time and place as may be ordered.

* The discharge should be confirmed for the day on which the soldier completes his engagement or as soon after as possible.

- (b) Whole-day, half-day, and night parades, as ordered, to make up fourteen days, but not more than sixteen night parades to be allowed to count. District Commandants will determine the allotment of parades under this subsection.
- (c) Annual Inspection by Commandant, or his representative, which will be carried out at any parades mentioned in (a) or (b).

Corps of Australian Engineers: Submarine Miners.

- (a) Continuous training and exercise for fourteen days, at such time and place as may be ordered. (*Vide* para. 201.)
- (b) Two out of four whole-day parades for training, exercise, and instruction, at such times and places as may be ordered.
- (c) Eight out of twelve, or more, half-day parades for training, exercise, and instruction, at such times and places, in any part of the district to which the corps belong, as may be ordered.
- (d) Two out of four, or more, night parades, as in (c).
- (e) Annual Inspection by the Commandant, or his representative, which will be carried out at a camp of training, or upon any whole or half-day parade.

200. Officers commanding brigades, regiments, and corps, the brigade and regimental staff, members of the Australian Intelligence Corps, and officers detached from their corps on special duty will be classified as "Efficient" on having satisfactorily performed the duties allotted to them. Officers detached from their corps on special duty may be classified as "Efficient" subject to the approval of the Commandant. Officers Commanding and Staff.

201. The District Commandant may exercise his discretion and dispense with or reduce attendance as affecting efficiency at continuous training, musketry, and whole-day parades, when for local or other reasons it may not be possible to carry out such, or when for any special reason the officers and men concerned may be unable to attend. The days thus released must be otherwise utilized as whole or half-day parades, at the discretion of the Commandants. Regiments or Corps generally.

It shall be competent for the Military Board to direct an inspection of any regiment or corps, and such inspection may be declared by it necessary for efficiency during the current year. Special Inspections.

202. Leave from an inspection by the Inspector-General or from the annual inspection by the District Commandant may be granted by Commanding Officers in the case of sickness duly certified, and in other special cases. Officers and soldiers so absent, with leave, may be classified as "Efficient," subject to the special approval of the Commandant, and provided that all other requirements laid down in para. 199 have been complied with. Annual inspection.

The Field Officers of a regiment or corps, and Senior Officers of detached units, are not to be absent from the inspections as above without special leave from the District Commandant.

203. The District Commandant shall have power to direct that any officer or soldier who is not proficient either in drill, musketry, or the special duties of his rank or position, shall be classified as "non-efficient." Non-efficients.

In the case of the Australian Intelligence Corps the District Commandant may recommend to the Military Board that any officer or direct that any soldier who is not proficient in the special duties of his rank or position shall be classified as "non-efficient." In the case of an officer the Adjutant-General shall take the advice of the Chief of Intelligence and the Officer Commanding the Corps.

Efficiency of recruits.

204. Recruits, in order to be classified as "Efficient" for the year in which they are passed into the ranks, must attend as follows :—

If passed into the ranks between—

1st July and 30th September—All parades prescribed in para. 199.

1st October and 31st December—2 whole days, 6 half-days, and 6 night drills, or their equivalent.

1st January and 31st March—1 whole day, 4 half-days, and 3 night drills or their equivalent.

1st April and 30th June—May be classed as "Efficient," irrespectively of the number of drills they may attend.

In the case of the Australian Intelligence Corps recruits, in order to be classified as "Efficient" for the year in which they are passed into the ranks, must perform the work prescribed by Corps Orders.

Officer to be efficient.

205. An officer who does not qualify as an "Efficient" shall not be retained in the Military Forces of the Commonwealth.

The Military Board may approve the relaxation of this regulation in cases where it is represented by the District Commandant that there are special reasons for so doing.

In the case of an officer of the Australian Intelligence Corps the Adjutant-General will take the advice of the Chief of Intelligence and the Officer Commanding the Corps before submitting his name to the Military Board for relaxation of this Regulation.

N.C.O.'s to be efficient.

206. Any non-commissioned officer who does not qualify as an "Efficient" shall revert to the ranks, unless it appears to the District Commandant that there are special reasons for the relaxation of this Regulation.

Soldiers to be efficient.

207. Any soldier who, by the 30th June in any year, has failed to be classified as "Efficient" during the previous twelve months, may be discharged by his Commanding Officer, unless such failure has been caused by sickness duly certified.

Equivalent parades.

208. Commanding Officers, in calculating attendances for "Efficiency," are permitted the following alternatives, viz. :—

One whole day will be equal to two half-days or four night parades.

Two half-days will count as one whole-day parade, or four night parades.

Night parades will not be allowed to count for daylight parades, except that where special facilities exist, the District Commandant may allow night parades, not exceeding twenty-four in one year to count towards pay, of which not more than sixteen will be permitted to count towards efficiency, as the equivalent for whole or half-day parades in the prescribed ratio.

Extra parades and drills.

209. An extra number of parades and drills may be called in order to allow officers and soldiers the opportunity of earning the maximum annual pay, but officers and soldiers will not be paid more than the maximum, even although attending a larger number of parades and drills.

Duration of parades.

210. The minimum duration of parades prescribed under these Regulations shall be as follows :—

Whole-day parade—minimum duration—eight hours.

Half-day parade—minimum duration—three hours.

Night parade—minimum duration—one and a half hours.

If a parade is shortened, owing to the inclemency of the weather, or other sufficient cause, before the minimum duration has passed, such parade may be returned as complete, subject to the approval of the Commanding Officer. An officer or soldier arriving late on the parade ground shall not be entitled to count the parade for pay and

efficiency. District Commandants may approve of parades of a shorter duration than is prescribed above, provided that in such case an increased number of parades shall be required for efficiency, so as to make the aggregate of hours attended in each class of parade equal to that required under the scale above prescribed.

211. Attendance at church parades or funerals will not be allowed to count towards "Efficiency," nor shall pay be granted for such attendance. Church parades and funerals, &c.

212. If temporarily resident in another district or locality, an officer or soldier may, with the sanction of the District Commandant concerned, be attached to a corps serving in such district or locality, and parades attended with such corps shall count towards pay and efficiency. Temporarily attached.

212A. Officers or soldiers of other corps may with the sanction of the District Commandant or Commandants concerned and with the consent of the Officer Commanding the Australian Intelligence Corps be seconded or attached to the Australian Intelligence Corps.

213. A recruit who fails to pass into the ranks within six months of the date of his enlistment should be recommended for discharge, unless in the opinion of the Commanding Officer there are extenuating circumstances. Discharge of recruits.

214. Any officer or soldier who shall have been absent with leave during any portion of the year for a period not exceeding six months, provided that he has attended the proportionate number of parades during the time he was doing duty with his corps, may be classified as "Efficient," subject to the approval of the District Commandant. Efficiency, officers and soldiers on leave.

215. Leave of absence from continuous training must be applied for prior to the assembly of the corps, except in the case of sickness duly certified. Officers will not be granted leave from continuous training unless under very special circumstances. Officers must forward such applications for leave to Commanding Officers for transmission to the District Commandant, at least three days prior to the commencement of the training. Leave from continuous training.

Volunteers.

216. The Regulations prescribed for the Militia Forces will apply to volunteers except as regards pay and except paras. 199, 201, except as regards Musketry, 204, 209, 215, and 488 (b), for which the following Regulations are substituted :— Regulations for Militia applicable.

217. Officers and soldiers (excepting officers commanding brigades, regiments, and corps, the brigade and regimental staff) shall not be entitled to be classified as "Efficient" on the 1st July of any year unless during the previous twelve months they have attended as follows :— Classification as "efficients."

- (a) Eight out of twelve or more half-day parades ordered for training, exercise, and instruction, at such times and places in any part of the district to which the corps or regiment belongs.
- (b) Ten out of sixteen or more night parades ordered as in (a).
- (c) Prescribed annual course of musketry.
- (d) Attendances, up to and not exceeding six, at Musketry may be counted as half-day parades.

218. Recruits, in order to be classed as "Efficient" for the year in which they are passed into the ranks, must attend as follows :— Recruits.

If passed into the ranks between—
1st July and 30th September ... The whole of the parades prescribed in para. 217.

1st October and 31st December	... Six daylight parades and eight night parades or their equivalent.
1st January and 31st March	... Four daylight parades and six night parades or their equivalent.
1st April and 30th June	... May be classed as "Efficient," irrespective of the number of drills they may attend.

Musketry.

Course.

219. The course of Musketry shall be as from time to time prescribed in Military or other orders.

Blank Ammunition.

220. Blank Ammunition, in addition to that referred to in Regulations for Musketry Course, will be issued to corps for purposes of manoeuvre, as may be deemed advisable by District Commandants.

Allowance of ammunition.

221. District Commandants may, in special cases, vary the allowance of ammunition prescribed, by increasing the allowance of miniature ammunition, and correspondingly decreasing the prescribed allowance of .303-in. ammunition by an amount equal in value to the increased allowance of miniature ammunition.

Surplus ammunition, &c., to be returned.

222. At the end of the annual practice and exercise, the Commanding Officer will return to the Ordnance Store any surplus ammunition, except where proper magazine accommodation is provided.

Return of empty cartridge cases.

223. The cases of all small-arm ball and .303-in. blank cartridges supplied gratuitously will be returned each year to the Ordnance Store stations from which they were issued, to the extent of at least 90 per cent. of the ball and 50 per cent. of the .303-in. blank expended during the year. Any deficiency in the foregoing quantity may be charged for.

The cases will be returned to store in the empty ammunition boxes, not oftener than once a quarter, and officers commanding will not return a less quantity than 1,000 cases. The vouchers accompanying the delivery of the cases will show the weight only. The cases are expected to be in good condition when returned, care being taken that grit and dirt are removed as far as possible beforehand, and the greatest vigilance should be exercised in packing cases for return into store, to prevent any filled cartridges being accidentally sent with them, as any carelessness in this respect might lead to serious consequences.

DISCIPLINE.

Complaints and Redress.

Mode of complaint by officer.

224. If an officer thinks himself wronged by his Commanding Officer, and on due application made to him does not receive the redress to which he may consider himself entitled, he may complain, in writing, to the District Commandant, who is hereby required to examine into such complaint, and make his report to the Military Board and receive their directions thereon.

Mode of complaint by soldier.

225. If any soldier thinks himself wronged in any matter by any officer other than his captain, or by any soldier, he may complain thereof to his captain, and if he thinks himself wronged by his captain, either in respect of his complaint not being redressed or in

respect of any other matter, he may complain thereof to his Commanding Officer, and if he thinks himself wronged by his Commanding Officer either in respect of his complaint not being redressed, or in respect of any other matter, he may complain thereof to the District Commandant where the soldier is serving; and every officer to whom a complaint is made in pursuance of this section, shall cause such complaint to be inquired into, and shall, if on inquiry he is satisfied of the justice of the complaint so made, take such steps as may be necessary for giving full redress to the complainant in respect of the matter complained of. If he thinks himself wronged by the District Commandant, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof, through the proper channel, to the Military Board.

225A. In the case of members of the Head-quarters of the Australian Intelligence Corps the "Adjutant-General" is substituted for "District Commandant" in paragraphs 224 and 225.

226. The Permanent Forces shall at all times, and members of the Citizen Forces when on duty or in uniform, be subject to military law, within the meaning of these regulations. Who are subject to military law.

227. Commanding Officers are to use every effort to prevent crime and to suppress any tendency to screen its existence. For first offences, not of an aggravated character, admonition is the most suitable treatment. Punishment should only be resorted to when admonition has failed to have effect. Prevention of crime.

228. Officers of all ranks will adopt towards their subordinates such methods of command and treatment as will not only insure respect for authority, but also foster the feelings of self-respect and personal honour essential for military efficiency. Treatment of soldiers.

229. Warrant officers and non-commissioned officers will be guided by the foregoing principles in dealing with each other and with private soldiers. They will at all times avoid intemperate language or an offensive manner. Same rule for W.O.'s and N.C.O.'s.

230. Officers are not to reprove non-commissioned officers in the presence or hearing of privates, unless it is necessary for the benefit of example that the reproof be public. Reproof of N.C.O.'s.

231. No non-commissioned officer above the rank of corporal is to be tried by any court-martial inferior to a district court-martial, except when a district court-martial cannot, having due regard for the public service, be assembled. Of these circumstances the judge will be the District Commandant. Courts-martial on N.C.O.'s.

232. Officers are at all times responsible for the maintenance of good order and the rules and discipline of the service; they are to afford the utmost aid and support to the Commanding Officer. It is their duty to notice, repress, and instantly report, any negligence or impropriety of conduct in non-commissioned officers and private soldiers, whether the offenders do or do not belong to their particular regiment, corps, troop, battery, or company. Responsibility of officers in general.

Offences.

233. It is to be borne in mind that a soldier is not only a soldier, but a citizen also, and as such is subject to the civil as well as to the military law. Offences of a military character are enumerated in the Act and Regulations. Civil and military offences.

Offences punishable by military as well as civil law should not as a rule be tried by court-martial, when the offence is not of a military character and is punishable by a competent civil or criminal court.

The officer who is authorized to convene a court-martial for the trial of the person charged with such offence shall decide whether the case shall be tried by court-martial.

Citizen Forces
not to be tried
by court-martial
if summary
punishment
adequate.

234. Members of the Militia, Volunteer, and Reserve Forces should not be remanded for trial by court-martial by Commanding Officers, however difficult the case may be for decision, if the offence is one for which, if proved, a summary punishment would be adequate. Even in serious cases, discharge under section 112 of the Act will generally be found adequate, unless it be necessary to make an example of an offence in the general interest of discipline.

Offences on Active Service.

Application of
Army Act, &c.

235. Members of the Military Forces shall, at all times, while on Active Service, be subject to the Army Act, save so far as is inconsistent with the Act, and shall be liable to be arrested, tried, and punished in the manner laid down in the Army Act, and the Rules of Procedure and Regulations made thereunder.

Offences not on Active Service.

Enumeration
of offences
not on active
service.
Offences in
respect to
guards, sentries,
&c.

236. When not on active service every person, subject to military law, who commits any of the following offences, that is to say :—

Mutiny
and sedition.

- (1) Without orders from his superior officer, leaves his guard, picquet, patrol, or post; or
- (2) Forces a safeguard; or
- (3) Forces or strikes a soldier when acting as sentinel; or
- (4) Being a soldier, acting as sentinel, sleeps or is drunk on his post, or leaves his post before he is regularly relieved; or
- (5) Causes or conspires with any other persons to cause any mutiny or sedition in the Military or Naval Forces of the Commonwealth, or in any other of His Majesty's Forces, or
- (6) Endeavours to seduce any person in such forces from allegiance to His Majesty, or to join in any mutiny or sedition; or
- (7) Joins in, or being present does not use his utmost endeavours to suppress any mutiny or sedition in any such forces; or
- (8) Coming to the knowledge of any actual or intended mutiny or sedition in any such forces does not, without delay, inform his Commanding Officer of the same; or
- (9) Strikes or uses or offers any violence to his superior officer, being in the execution of his office; or
- (10) Strikes or uses or offers any violence to his superior officer, or uses threatening or insubordinate language to his superior officer; or
- (11) Disobeys in such manner as to show a wilful defiance of authority any lawful command given personally by his superior officer in the execution of his office, whether the same is given orally, or in writing, or by signal, or otherwise; or
- (12) Disobeys any lawful command given by his superior officer; or

Striking or
threatening a
superior officer.

Disobedience
to a superior
officer.

Insubordina-
tion.

- (13) Being concerned in any quarrel, fray, or disorder, refuses to obey any officer (though of inferior rank) who orders him into arrest, or strikes, or uses, or offers violence to any such officer; or
- (14) Strikes, or uses, or offers violence to any person, whether subject to military law or not, in whose custody he is placed, and whether he is, or is not, his superior officer; or
- (15) Resists an escort whose duty it is to apprehend him or to have him in charge; or
- (16) Being a soldier breaks out of barracks, camp, or quarters; or

- (17) Neglects to obey any regulation or other order; or Neglect to obey.
- (18) Deserts, or attempts to desert, His Majesty's service; or
- (19) Persuades, endeavours to persuade, procures, or attempts to procure, any person subject to military law to desert from His Majesty's service; or Desertion.
- (20) Absents himself without leave; or
- (21) Fails to appear at the place of parade or rendezvous appointed by his Commanding Officer, or goes from thence without leave before he is relieved, or without urgent necessity quits the ranks; or Absence from duty without leave.
- (22) Being a soldier, when in camp or garrison, or elsewhere is found beyond any limits fixed, or in any place prohibited by any order, without a pass or written leave from his Commanding Officer; or
- (23) Being an officer, behaves in a scandalous manner, unbecoming the character of an officer and a gentleman; or Scandalous conduct of officer.
- (24) Being charged with or concerned in the care or distribution of any public or regimental money or goods, steals, fraudulently misapplies, or embezzles the same, or is concerned in or connives at the stealing, fraudulent misapplication or embezzlement thereof, or wilfully damages any such goods; or Fraud by persons in charge of money or goods.
- (25) Malingers, or feigns or produces disease or infirmity; or
- (26) Wilfully maims or injures himself or any other soldier, whether at the instance of such other soldier or not, with intent thereby to render himself or such other soldier unfit for service, or causes himself to be maimed or injured by any person, with intent thereby to render himself unfit for service; or Disgraceful conduct of soldier.
- (27) Is wilfully guilty of any misconduct, or wilfully disobeys, whether in hospital or otherwise, any orders, by means of which misconduct or disobedience he produces or aggravates disease or infirmity, or delays its cure; or
- (28) Steals or embezzles or receives knowing them to be stolen or embezzled, any money or goods the property of a comrade or of an officer, or any money or goods belonging to any regimental mess or band, or to any regimental institution, or any public money or goods; or
- (29) Is guilty of any other offence of a fraudulent nature not before herein particularly specified, or of any other disgraceful conduct of a cruel, indecent, or unnatural kind; or
- (30) Commits the offence of drunkenness, whether on duty or not on duty; or Drunkenness.
- (31) When in command of a guard, picquet, patrol, or post, releases without proper authority, whether wilfully or otherwise, any person committed to his charge; or Permitting escape.
- (32) Wilfully or without reasonable excuse allows to escape any person who is committed to his charge, or whom it is his duty to keep or guard; or
- (33) Unnecessarily detains a person in arrest or confinement without bringing him to trial, or fails to bring his case before the proper authority for investigation; or Irregular detention.
- (34) Having committed a person to the custody of any officer, non-commissioned officer, provost-marshal, or assistant provost-marshal, fails, without reasonable cause, to deliver at the time of such committal, or as soon as practicable, and in any case within twenty-four hours thereafter, to the officer, non-commissioned officer,

- provost-marshal, or assistant provost-marshal, into whose custody the person is committed, an account in writing, signed by himself, of the offence with which the person so committed is charged; or
- (35) Being in command of a guard, does not, as soon as he is relieved from his guard or duty, or if he is not sooner relieved, within 24 hours after the person is committed to his charge, give in writing to the officer to whom he may be ordered to report the person's name and offence, so far as known to him, and the name and rank of the officer or other person by whom he was charged, accompanied, if he has received the account above mentioned, by that account; or
- Escape from confinement.
- (36) Being in arrest or confinement, or in prison, or detention barrack, or otherwise in lawful custody, escapes, or attempts to escape; or
- Damage to or loss of equipment, horse, &c.
- (37) Makes away with, or is concerned in making away with (whether by pawning, selling, destruction, or otherwise howsoever), or loses by neglect, or wilfully injures his arms, ammunition, equipments, instruments, clothing, or any property belonging to a comrade, or to an officer, or to any regimental mess or band, or to any regimental institution, or any public property, or any horse of which he has charge, or ill-treats any horse used in the public service; or
- False accusation or false statement.
- (38) Makes a false accusation against any officer or soldier knowing such accusation to be false; or
- (39) In making a complaint where he thinks himself wronged, knowingly makes any false statement affecting the character of an officer or soldier, or knowingly and wilfully suppresses any material facts; or
- False answer on enlistment.
- (40) Being a member of the Defence Force is discovered to have made a wilfully false answer to any question set forth in the attestation paper which has been put to him by or by the direction of the officer or justice before whom he appears for the purpose of being attested; or
- Traitorous words.
- (41) Uses traitorous or disloyal words regarding the Sovereign; or
- Ill-treating a soldier.
- (42) Being an officer or non-commissioned officer, strikes or otherwise ill-treats a soldier; or
- Withholding soldier's pay.
- (43) Being an officer or non-commissioned officer, and having received the pay of any officer or soldier, unlawfully detains or unlawfully refuses to pay the same when due; or
- Fails to assist magistrate in punishment of civil offences.
- (44) On application being made to him, neglects or refuses to deliver over to the civil magistrate, or to assist in the lawful apprehension of, any officer or soldier accused of an offence punishable by a civil court; or
- Conduct to prejudice of military discipline.
- (45) Is guilty of any act, conduct, disorder, or neglect to the prejudice of good order and military discipline; or
- Connivance at desertion.
- (46) Being cognizant of any desertion or intended desertion of a person subject to Military Law, does not forthwith give notice to his Commanding Officer, or take any steps in his power to cause the deserter, or intending deserter, to be apprehended; or

- (47) In any report, return, muster roll, pay list, certificate, book, route, or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy—
 (a) Knowingly makes or is privy to the making of any false or fraudulent statement; or
 (b) Knowingly makes or is privy to the making of any omission with intent to defraud; or
- (48) Knowingly and with intent to injure any person, or knowingly and with intent to defraud, suppresses, defaces, alters, or makes away with any document which it is his duty to preserve or produce; or
- (49) Where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration; or
- (50) When signing any document relating to pay, arms, ammunition, equipments, clothing, regimental necessities, provisions, furniture, bedding, blankets, sheets, utensils, forage, or stores, leaves in blank any material part for which his signature is a voucher; or
- (51) Refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send; or
- (52) When examined on oath or solemn declaration before a court-martial, or any court or officer authorized to administer an oath, wilfully gives false evidence; or
- (53) Having been discharged with disgrace* from any part of His Majesty's Forces, or having been dismissed with disgrace from the Navy, is discovered to have afterwards enlisted in the Permanent Forces without declaring the circumstances of his discharge or dismissal; or
- (54) Whether serving with any of His Majesty's Forces or not, without due authority, either verbally or in writing, or by signal or otherwise, discloses the numbers or position of any forces, or any magazines or stores thereof, or any preparations for, or orders relating to, operations or movements of any forces, at such time and in such manner as, in the opinion of the court, to have produced effects injurious to His Majesty's service; or
- (55) Commits the offence of fraudulent enlistment, † that is to say:—When belonging to any portion of the Defence Force of the Commonwealth again enlists or enrolls himself in the same or any other portion of the Defence Force, without first having obtained a regular discharge therefrom, or otherwise fulfilled the conditions enabling him to enlist,

Falsifying
official
documents.

False
declarations.

Neglect to
report and
signing in blank.

False evidence.

Enlistment
of soldier or
sailor dis-
charged with
ignominy or
disgrace.

Injurious
disclosures.

shall, on conviction by court-martial, be liable to suffer one or more of the penalties set forth in paragraph 237.

- (56) For the purpose of sub-paragraph (53), the expression "discharged with disgrace from any part of His Majesty's Forces," means discharged with ignominy, discharged as incorrigible and worthless, discharged for misconduct, or discharged on account of conviction for felony or of a sentence of penal servitude.

* See sub-para. (56).

† See sub-para (57).

- (57) Where an offender has fraudulently enlisted, he may, for the purposes of sub-paragraph (55), be deemed to belong to any one of the regiments or corps to which he has been appointed, enlisted, enrolled, or transferred, as well as to that to which he properly belongs.

Scale of
punishments by
courts-martial.

237. Punishments may be inflicted in respect of offences committed by persons subject to Military Law and convicted by courts-martial or civil courts :—

In the case of officers, according to the scale following :—

- (a) Imprisonment, with or without hard labour, for a term not exceeding three months.
- (b) Dismissal from the Defence Force.
- (c) Forfeiture in the prescribed manner of seniority of rank, either in the Defence Force or in the corps to which the offender belongs, or in both.
- (d) Payment of a pecuniary penalty not exceeding Twenty pounds.
- (e) Reprimand, or severe reprimand.
- (f) Payment of such amount as is sufficient to make good any loss or damage occasioned by the wilful act default or neglect of the offender, as is mentioned in paragraph 236 (37).

In the case of soldiers, according to the scale following :—

- (a) (1) Imprisonment, with or without hard labour, for a term not exceeding three months.
- (2) Detention for a term not exceeding three months.
- (b) Discharge with ignominy from the Defence Force.
- (c) In the case of a warrant or non-commissioned officer, forfeiture in the prescribed manner of seniority of rank or reduction to a lower grade, or to the ranks.
- (d) Forfeitures, fines, and stoppages, not exceeding Twenty pounds.
- (e) Payment of such an amount as is sufficient to make good any loss or damage occasioned by the wilful act, default, or neglect of the offender, as is mentioned in paragraph 236 (37).

Provided that—

- (1) For the offence mentioned in paragraph 236 (23), the punishment shall be dismissal.
- (2) An officer shall be sentenced to be dismissed before he is sentenced to imprisonment.
- (3) An officer when sentenced to forfeiture of seniority of rank may also be sentenced to reprimand or severe reprimand.
- (4) A soldier when sentenced to imprisonment may, in addition thereto, be sentenced to be discharged with ignominy from the Defence Force.
- (5) In addition to or without any other punishment in respect of any offence, an offender convicted by court-martial may be subjected to forfeiture of any deferred pay, service towards pension, military decoration or military reward (subject to the conditions under which such was issued), or to any deduction from his pay authorized by the Act or these Regulations.
- (6) A non-commissioned officer sentenced by court-martial to imprisonment shall be deemed to be reduced to the ranks.

- (7) In addition to or without any other punishment in respect of any offence, a non-commissioned officer convicted by court-martial may be reduced to any lower grade or to the ranks.
- (8) In addition to or without any other punishment in respect of any offence an offender convicted by court-martial may be sentenced to pay such amount as is sufficient to make good any loss or damage occasioned by his wilful act, default, or neglect.

ARREST AND MILITARY CUSTODY.

238. It is provided by section 113 of the Act that—

Provisions of the Act.

"Any member of the Defence Force charged with any naval or military offence when on duty or wearing his uniform may be arrested, pursuant to the order of an officer authorized by the Regulations to issue such order, by any other member of the Defence Force, and detained in naval or military custody until he can be tried for the offence, but, in the case of members of the Citizen Forces such arrest or custody shall not continue longer than while the corps or ship's company to which such member belongs shall then remain under arms or on duty, or if not then on duty, until such member shall have resumed civilian attire, which he shall, without unnecessary delay, be permitted to do."

239. Subject to the above paragraph 238.

Who may arrest and be arrested.

(1) Any officer may order into military custody an officer of inferior rank, or any soldier, and also an officer (though he be of higher rank) engaged in a quarrel, fray, or disorder, and any officer or soldier may take into military custody any officer or soldier pursuant to the order of an officer, and such order shall be obeyed, notwithstanding the officer giving the order and the person in respect of whom the order is given do not belong to the same corps, arm, or branch of the service.

(2) An officer or non-commissioned officer commanding a guard or a provost-marshal or assistant provost-marshal shall not refuse to receive or keep any person who is committed to his custody by any officer or non-commissioned officer, but it shall be the duty of the officer or non-commissioned officer who commits any person into custody to deliver at the time of such committal, or as soon as practicable, and in every case within twenty-four hours thereafter, to the officer, non-commissioned officer, provost-marshal, or assistant provost-marshal, into whose custody the person is committed, an account in writing, signed by himself, of the offence with which the person so committed is charged.

Custody and delivery of the "crime."

(3) Military custody means the putting the offender under arrest, or the putting him in confinement.

Confinement.

(4) The charge made against every person taken into military custody shall, without unnecessary delay, be investigated by the proper military authority, and, as soon as may be, either proceedings shall be taken for punishing the offence, or such person shall be discharged from custody.

Investigation.

(5) In every case where an officer or soldier not on active service remains in military custody for a longer period than eight days without a court-martial for his trial being ordered to assemble, a special report of the

Special report.

necessity for further delay shall be made by his Commanding Officer in manner prescribed; and a similar report shall be forwarded every eight days until a court-martial is assembled or the officer or soldier is released from custody. The report herein prescribed is to be made whether the officer or soldier is a patient in hospital or for whatever cause the case is not proceeded with. On the receipt of every such report the District Commandant is to satisfy himself as to the necessity for the continued detention of the officer or soldier in military custody.

How made.

- (6) The special report of the necessity for further delay in ordering a court-martial to assemble for the trial of an officer or soldier, required under sub-paragraph (5), shall be made by means of a letter from the Commanding Officer of that officer or soldier, reporting the necessity to the District Commandant.

Meaning of words "on duty."

240. Members of the Permanent Forces shall at all times be held to be "on duty," and liable to arrest for a "military or naval offence" under section 113 of the Defence Act. But this sense of the words "on duty" shall not apply when considering whether an offence is aggravated by being committed on duty. In such cases the meaning given in para. 306 shall hold good. In the case of the Citizen Forces "duty" shall include the performance of all administrative duties of a military nature in or out of uniform.

In this paragraph and other paragraphs of these Regulations on the subject of "Discipline," a member of the Citizen Forces shall be considered to have been "on duty," although not in uniform, in respect to any act done, or omitted to be done, by him in a military capacity or with intentional reference on his part to his military capacity.

Duties of commander of guard as to delivery of "crime."

241. If the account in writing mentioned in paragraph 239 (2), commonly termed the "crime," is not delivered at the time, a verbal report to the same effect is to be made. If the "crime" is not received within twenty-four hours, the commander of the guard will either take steps for procuring it, or report that he has not received it to the officer to whom his guard report is furnished, who, if the "crime" or other evidence sufficient to justify the detention is not forthcoming, will, at the expiration of forty-eight hours from the time of committal, order the release of the person in military custody. In order to comply with the provisions of paragraph 236 (33) to (35) of these Regulations, the name and offence of every person in military custody, including such as may have been received over in custody, and the rank and name of the officer or other person by whom he is charged, are to be entered by the commander of the guard in his guard report, and the original "crime," or a copy thereof, is to be forwarded to the Commanding Officer of the person in military custody.

Military custody, officer or non-commissioned officer.

242. Military custody in the case of an officer, warrant officer, or non-commissioned officer (not under sentence) usually means arrest, but an officer, warrant officer, or non-commissioned officer may, if circumstances require it, be placed for custody under the charge of a guard, picquet, patrol, or sentry, or of a provost-marshal.

Arrest of officer.

243. Arrest is either close arrest or open arrest. When arrest is not described as open arrest, it means close arrest. An officer under close arrest is not to leave his quarters or tent, except to take such exercise under supervision as the medical officer considers necessary. When under open arrest he may take exercise at stated periods within defined limits, which will usually be the precincts of the barracks or camp of his unit. If the climate or the state of the officer's health

or other circumstances require it, these limits may be enlarged at the discretion of the Officer Commanding on the spot. An officer under open arrest may, under strict orders as to his conduct, be directed to proceed from one station to another, or be permitted to leave his station for a particular purpose.

244. An officer under open arrest is forbidden to use his own or any other mess premises. He is not to appear in any place of amusement or entertainment or at public assemblies, and he is never to appear outside his quarters or tent dressed otherwise than in uniform. An officer, when under arrest, will not wear sash, sword, belts, or spurs. Restrictions.

The underlined part of paragraphs 243 and 244 shall not apply to officers and non-commissioned officers of the Citizen Forces, who are under open arrest, unless when wearing uniform, or in camp.

245. It is not desirable, except where it appears that the arrest has been made through error, that an officer should be released from arrest by the officer who ordered the arrest without the sanction of the highest authority to whom the case may have been referred. Release.

246. An officer may be placed under arrest by a competent authority, without previous investigation, when circumstances so require; but a Commanding Officer on receiving a complaint, or coming to the knowledge of circumstances tending to incriminate an officer, will not ordinarily place him under arrest until he has satisfied himself by inquiry that it will be necessary to proceed with the case, and report it to superior authority. He will invariably place under arrest an officer against whom he prefers charges. When an officer is placed under arrest, whether afterwards released or not, the Commanding Officer will invariably report the case without delay to the District Commandant. When to be ordered.

247. An officer has no right to demand a court-martial upon himself, except as mentioned in section 88 of the Act, or, after he has been released by proper authority, to persist in considering himself under the restraint of arrest, or to refuse to return to the performance of his duty. An officer who conceives himself aggrieved can complain through the proper channel and seek redress under paragraph 224. Officers under arrest cannot demand a court-martial.

248. Paragraphs 243 and 244 will also apply to warrant officers and non-commissioned officers, who will, if charged with a serious offence, be placed under arrest forthwith, but, if the offence alleged appears not to be serious, it may be investigated and disposed of without previous arrest. In cases where doubts exist whether the offence alleged has been committed, arrest may be delayed, without prejudice to any subsequent proceedings. Arrest of warrant or non-commissioned officer.

249. Military custody in the case of a private soldier not under sentence means either making him a soldier in open arrest or confining him in a guard detention room under charge of a guard, picquet, patrol, sentry, or provost-marshal. Military custody of private soldier.

250. The keys of the guard detention room shall be kept in the charge of the commander of the guard.

251. A private soldier charged with a serious offence will be placed in military custody on the commission or discovery of the offence. He is not to be confined in the guard detention room for offences unaccompanied by drunkenness, violence, or insubordination, unless confinement is necessary to insure his safe custody or for the maintenance of discipline, and the investigation of the charge may be held without his being confined. A private soldier against whom a charge for an offence is pending, if in open arrest, will not quit barracks until his case has been disposed of. He will attend parades, but will not be detailed for duty. The underlined part of this paragraph shall not apply to soldiers of the

Citizen Forces, except when their corps remains under arms or on duty.

Temporary
detention in
lock-up,
police station
&c.

252. A soldier in military custody (not under sentence) may be committed, by a warrant signed by his Commanding Officer on the authorized form, for temporary detention for any period not exceeding seven days to any prison, police station, lock-up, or other place of confinement in which prisoners may legally be confined.

Soldiers
confined by
N.C.O.'s.

253. A private soldier who disobeys an order distinctly given, or resists the authority of a non-commissioned officer, is to be confined without altercation, and immediately reported to the officer commanding his company, &c., or to the adjutant. When a non-commissioned officer has to confine a soldier he will invariably obtain the assistance of one or more privates to conduct the offender to the guard-room, and will himself avoid in any way coming in contact with him. Except in cases of personal violence, or when on detached duties, lance-corporals and acting bombardiers with less than four years' service will not confine private soldiers, but will report the offence to the orderly-sergeant, who will act as the circumstances require.

For drunken-
ness.

254. A private soldier who is drunk is, if possible, to be confined alone in the guard detention room. Soldiers on being confined will be searched and deprived of knives or other weapons. Soldiers confined for drunkenness may be deprived of their boots, except when the weather is cold, and they are likely to suffer in consequence, and are to be visited and their condition ascertained at least every two hours by a non-commissioned officer of the guard and an escort. Should any symptoms of serious illness be observed, a medical officer is forthwith to be sent for. Soldiers suspected of being drunk are not to be put through any drill or tested for the purpose of ascertaining their condition. Care is to be taken that a soldier charged with drunkenness is perfectly sober before he is brought before an officer for investigation of the charge. For this purpose twenty-four hours should usually be allowed to elapse before the investigation.

Confession of
desertion, or
offence against
enlistment.

255. Where a soldier makes a confession of desertion or of having committed an offence in relation to enlistment, if the investigation in connexion therewith cannot be immediately completed, he need not be placed in military custody. If, at the time of, or subsequent to, and independent of, the confession, he is charged with an offence, the soldier may be placed in military custody and tried for the offence.

Bedding and
exercise of
soldiers in
custody.

256. (1) A soldier in military custody for trial by court-martial shall be allowed his bedding up to the time of the promulgation of his sentence or acquittal.
- (2) If a soldier is detained in military custody for more than two days pending inquiry, he may be allowed the use of his bedding.
- (3) If a soldier is detained in military custody in severe weather, he may be allowed such bedding as is deemed necessary.
- (4) Soldiers who are under charge of a guard shall take sufficient exercise, under supervision, for the preservation of their health.

Soldiers in arrest
not to be deprived
of their caps.

257. Soldiers are to be deprived of their caps, and of any articles they can use as missiles, during the investigation of offences and during their trial before any court.

Offenders
not to bear
arms or do
duty.

258. An offender while in arrest or confinement is not to be required to perform any duty, other than such duties as may be necessary to relieve him from the charge of any cash, stores, accounts, or office of which he may have charge, or for which he

is responsible. If by error, or in emergency, he has been ordered to perform any duty, he is not thereby absolved from liability to be proceeded against for his offence. An offender when in arrest or confinement is not to bear arms, except by order of his commanding officer in an emergency or on the line of march.

259. The provisions of section 113 of the Act limiting the duration of the arrest or custody of a member of the Citizen Forces, and allowing him to resume civilian attire, shall be obeyed in the manner most suited to the circumstances, and such member shall be deemed to be in open arrest until his case has been disposed of.

Sec. 113
of the Act.
Citizen Forces.

Any member of the Citizen Forces who has been released from arrest in the manner referred to, should be notified in writing of the charge against him.

260. A member of the Citizen Forces who is in open arrest is subject to the following disabilities in respect to his military capacity, that is to say, he may not wear his uniform except when ordered by his Commanding Officer, and he may not take part in any military meeting of any character or any rifle matches.

Disabilities.

261. A member of the Citizen Forces who has been released from arrest in the manner referred to in para. 259, should, if remanded for trial by court-martial, be summoned to attend, and if he fails to attend, may be taken under a warrant issued under section 114 of the Act, and detained thereunder until disposal of his case. The refusal of such member to attend shall be deemed to be an absconding or deserting within section 114 of the Act. The same course should be followed where a person, liable to trial by court-martial, has ceased to be a member of the Defence Force, but care must be taken to observe the limitation in section 104 of the Act; but if the offence is not an absconding or deserting he should be prosecuted before a civil court.

Compulsory
attendance
before a
court-martial.

262. When any member of the Defence Force has been ordered to pay any penalty or fine for an offence against the Act and Regulations, by order of a civil court, or by sentence of court-martial, or by award of a Commanding Officer, and no pay is available from which such amount can be stopped, and such member neglects or refuses to pay such penalty or fine, or absents himself so as not to earn pay to such amount, the failure on the part of such member shall be an offence and liable to punishment under paragraph 236 (45).

Failure to pay
a penalty or
fine.

Investigation of Charges.

263. Every Commanding Officer will take care that a person under his command, when charged with an offence, is not detained in custody for more than 48 hours after the committal of that person into custody is reported to him, without the charge being investigated, unless investigation within that period seems to him impracticable with due regard to the public service. Every case of a person being detained in custody beyond a period of 48 hours, and the reason thereof, shall be reported by the Commanding Officer to the District Commandant.

Duty of
commanding
officer as to
investigation of
charge for
offence.

264. (a) Every charge against a soldier will be heard in the presence of the accused, save as hereinafter provided in the case of the Citizen Forces. See paragraph 298 (3). The accused will have full liberty to cross-examine any witness against him, and to call any witnesses and make any statement in his defence. On the application of the accused, he and his wife may be called as witnesses, but neither he nor his wife shall be called as a witness, except on his own application.

Hearing of
charge.

(b) If the accused demands that the evidence against him be taken on oath, the oath will be administered to each witness by the investigating officer in the same form as provided for a court-martial, or in

the case of a witness allowed before a court-martial to make a solemn declaration, the like solemn declaration will be made before the investigating officer.

Disposal of the charge or adjournment for taking down the summary of evidence.

265. (a) The Commanding Officer will dismiss a charge brought before him if, in his opinion, the evidence does not show that some offence against the Act or Regulations has been committed, or if, in his discretion, he thinks the charge ought not to be proceeded with.

(b) At the conclusion of the hearing of a charge, if the Commanding Officer is of opinion that the charge ought to be proceeded with he shall, without unnecessary delay, either—

- (1) Dispose of the case summarily, or
- (2) Refer the case to the proper superior military authority, or
- (3) Adjourn the case for the purpose of having the evidence reduced to writing.

But a Commanding Officer shall not dispose of a case summarily if the accused has elected to be tried by a district court-martial.

(c) An offender shall not be liable to be tried by court-martial for any offence which has been dealt with summarily by his Commanding Officer, and shall not be liable to be punished by his Commanding Officer for any offence of which he has been acquitted or convicted by a competent civil court or by court-martial.

(d) Where a Commanding Officer has power to deal with a case summarily, and, after hearing the evidence, considers that he may so deal with the case, he shall, unless he awards one of the minor punishments, ask the soldier charged whether he desires to be dealt with summarily or to be tried by a district court-martial, and if the soldier elects to be tried by a district court-martial the Commanding Officer shall take steps for bringing him to trial by a district court-martial, but otherwise shall proceed to deal with the case summarily.

(e) Where the case is adjourned, at the adjourned hearing the evidence of the witnesses who were present and gave evidence before the Commanding Officer, whether against or for the accused, shall be taken down in writing in the presence of the accused before the Commanding Officer or such officer as he directs.

(f) The accused may put questions in cross-examination to any witness, and the questions with the answers shall be added in writing to the evidence taken down.

(g) The evidence of each witness when taken down shall be read over to him and shall be signed by him, or, if he cannot write his name, shall be attested by his mark and witnessed. Any statement of the accused material to his defence shall be added in writing.

266. (a) The evidence and statement (if any) taken down in writing in pursuance of the foregoing (in these Regulations referred to as the summary of evidence) shall be considered by the Commanding Officer, who thereupon shall either—

- (1) Remand the accused for trial by court-martial, or
- (2) Refer the case to the proper superior military authority, or
- (3) If he thinks it desirable, and the accused is a soldier and has not elected to be tried by a district court-martial, re-hear the case and dispose of it summarily.

(b) If the accused is remanded for trial by court-martial, the Commanding Officer shall, without unnecessary delay, either issue an order for the assembly of a court-martial or apply to the proper military authority to convene a court-martial, as the case requires; this delay, and any delay in the reference to superior military authority, should not ordinarily exceed 36 hours.

(c) The summary of evidence, or a true copy thereof, shall be laid before the court-martial before whom the accused is tried on the assembly of the court, and a true copy thereof shall be given to the accused gratis.

(d) The application (like the charge sheet) must be signed by the officer in actual command of the unit to which the accused belongs.

267. (a) The term of detention, when awarded in days by a Commanding Officer, shall begin on the day of the award; the term of detention, when awarded in hours by a Commanding Officer, shall begin when the soldier sentenced is received at the Detention Barrack to which he is committed; or, if he is not sooner received into the Detention Barrack, shall begin on the day after the day of the award at the hour fixed for the commitment and release of soldiers under sentence.

Summary award of punishment by commanding officer.

(b) When the Commanding Officer has once awarded punishment for an offence he cannot afterwards increase the punishment for that offence.

268. If a soldier is dealt with summarily by his Commanding Officer and the award or finding involves a forfeiture of pay, or (though such forfeiture is not involved) the award is not an award of a minor punishment, and his Commanding Officer has omitted to ask him whether he desires to be dealt with summarily or to be tried by a district court-martial, the soldier may, at any time on the same day before the hour fixed for the commitment and release of soldiers under sentence, claim his right to be tried by a district court-martial.

Right of trial by court-martial in lieu of summary award.

269. (a) Where an officer is charged with an offence under the Act or Regulations the investigation shall, if he requires it, be held and the evidence taken in his presence in writing in the same manner, as nearly as circumstances admit, as is required in the case of a soldier.

Procedure on charge against an officer.

(b) Where an officer is ordered for trial by court-martial without any such taking of evidence in his presence, an abstract of the evidence to be adduced shall be delivered to him gratis not less than 24 hours before his trial, and shall be laid before the court-martial on the assembly of the court.

270. Every officer who does not summarily dispose of a charge which he investigates will carefully avoid any expression of opinion as to the guilt or innocence of the person charged.

Rule for investigation.

271. The charges for offences of non-commissioned officers and soldiers committed to military custody will be entered in the guard report by the commander of the guard as soon as he receives the crime. The charge for an offence of a non-commissioned officer or soldier will be investigated by the officer commanding the company, &c. This officer will decide, except in the case of a non-commissioned officer, whether it be a minor offence that he can deal with. If he decides to deal with it, he will dispose of the case, and indorse the "crime" with his award.

Entry and investigation of charges. Guard report.

If he decides to leave the case for his Commanding Officer to deal with, he will send the "crime" to the commander of the guard for entry in the guard report, and the soldier will be treated as if in military custody. All charges against soldiers will be investigated without delay in their presence. Soldiers in arrest should be disposed of daily (Sunday, Good Friday, and Christmas Day excepted), and, when practicable, in the morning before the hour of Commanding Officer's parade. All charges not disposed of by officers commanding companies, &c., will be investigated by the Commanding Officer. The officer commanding the company, &c., will attend with the conduct book. If a soldier in arrest in the guard detention room is remanded for further inquiry, his case will be brought under review daily until disposed of, and the order for remand will be entered daily in the guard report by the Commanding Officer.

272. The award of the Commanding Officer or officer commanding the company, &c., will be entered in the guard report and signed by him. The awards of punishments by officers command-

Entry of award.

ing companies, &c., will be reported to the Commanding Officer, who will make such remissions or remarks as he may think advisable.

Disposal of
offenders by
commanding
officer.

273. A Commanding Officer may, without reference to superior authority, dispose summarily of, or try by regimental court-martial, a charge against a soldier for an offence under the following sections of the Act:—74 (1), 75, 76, 77, 79, 81, 84 and 85, and under the following paragraphs of the Regulations:—Paragraph 236, sub-paragraphs (1) to (4), (10) threatening or insubordinate language only, (11) to (22), (25) to (27), (30), (31) and (32), except when the act is wilful, (33) to (37), (40), (45), (46), (49) to (51), and (53) to (55).

First and less serious offences under the above sections, and minor neglects or omissions, not resulting from deliberate disregard of authority or not associated with graver offences, should, as a rule, be dealt with summarily. A charge for any other offence which the Commanding Officer desires to dispose of summarily will be referred to superior authority in a letter stating the circumstances of the case, and accompanied by the soldier's conduct sheet. The commanding Officer may, if he sees fit, refer a charge for any offence to superior authority with an application for a district court-martial.

Dismissal of
charge.

274. It should be borne in mind that, except when it is important that the guilt or innocence of the accused should be definitely decided, it is undesirable to send a case before a court-martial when it appears doubtful whether the evidence will lead to a conviction. In such a case the charge should ordinarily be dismissed, under the provisions of paragraph 265.

Liability of
soldier in arrest
in respect of
lapse of time.

275. Before proceeding with a case it is the duty of the Commanding Officer to ascertain that the soldier is liable to be proceeded against, having regard to the limitations of time prescribed by the Act; and in referring to superior authority a case of desertion not on active service, or of fraudulent enlistment, he must determine and note whether the soldier is liable to trial. A soldier is to be considered as having served in an exemplary manner if, at any time during his service since his fraudulent enlistment, he has had no entry in his regimental conduct sheet for a continuous period of three years, and he shall not be tried for any such offence of desertion (other than desertion on active service), or of fraudulent enlistment, as was committed before the commencement of such three years.

Liability when
evidence may be
forthcoming in
the future.

276. If on the investigation of a charge sufficient evidence is not forthcoming as to whether the accused has or has not committed the offence, and there is no opportunity of carrying the investigation further at the time, the accused, if the offence charged is serious, may be released from arrest or confinement, and ordered to do duty, without prejudice to his re-arrest when further evidence is forthcoming and the matter can be further inquired into. If, however, the offence charged is not serious, and there is no probability of sufficient evidence being obtainable within a reasonable time, the case should be dismissed.

Disclosure of a
further charge
during
investigation.

277. If, when a soldier is charged with one offence, another, the investigation of which cannot be immediately completed or proceeded with, comes to light, the investigation and trial in respect of the original offence may proceed independently, the charge for the other offence being dealt with as prescribed in paragraph 276.

Offence by
soldier under
sentence.

278. When a soldier already under sentence of court-martial is charged with an offence for which it is necessary to arraign him before a court-martial, the trial should take place at once.

Definition of
"commanding
officer."

279. The expression "Commanding Officer," as used in these Regulations relating to "*Investigation of Charges*," "*Summary and Minor Punishments*," and "*Courts-martial*," and in the provisions consequential thereon, means, in relation to any person, the Officer Commanding any Corps, for purposes of discipline. For the purpose of the summary award of fines for drunkenness and the

other punishments mentioned in paragraph 291, a squadron, battery, or company constitutes a corps, and the Officer Commanding a squadron, battery, or company is an Officer Commanding a corps.

280. Any officer whose duty it is under the Act or Regulations, or in the absence of any such provision under the custom of military service, to deal with a charge against any person, who is present under his command, of having committed an offence, that is to say, to dispose of it on his own authority, or to refer it to superior authority, is "an Officer Commanding a Corps," and the persons present under the command of such officer constitute a "corps."

281. The Officer Commanding a detachment (which is hereby declared to be a "Corps," and which shall include a Battery of Field Artillery or a Company of Garrison Artillery) is vested with the full power accorded to a Commanding Officer, but the Commanding Officer of a regiment or battalion, if the detachment is serving in the same command, or the officer commanding the garrison or station where the detachment may be, or other superior authority, may, having regard to the rank and experience of the Officer Commanding the detachment, if below the rank of substantive Major, restrict him from the exercise of any or all of the powers of a Commanding Officer.

282. Nevertheless, an officer commanding a detachment may, if necessity arises, act to the full extent of the powers of a Commanding Officer for the maintenance of discipline notwithstanding any restrictive order, but in such case he will immediately report his action for the information of the superior authority by whom such restrictive order was made.

283. A District Commandant may, on the embarkation of troops and on other special occasions, associate two or more detachments for the purposes of discipline, and place them under the command of one officer, and such two or more detachments are hereby declared to be a corps. In such cases the powers of the officers commanding the several detachments to award summary punishments and convene regimental courts-martial will, for the time being, remain in abeyance.

284. Officers, warrant officers, and non-commissioned officers of the Administrative or Instructional Staffs, including military staff clerks, serving under a District Commandant, or other officer, constitute a corps, and such District Commandant, or any officer not below the rank of captain, whom such District Commandant shall appoint, or such other officer as aforesaid, as the case may be, shall be the officer commanding such corps for the purposes of discipline, but for appointment, promotion, and transfer from one military district to another, such officers, warrant officers, and non-commissioned officers are under the administration of the Adjutant-General.

284A. The members of the Head-quarters of the Australian Intelligence Corps and the members of that Corps serving in each district respectively constitute a corps for all purposes of discipline.

285. Officers and soldiers of the Reserve Forces, attached to and administered as part of any regiment or corps, form part of such regiment or corps. In other cases, officers and soldiers of the Reserve Forces shall be under the command of the officers respectively whose duty it is to administer the affairs of that portion of the Reserve Forces to which the officers and soldiers belong, and the officers and soldiers under the command of each such officer as aforesaid shall constitute a corps.

Summary and Minor Punishments.

Summary
punishments.

286. A Commanding Officer may, subject to the soldier's right to elect, previous to the award, to be tried by district court-martial, *inflict the following summary punishments on a private soldier :—

- (1) Detention not exceeding seven days.
- (2) Fines, not exceeding £5, but
- (3) In the case of drunkenness, a fine not exceeding twenty shillings according to scale.

(In case of absence without leave, or in case of his imprisonment or detention awarded by either a court or a commanding officer, a soldier shall forfeit his pay and allowance during his absence, imprisonment or detention.)

- (4) Fines sufficient to make good any expenses caused by him, or for any loss of, or damage or destruction done by him to any arms, ammunition, equipment, clothing, instruments or regimental necessities or military decoration or to any buildings or property, provided that the total fines in any award shall not exceed £5.

Minor
punishments.

287. A Commanding Officer may also inflict the following minor punishments, the soldier having no right to claim trial by court-martial :—

- (1) *Confinement to barracks* for any period not exceeding twenty-one days, during which defaulters will be required to answer to their names at uncertain hours throughout the day, and will be employed on fatigue duties to the fullest practicable extent, with a view to relieving well-conducted soldiers therefrom. Defaulters will attend parades, and take all duties in regular turn. When the fatigue duties required are not sufficient to keep the defaulters fully employed, the Commanding Officer may order defaulters to attend punishment drill provided that they shall not be liable to punishment drill after the expiration of ten days from the date of the award of confinement to barracks. Confinement to barracks in the case of the Australian Army Medical Corps will not carry with it punishment drill if awarded to men actually at the time doing duty in hospital.
- (2) *Extra guards or picquets*; these are only to be ordered as a punishment for minor offences or irregularities when on, or parading for, these duties.

Provisions to be
observed.

288. Any of the punishments prescribed by paragraphs 286 and 287 may be awarded severally or conjointly, subject to the following provisions :—

- (1) Any award of detention, up to four days inclusive, will be in hours. The detention will commence as prescribed.
- (2) When an award includes detention and a minor punishment, the latter will take effect at the termination of the detention.
- (3) A single award of punishment, including detention and confinement to barracks, will not exceed twenty-one days.
- (4) A soldier undergoing detention or confinement to barracks may, for a fresh offence, be awarded further detention or a minor punishment or both. In the case of detention, it will commence from the date

* Unless there are reasons against the adoption of such a course, a soldier may, on the following day, be given an opportunity of reconsidering his decision to be tried by court-martial.

of award; in that of a minor punishment, from the termination of the previous sentence, provided that no soldier shall be detained by summary award for more than fourteen consecutive days, and that the whole extent of consecutive punishment, including detention and confinement to barracks, shall not exceed twenty-eight days in the aggregate.

- (5) Defaulters are not required to undergo any punishment drill or confinement to barracks which may have lapsed by reason of their being in hospital or detention barrack or employed on duty.

289. Punishment drill is not to exceed one hour at a time, and is to consist of marching in quick time only and not of instruction drill. It will not be carried out on Sundays. In very cold weather the double time may be used for short periods. Punishment drill.

It will be carried out in marching order, and will never exceed four hours altogether in one day. It is to be carried on in the barrack yard or drill ground. Punishment drill is not to be carried on after retreat unless the District Commandant is of opinion that, owing to climate, duties, or other causes, it is expedient to do so, in which case he may sanction exceptions.

Fatigue work may be substituted for punishment drill.

290. Defaulters will be excluded from the canteen, except during one hour only in each day, to be fixed by the Commanding Officer, and, as a rule, to be in the evening. Use of canteen by defaulters.

291. Officers are not to introduce or adopt any system of punishment which is in any respect at variance with these Regulations. Officers commanding companies, &c., may award private soldiers punishment not exceeding seven days' confinement to barracks for minor offences, and the regulated fines for drunkenness. In the case of officers of less than three years' service, this power may be limited by the Commanding Officer to an award of three days' confinement to barracks. Any such awards will be subject to any remission the Commanding Officer may order, but cannot be increased. Minor offences.

292. In dealing summarily with cases of absence without leave, a Commanding Officer will have regard to the place of the soldier's surrender or apprehension, the circumstances of his absence, and the period passed in detention. Absence without leave will be reckoned to terminate when the soldier is taken into custody, and in awarding punishment the Commanding Officer should make allowance for any unusual delay in the disposal of the case. Absence without leave.

293. The names of men absent without leave will be notified in Regimental or Corps Orders as follow:—

- (1) If absent from one to twenty days, the names will appear on the day following the day of rejoining.
 - (2) If absent for twenty-one consecutive days, the names will appear on the twenty-second day.
- Notifying in orders names of men absent without leave.

294. Non-commissioned officers, including acting non-commissioned officers, are not to be subjected to summary or minor punishments, or punished by being placed in any lower position on the list of their rank, but they may be admonished, reprimanded, or severely reprimanded, by the Commanding Officer. Non-commissioned Officers below the rank of sergeant (or the appointment of lance sergeant) may be admonished or reprimanded, but not severely reprimanded by the officer commanding the squadron, battery or company. Acting and lance non-commissioned officers may be ordered by a Commanding Officer to revert to their permanent grade, but are not liable to a summary or minor punishment in addition. A private soldier may be admonished, but is not to be reprimanded. Reprimand, admonition, and reversion from acting appointments.

295. A soldier who has committed an offence against the Act or Regulations forfeits the whole of his pay while in hospital on account Detention in hospital caused by offences.

of any illness certified by the medical officer to have been caused by such offence. An officer who has disposed of any offence on account of which the soldier is admitted into hospital will at once communicate with the medical officer, who will furnish the certificate on the authorized form. In a similar manner, if a soldier is believed to have been admitted into hospital on account of an offence under the Act or Regulations, the Commanding Officer will at once hold a preliminary inquiry to enable the medical officer to furnish or refuse the certificate, and will then remand the case for disposal on the man's discharge from hospital.

Summary
punishments.

296. A Commanding Officer may, subject to the soldier's right to elect,* previous to the award, to be tried by district court-martial, inflict the following summary punishments on a soldier of the Citizen Forces :—

- (1) Reduction in rank or to the ranks in the case of a non-commissioned officer.
- (2) Discharge.
- (3) Fines for offences against the Act and Regulations exceeding 10s., but not exceeding £2 in the case of the Militia Forces, and exceeding 5s. but not exceeding £1 in the case of other portions of the Citizen Forces.
- (4) Fines sufficient to make good any expenses caused by him or for any loss of, or damage or destruction done by him to, any arms, ammunition, equipment, clothing, instruments or regimental necessaries, or military decoration, or to any buildings or property.

Provided that, before being reduced or discharged, the soldier shall be notified in writing of the charge against him, and be given an opportunity of showing cause against it.

Minor
punishments.

297. A Commanding Officer may also inflict fines not exceeding 10s. in the case of the Citizen Forces, the soldier having no right to claim trial by court-martial.

Recovery of
fines.

297A. Where a Commanding Officer has, in accordance with the Defence Acts 1903-1904 or the Regulations thereunder, inflicted a fine on a soldier of the Citizen Forces, if the soldier does not, within fourteen days after notice in writing so to do, pay such fine, the fine may together with the costs of any legal proceedings be recovered in any Court of Summary Jurisdiction. Upon the expiration of the fourteen days, if the fine is not paid, the Crown Solicitor shall be instructed, and thereupon shall forthwith take action for the recovery of the fine.

Provisions to be
observed.

298. Any of the punishments prescribed by paragraphs 296 and 297 may be awarded severally or conjointly, subject to the following provisions :—

Scale of fines.

- (1) A Commanding Officer, in awarding a fine, shall be guided but not bound by the scale of fines below, and is at liberty where he thinks fit to increase them in aggravated cases. Provided that the total fines in any award shall not exceed £5. Offences not mentioned below should be dealt with in a similar manner.

- | | | | |
|--|--------|---|---|
| (a) For appearing on parade not in the order of the day, or with clothing, arms, accoutrements dirty, incomplete, or improperly put on | | 2 | 6 |
| (b) Talking in the ranks | | 2 | 6 |
| (c) Inattention, and other minor irregularities | | 2 | 6 |

* Unless there are reasons against the adoption of such a course, a soldier may, on the following day, be given an opportunity of reconsidering his decision to be tried by court-martial.

- (d) Neglect of duty 5 0
- (e) Neglecting to notify change of address
within fourteen days of such change 7 6
- (f) Leaving the ranks without permission 7 6
- (g) Minor cases of insubordination and dis-
obedience of orders 10 0
- (h) Drunkenness on parade or duty, or in
camp, or elsewhere in uniform ... 20 0
- (2) Fines, which are not inflicted to make good any loss or damage or for the unexpired value of uniform will be noted in the returns of pay, and will be credited to revenue. Appropriation of fines.
- (3) A soldier who fails to appear before his Commanding Officer for the investigation of a charge against him, after notification in writing to the offender of the charge against him, and of the time and place fixed for the investigation by the Commanding Officer, shall be liable to have his case investigated in his absence, and summary or minor punishments inflicted, or to have the case referred for trial by court-martial. In such cases, however, the award, together with the evidence should be forwarded to the District Commandant for confirmation. Failure to attend hearing of charge.
- (4) When a non-commissioned officer is summarily reduced by a Commanding Officer the case must be referred, together with the evidence to the District Commandant for confirmation. Reduction of N.C.O.
- (5) Non-commissioned officers, including acting non-commissioned officers, are not to be subjected to summary or minor punishments, excepting reduction and discharge, but may be admonished, reprimanded, or severely reprimanded by the Commanding Officer. Non-commissioned officers below the rank of Sergeant may be admonished or reprimanded, but not severely reprimanded, by the officer commanding the squadron, battery, or company. Acting and lance non-commissioned officers may be ordered by a Commanding Officer to revert to their permanent grade, but are not liable to summary or minor punishment in addition. A private soldier may be admonished, but is not to be reprimanded. N.C.O.'s not to be subjected to summary and minor punishments. Exceptions.
- (6) The offence of absence without leave requires the exercise of careful consideration by Commanding Officers in the Citizen Forces. Soldiers who are not absent wilfully or through negligence should not ordinarily be charged, unless circumstances require it, and the conditions of a soldier's civil avocation must be borne in mind. A soldier should, however, be charged with the offence if he attends any parade, camp, or other duty, and subsequently absents himself from such duty without leave, and without a reason satisfactory to his Commanding Officer. A soldier who is absent without leave for a period of three months should usually, unless the Commanding Officer sees good reason to remit any portion of such award, be fined and discharged. This paragraph is to be carefully explained to all soldiers on enlistment, and also the provisions regarding resignation and discharge under sections 40, 41, 108, and 112 of the Act. A soldier who has tendered his resignation under section 40 or 41 of the Act, and paid the amount due under paragraph 184 Absence without leave.

of these Regulations, and otherwise complied with the provisions of the Act and Regulations, shall not be punished for an act of absence without leave occurring after such resignation.

Defence Force Generally.

Forfeiture of pay.

299. Under section 119 of the Act no member of the Defence Force shall be entitled to receive any pay or allowance (a) while under any charge, of which he is afterwards convicted by any court, or while under sentence of imprisonment by any court, or (b) during absence from duty without leave. The term "court" here used includes civil courts as well as courts-martial, but does not include the hearing of a charge and awarding of punishment by a Commanding Officer, and the term "imprisonment" here includes "detention." The period (a) during which pay shall be stopped shall commence from and include the first day on which the charge was investigated by a Commanding Officer or a court, whichever first occurred. In these cases the Commanding Officer or court will make no award of forfeiture of pay, but will inform the soldier of the number of days' pay he forfeits.

Recording characters of soldiers.

300. Soldiers' characters are to be estimated and recorded as directed in Standing Orders.

Report on conviction of N.C.O. by civil power.

301. When a non-commissioned officer is convicted of any offence by the civil power, the case is to be reported to the District Commandant, who will consider whether it is desirable to recommend the reduction of the offender by special authority of the Governor-General.

Illegal or excessive punishment.

302. A Commanding Officer has no power to alter the record in the conduct books of a punishment awarded after the punishment has been completed. If it appears to a District Commandant that any punishment awarded by a Commanding Officer was illegal or excessive, he may, at his discretion, direct either that it be cancelled, and the entry in the conduct books expunged, or that the punishment be reduced.

Forfeiture of pay applies to W.O.'s and N.C.O.'s.

303. In the case of absence without leave the Commanding Officer will make no award of forfeiture of pay, as all ordinary pay for every day of absence is, under the provisions of section 119 of the Act, forfeited without award, but the Commanding Officer will inform the soldier of the number of days' pay he forfeits.

This forfeiture applies also to warrant officers and non-commissioned officers of all ranks, and in all cases involving such forfeiture a soldier shall have the right, under paragraphs 265, 286, and 296, to elect trial by district court-martial, unless he admits the absence.

Summary power of district commandant.

304. District Commandants may summarily reduce in rank any warrant officer or non-commissioned officer, or may fine or dismiss any warrant officer, non-commissioned officer, or man, for misconduct, or may discharge any warrant officer, non-commissioned officer, or man independently of any other punishment to which he may by law be subject; but no warrant officer or non-commissioned officer shall be so reduced to a rank below that in which he was engaged; provided that except in time of war every soldier before being dismissed or reduced for any alleged offence may, if he so request, be tried by court-martial. Provided also that, before being reduced or discharged, the soldier shall be notified in writing of the charge against him, and be given an opportunity of showing cause against it.

Drunkenness.

Disposal of cases.

305. In disposing of offences of drunkenness the following rules will be observed:—

Not usually triable by court-martial.

A private soldier should not be remanded for trial by court-martial for an act of simple drunkenness—that is to say, an act of drunkenness committed when the soldier was not on duty, and had

not been warned for duty—unless four instances of drunkenness have been recorded against him within twelve months preceding the date of the offence under disposal, or unless he has elected to be tried rather than be awarded fine or detention by his Commanding Officer.

306. Drunkenness on duty includes drunkenness on parade and on the line of march, and drunkenness on the line of march includes drunkenness during the whole period between the date of departure and the date of arrival at destination. Drunkenness on duty.

307. When a private soldier commits the offence of simple drunkenness in connexion with a more serious offence for which he is to be tried by court-martial, he should not be charged with drunkenness before the court-martial, unless he is liable to trial and the Commanding Officer considers it a case which should be tried; but, as a record of the drunkenness, the Commanding Officer will, when a charge of drunkenness is not preferred in such cases before the court-martial, make an entry of the offence, either imposing a fine, if the soldier is liable thereto, or making the following note in the punishment column:—"No punishment; awaiting trial on another charge." If an entry of the court-martial is subsequently made, the above entry will be bracketed with it, and will not be considered a separate entry. Simple drunkenness when connected with more serious offences.

308. In computing fines for drunkenness the following rules will be observed. Computing fines.

(i.) For the first instance during a soldier's service, no fine.

(ii.)—(a) For the second offence, 2s. 6d.

(b) For the third and every subsequent offence, 5s., but if the third or subsequent offence occurs within six months of the preceding offence, 7s. 6d., and if within three months, 10s.

Time during which a soldier is absent from duty by reason of imprisonment, detention, or absence without leave is not to be reckoned in the above periods.

309. In dealing with simple drunkenness unconnected with another offence, confinement to barracks should only be added to a fine when the circumstances are such as to increase its gravity. Detention should never be awarded for an instance of drunkenness not triable by court-martial, except when the amount of unpaid fines for drunkenness recorded against a soldier is 40s. and upwards, in which case a Commanding Officer should substitute detention or some other punishment which it is in his power to award. Punishment for simple drunkenness.

310. Fines which cannot be recovered from a soldier's pay are not to be recovered from any other source while he remains in military service, provided that the total amount of deduction from the ordinary pay due to a soldier shall not exceed such sum as will leave to the soldier, after paying for his messing and washing, less than sixpence a day. Recovery of fines.

COURTS-MARTIAL.

311. Except so far as is inconsistent with the Act and these Regulations, the laws and regulations for the time being in force in relation to the composition, mode of procedure, and powers of courts-martial in the King's Regular Forces shall apply to courts-martial under the Act and these Regulations. Procedure and powers.

These Laws and Regulations are set out in the "Rules of Procedure," "Manual of Military Law," and the "King's Regulations."

Regimental Courts-Martial.

312. A regimental court-martial shall consist of not less than three officers, each of whom must have held a commission during not less than one whole year.

President The convening authority shall appoint the president and members.

313. The president of a regimental court-martial shall not be under the rank of captain, unless where the court-martial is held on the line of march, or on board any ship, or unless, in the opinion of the convening authority, such opinion to be expressed in the order convening the court and to be conclusive, a captain is not, with due regard to the public service, available, in any of which cases an officer of any rank may be president.

Limited powers. 314. A regimental court-martial shall not try an officer, or award the punishment of discharge with ignominy; or award the punishment of detention in excess of forty-two days; but, except as aforesaid, and except as in the Act and the Regulations specially mentioned, any offence under the Act or the Regulations committed by a person subject to military law, and triable by court-martial, may be tried and punished by a regimental court-martial.

Order for assembly. 315. A regimental court-martial shall be ordered to assemble as soon as seems to the convening authority practicable (having regard to the provisions in respect to the "accused's preparation for defence"), after the completion of the investigation by the Commanding Officer into the charge which the court-martial is to try.

General and District Courts-Martial.

Composition. 316. A general court-martial shall consist of not less than five officers, each of whom must have held a commission during not less than three whole years, and must be of a rank not below that of captain.

A district court-martial shall consist of not less than three officers, each of whom must have held a commission during not less than two whole years.

The minimum number mentioned in this section for a general or a district court-martial shall be the legal minimum for that court-martial.

Who may be tried. A district court-martial shall not try a person subject to military law as an officer, but, subject as aforesaid, any offence under the Act or Regulations committed by a person subject to military law, and triable by court-martial, may be tried and punished by either a general or district court-martial.

Members. An officer under the rank of captain shall not be a member of a court-martial for the trial of a field officer.

President. The president of a court-martial, whether general or district, shall be appointed by order of the authority convening the court; but he shall not be under the rank of field officer, unless the officer convening the court is under that rank, or unless in the opinion of the authority convening the court, such opinion to be expressed in the order convening the court, and to be conclusive, a field officer is not, with due regard to the public service, available, in either of which cases an officer not below the rank of captain may be the president of such court-martial; and he shall not be under the rank of captain, except in the case of a district court-martial, where in the opinion of the authority convening the court, such opinion to be expressed in the order convening the court, and to be conclusive, a captain is not, having due regard to the public service, available. The members shall be appointed in the same manner as the president.

Special cases. 317. When an officer of the rank of captain is not available as president of a district court-martial, the power of convening the court should not be exercised except when such a course is absolutely necessary, and when the case cannot conveniently be referred to an officer holding a superior command.

318. The members of a court-martial for the trial of an officer shall be of an equal, if not superior, rank to that officer, unless, in the opinion of the convening authority, to be stated in the order convening the court and to be conclusive, officers of that rank are not, having due regard to the public service, available. Rank of members of court-martial in certain cases.

319. (a) A general or district court-martial shall, as far as seems to the convening authority practicable, be composed of officers of different corps, and in no case shall be composed exclusively of officers of the same regiment, unless the convening authority states in the order convening the court that in his opinion other officers are not, having due regard to the public service, available, and also, if he belongs to the same regiment as the accused, that an order to convene a court composed partly of other officers cannot be obtained from superior authority within a reasonable time. Corps of members of court-martial.

(b) In the case of a court-martial for the trial of a person belonging to the Citizen Forces, unless the convening authority states in the order convening the court that in his opinion it is not, having due regard to the public service, practicable, one half of the members at least of the court should belong to the Citizen Forces, and to that branch of the Citizen Forces to which the accused belongs.

320. (i.) Whenever a general officer or a colonel is available to sit as president of a general court-martial, an officer of inferior rank should not be appointed. Rank of members.

(ii.) When the commanding officer of a corps is to be tried, as many members as possible are to be officers who have held or are holding commands equivalent to that held by the accused.

Courts-Martial Generally.

321. (a) The officers sitting on a court-martial may belong to the same or different corps, or may be unattached to any corps, and may try persons belonging or attached to any corps. Courts-martial in general.

(b) An officer is not eligible for serving on a court-martial if he is not subject to military law.

(c) An officer is disqualified for serving on a court-martial if he—

- (i.) Is the officer who convened the court; or
- (ii.) Is the prosecutor or witness for the prosecution; or
- (iii.) Investigated the charges before trial, or took down the summary of evidence, or was a member of a court of inquiry respecting the matters on which the charges against the accused are founded, or was the company, &c., commander who made preliminary inquiry into the case; or
- (iv.) Is the commanding officer of the accused, or of the corps or battalion to which the accused belongs; or
- (v.) Has a personal interest in the case.

322. (a) An officer before convening a court-martial should first satisfy himself that the charges to be tried by the court are for offences within the meaning of the Act or Regulations, and that the evidence justifies a trial on those charges, and if not so satisfied should order the release of the accused or refer the case to superior authority. Procedure of officer on convening court martial.

(b) He should also satisfy himself that the case is a proper one to be tried by the description of court-martial which he proposes to convene.

(c) If more than *thirty* days elapse between the time when an officer having power to convene a general or district court-martial receives an application for a court-martial, and the date at which the case is disposed of, either by the assembly of a general or district court-martial, or otherwise, the officer shall report the case, and the reasons for the delay, to the Military Board.

(d) The authority convening a court-martial shall appoint the officers to form the court, and may also appoint such waiting officers as he thinks expedient.

(e) The authority convening a court-martial shall send to the officer appointed president the original charge-sheet on which the accused is to be tried, and the summary or abstract of evidence.

(f) Every order convening a court-martial must be signed by the convening authority personally.

Hours of sitting
to be regulated.

323. The hours during which courts-martial are ordinarily to sit will be regulated by the Military Board or District Commandants. Courts will usually be held between 10 A.M. and 4 P.M., or 11 A.M. and 5 P.M. at such hours as will interfere as little as possible with parades and other regimental instruction. A court-martial should not ordinarily be required to sit for more than six, or at the most eight, hours during one day.

Medical
Examination.

324. (a) If practicable, a person charged with an offence triable by court-martial shall be examined by a medical officer on the morning of each day the court is ordered to sit, and if, in the opinion of the medical officer, he is unfit to undergo his trial, the Commanding Officer shall not permit him to be brought before the court.

Escort.

(b) Officers, warrant officers, or non-commissioned officers charged with an offence before a court-martial shall attend in the custody of an officer or non-commissioned officer.

(c) Soldiers charged with an offence before a court-martial shall attend in the custody of an escort.

(d) The officer or non-commissioned officer in whose custody the accused are, shall be responsible for their safe conduct, and, while they are in court, he shall obey its directions.

(e) Unless absolutely necessary to prevent their escape or rescue, or to restrain their violent conduct, persons charged with an offence before a court-martial shall not be handcuffed.

Certified copies
of original
documents to be
annexed to
proceedings.

325. When an original document, other than the declaration of a court of inquiry into illegal absence, is furnished to the prosecutor to be produced in evidence before a court-martial, it will rarely be necessary to annex it to the proceedings. A certified copy should be produced to the court, together with the original, the former being attached to the proceedings, and the latter returned to its proper custodian.

Recovery of
documents.

326. When an original document has not been returned within a reasonable time, the proper custodian of that document will be responsible for its recovery.

Not imperative
to try any
offence.

327. Under the Act, the jurisdiction of courts-martial in respect of the trial of different offences is unrestricted, and it will be observed that, except where a particular course is prescribed by the Regulations, it is not imperative to try any offence by court-martial. In cases not specially provided for in the Regulations, the discretion of officers competent to deal with any charge is left unfettered.

Power of
superior officer.

328. A superior officer to whom a case is referred may deal with it as follows:—

- (i.) He may refer the case to a superior officer; or
- (ii.) He may direct the disposal of the case summarily, or by regimental court-martial; or
- (iii.) If he has power to convene a district court-martial, he may convene a district court-martial to try it; or
- (iv.) If he has power to convene a general court-martial, he may convene either a general or district court-martial to try it.

Definition of
superior officer.

329. The officer referred to in paragraph 328 as "superior officer" is not more clearly defined, as his position and rank depend upon the varying conditions of service. It rests with District Com-

mandants to determine to whom charges should be referred which cannot be disposed of without reference to higher authority, and they may, if they think fit, reserve such cases, either wholly or in part, for their own consideration.

330. When an officer to whom a charge is submitted is of opinion that delay is inexpedient, he may dispose of the case without any reference to higher authority. In such case he must immediately report his action, and his reasons for it, to the officer to whom he would otherwise have referred the case. Power in case of emergency.

331. If a soldier has been tried by an inferior court without the authority herein prescribed, the validity of the proceeding is not affected thereby, and the conviction, if otherwise sustainable, will hold good. Validity of unauthorized proceedings.

332. In deciding as to the description of court before which a charge shall be tried, general and other officers in superior command will bear in mind that there are few crimes which cannot effectually be dealt with by district courts-martial. A general court-martial should therefore not be resorted to except in cases of very aggravated offences. In such cases, when the state of discipline in a district, garrison, or corps, renders a serious example expedient, or when the offender bears a bad character, and severe punishment is required, a general court-martial may be held. When recourse should be had to superior courts.

333. When soldiers are to be tried for offences in relation to enlistment, the particulars of their character and of former convictions when serving under previous attestations will be obtained, both for the information of the convening authority and for the purpose of being given in evidence before the court-martial. Civil convictions for offences while in a state of absence or desertion should be given in evidence. When inquiry has been made on the authorized form, this document will, if not handed in by the prosecutor in ordinary course, invariably be attached to the summary of evidence. Trial should not be unduly delayed if difficulty occurs in procuring documents in relation to any previous service which can be dispensed with. Previous character of soldiers to be produced at trial for offences against enlistment.

334. In the case of offences against superiors, an offence having relation to the office held by the superior is of greater gravity than an offence against the individual apart from the duties of his office, and especially in the less serious classes of this offence, the lower the rank of the superior officer against whom the offence is committed, the less will usually be the gravity of the offence. Offences against superiors.

335. Theft from a comrade should, unless there are peculiarly complicated circumstances in connexion with the case, be dealt with by court-martial in preference to being tried by the civil power. If the act discloses a felonious or fraudulent intention, it should, if dealt with by court-martial, be tried under paragraph 236 (28); if the act does not disclose a felonious or fraudulent intention, the charge should be laid under paragraph 236 (45). Crime of theft.

336. In respect of regimental necessities and personal clothing the values of which are not stated in a charge, a court-martial will not award stoppages in their sentence; and, generally, when values are not attached to any articles in a charge, all reference to such articles will be omitted in the sentence. Necessaries.

337. These orders are based on the principle that deficiency of necessities and personal clothing which are a soldier's property causes no loss to any one but the soldier, and that although he is chargeable before a court-martial with making away with them, or losing them by neglect (as the case may be), and is liable to punishment for a breach of discipline, no award of stoppages is in such case required.

338. A soldier rejoining from desertion, or discovered to have fraudulently enlisted, will not be charged with the value of clothing, stores, &c., lost on desertion, or by the award of the competent military authority dispensing with his trial, to make good such value. Clothing, stores, &c., lost on desertion.

Examination of charges.	339. All charges preferred against an officer or soldier, and the circumstances on which they are founded, are to be carefully examined by the officer under whose authority the order for trial is issued, and the evidence should be in his opinion sufficient to justify the arraignment of the accused before a court-martial. The officer ordering trial will avoid any expression of opinion as to the guilt or innocence of the accused.
In trials by court-martial minor offences may be dropped.	340. When a soldier is to be arraigned on a serious charge, and charges for minor offences are pending against him, or the circumstances of the serious offence disclose minor offences, the convening officer may use his discretion in striking out any minor offence, and directing that it shall not be proceeded with. Special provision is made for the case of simple drunkenness in paragraph 307. As a rule a charge should not be brought to trial as an addition to a serious charge if it would not otherwise have been tried by court-martial.
Change of venue of court-martial.	341. If, in the opinion of the District Commandant, a court-martial would more conveniently be held at a place other than that where the accused is, he may cause the court to be convened at any place within his command. If it is desired to hold the trial in any place beyond his command, application will be made to head-quarters, with an explanation of the reasons for this course. A saving of expense owing to transit of witnesses or members would be a sufficient reason, but no change of place is to be made when it appears that the accused is likely to be prejudiced in his defence by the change. When the case is to be tried in another command, the court will be convened under the orders and on the responsibility of the District Commandant to whose command the accused is removed.
Military witnesses from distant stations.	342. When an officer or soldier is required as a witness before a court-martial, and is not serving in the district in which the court is to be held, application for his attendance is to be made to the District Commandant in whose district the witness is serving, and the probable day of the assembly of the court should be stated in such application.
Duties devolving on members.	343. The duties devolving upon members of courts-martial are most grave and important, and in order to discharge them it is incumbent upon all officers to acquire a knowledge of military law, and the practice of courts-martial.
Officers on joining to attend trials.	344. With this object, officers will be required on first joining to attend all regimental courts-martial for instruction, and such general and district courts-martial as the officer commanding the station may direct, for at least six months from the date of their joining; and they are not to be nominated members of courts-martial, even if qualified to sit, until their commanding officer deems them competent to perform so important a duty.
Appointment of prosecutor.	345. No officer should be appointed prosecutor to a court-martial who is not fully competent to conduct the proceedings, and in difficult cases the convening officer will select a specially qualified officer. If no such officer is available, he should apply as soon as possible to superior authority for the services of one.
Duties of prosecutor.	346. It is the duty of a prosecutor to bring all the facts of a case fully before a court in evidence, and to take care, especially when the accused is not assisted in his defence, that no material fact in connexion with the offence charged is omitted which would, if given in evidence, tell in favour of the accused. Drunkenness is no excuse for the commission of a crime, but if the charges against a soldier do not allege drunkenness, and he was drunk at the time he committed an offence with which he is charged, the prosecutor should bring out this fact in evidence.
Number of members to be detailed.	347. In the case of a general court-martial, when a trial is likely to be prolonged it will usually be expedient to form the court of a larger number than the legal minimum, and two or four additional

members should be detailed. Waiting members should also be detailed to meet reduction by challenge. For district and regimental courts-martial the legal minimum will ordinarily be sufficient; but if necessary a larger number may be detailed, and waiting members provided. For the trial of doubtful or complicated cases a district court-martial should, when possible, consist of five officers. When the minimum number is detailed, not more than one member should be a subaltern.

348. Where the composition of a court-martial differs from the normal, in respect either of the description or of the rank of the officers ordered to form the court, or on account of the suspension of the operation of a rule, care must be taken to adhere strictly to the prescribed form of the order convening the court, as the legality of the trial may depend on the correct wording of the order. Prescribed form of order used.

349. Applications for the trial by court-martial of soldiers of the Australian Army Medical Corps will be made by the officer commanding. Courts Martial, A.A.M.C.
 ing Australian Army Medical Corps of the command to the District Commandant.

Framing Charges.

350. (a) A charge-sheet contains the whole issue or issues to be tried by a court-martial at one time. Charge-sheet and charge.

(b) A charge means an accusation contained in a charge-sheet that a person amenable to military law has been guilty of an offence.

(c) A charge-sheet may contain one charge or several charges.

(d) The charge-sheet must be signed by the officer in actual command of the unit to which the accused belongs.

351. (a) Every charge-sheet will begin with the name and description of the person charged, and should state, in the case of an officer, his name and rank, and corps (if any), and in the case of a soldier, his name, number, rank, and corps (if any), and where he does not at the time of the trial belong to the Defence Force, should show by the description of him, or directly by an express avowment, that he is amenable to military law in respect of the offence charged. Commencement of charge-sheet.

(b) A charge-sheet should commence in one of the following ways:—

(When the accused is a member of the Defence Force)

The accused (number, rank, name, regiment, or corps), a soldier (officer) of the Defence Force, is charged with having while on duty (in uniform) committed the following offence (offences), namely,

or,

(When the accused has ceased to be a member of the Defence Force)

The accused (name) is charged with having, while being (number, rank) of the . . . regiment (corps), a soldier (officer) of the Defence Force, and while on duty (in uniform) committed the following offence (offences), namely,

(c) The word "duty" is defined in paragraph 240.

(d) In the case of the Permanent Forces substitute the words "Permanent Military Forces" for the words "Defence Force" in the forms above, and omit the words "while on duty" or "in uniform." See paragraph 226.

352. (a) Each charge should state one offence only, and in no case should an offence be described in the alternative in the same charge. Contents of charge.

(b) Each charge should be divided into two parts:—

(1) The statement of the offence; and

(2) The statement of the particulars of the act, neglect, or omission constituting the offence.

(c) The offence should be stated, if not a civil offence, in the words of the Act or Regulations, and if a civil offence, in such words as sufficiently describe that offence, but not necessarily in technical words.

(d) The *particulars* should state such circumstances respecting the alleged offence as will enable the accused to know what act, neglect, or omission is intended to be proved against him as such offence.

(e) The *particulars* in one charge may be framed wholly or partly by a reference to the particulars in another charge, and in that case so much of the latter particulars as is so referred to shall be deemed to form part of the first-mentioned charge as well as of the other charge.

(f) Where it is intended to prove any facts in respect of which any deduction from ordinary pay can be awarded as a consequence of the offence charged, the *particulars* should state those facts.

Validity of
charge-sheet.

353. (a) A charge-sheet shall not be invalid by reason only of any mistake in the name or description of the person charged, if he does not object to the charge-sheet during the trial, and it is not shown that injustice has been done to the person charged.

(b) In the construction of a charge-sheet or charge there shall be presumed in favour of supporting the same, every proposition which may reasonably be presumed to be impliedly included, though not expressed therein.

Offences of
stablemen
and stable
sentry.

354. In framing charges for offences in the cases of soldiers employed in taking care of horses and stables, it will be borne in mind that the paragraphs referring to sentries do not apply to "stablemen," which expression applies only when the orders regarding the posting and relief of sentries are not strictly carried out; but when a soldier of a stable guard or picquet is posted over horses or otherwise as a sentry, and is regularly relieved as such, he is to be regarded in every respect as a sentry, notwithstanding that he may have been posted without arms.

Court-
martial
stoppages.

355. When a soldier is to be tried by court-martial for an offence of "Fraudulent Enlistment," and the evidence appears to disclose that by committing such offence he has obtained a free kit to which he was not entitled, the words "thereby obtaining a free kit, value" should be added to the particulars of the charge, the value being assessed according to the "Clothing Regulations." If the soldier is convicted of the offence, the court, after satisfying themselves that compensation for such free kit is due to the public, should invariably award a sentence of payment for the value thereof as stated in the charge.

Framing
charges
under
paragraph 236
(37).

356. In framing charges under paragraph 236 (37) the following rule will be observed:—

In the absence of evidence of some positive act of pawning or selling arms, equipment, clothing, &c., a charge of "making away with" should not be preferred. When, therefore, articles of this description are found to be deficient through the culpability of a soldier under the above conditions, it will be sufficient to prefer a charge of losing by neglect.

Value to be
stated on
charge.

357. The value of any article for which it is desired that the court shall sentence the offender to pay should be stated in the "particulars" of the charge. This, in the case of kit, applies only to articles the value of which has to be made good to the public. Except as provided in paragraph 355, it will be unnecessary to set forth the value of necessaries and clothing that are the property of the soldier, the specification of which is required only to acquaint the soldier with the particular articles he is charged with making away with, or losing by neglect, and to enable him to answer to the charge. Any deficiency of necessaries and personal clothing has to be made good by the soldier as a matter of account between him and his captain (subject

to his right of complaint under paragraph 225), and no sentence of a court-martial is required.

348. The values of articles of Government property stated in the particulars of a charge are to be the actual values whenever such actual values can be accurately determined according to regulation. When this computation cannot be effected, and values in excess of the sum subsequently found to be required to make good the expenses, loss, damage, or destruction are necessarily stated in the charge, and corresponding deductions have been included in the sentence of the court, regard must be had to the provisions of section 97 (c) of the Act, and paragraphs 286 and 296 of these Regulations, in making deductions from the soldier's pay.

To be actual values.

Preparation for Defence by Accused Person.

359. The accused person for whose trial a court-martial has been ordered to assemble shall be afforded proper opportunity of preparing his defence, and shall be allowed free communication with his witnesses, and with any friend or legal adviser with whom he may wish to consult.

Opportunity for accused to prepare defence.

360. (a) The accused before he is arraigned should be informed by an officer of every charge on which he is to be tried; and also that, on his giving the names of any witnesses whom he desires to call in his defence, reasonable steps will be taken for procuring their attendance, and those steps shall be taken accordingly; the interval between his being so informed and his arraignment should not be less, in the case of a regimental court-martial, than eighteen, and in the case of any other court-martial than twenty-four, hours.

Information of charge and delivery of list of officers to accused.

(b) The officer, at the time of so informing the accused, should give the accused a copy of the charge-sheet, and, where the accused is a soldier, should, if necessary, explain the charge-sheet and charges to him, and should also, if he is illiterate, read the charges to him.

The officer will, at the same time, give to the accused gratis a true copy of the summary of evidence.

(c) A list of the names, rank, and corps (if any) of the president and officers who are to form the court, and where officers in waiting are named, also of those officers, should, as soon as the president and officers are named, be delivered to the accused if he desires it.

(d) If it appears to the court that the accused is liable to be prejudiced by any non-compliance with this rule, the court should take steps, and, if necessary, adjourn to avoid the accused being so prejudiced.

361. Any number of accused persons may be tried together for an offence charged to have been committed by them collectively, but in such a case notice of the intention to try the accused persons together should be given to each of the accused at the time of his being informed of the charge, and any of the accused may claim, either by notice to the authority convening the court, or, when arraigned before the court, by notice to the court, to be tried separately, on the ground that the evidence of one or more of the other accused persons proposed to be tried together with him will be material to his defence; the convening authority or court, if satisfied that the evidence will be material, and if the nature of the charge admits of it, shall allow the claim, and the accused making the claim shall be tried separately.

Joint trial of accused person.

Sentence.

362. When passing sentence, a court-martial will have regard not only to the nature and degree of the offence and the previous character of the accused, as proved in evidence, but also to the nature and amount of any such consequences which, by virtue of any statute, warrant, order or regulation, are involved in their finding, or entailed by their sentence, in addition to the punishment awarded by the court.

Sentences of courts-martial.

- (i.) All convictions, whether by courts-martial or by civil courts (except as provided in paragraph 196 (1) of the Standing Orders) for offences committed by a soldier since his first enlistment, including any time passed in a state of desertion, will be given in evidence against him. The court will consider if any circumstances have been disclosed by the evidence in extenuation or aggravation of the offence. In awarding imprisonment or detention they will keep in view the locality and climate in which the accused has to undergo his sentence. Sentences must vary according to the requirements of discipline, but in ordinary circumstances, and for the first offence, a sentence should be light. Care must be taken to discriminate between offences due to youth, temper, sudden temptation, or unaccustomed surroundings, and those due to premeditated misconduct.
- (ii.) A soldier who is convicted by a court-martial of an offence under sub-paragraph 24, 28, or 29 of paragraph 236, ought, unless in the opinion of the court there are special reasons to the contrary to be sentenced to imprisonment, and undergo his sentence in a civil prison, but in cases where the confirming officer does not consider the soldier should be discharged from the service as a consequence of his conviction, he may commute the sentence of imprisonment to one of detention. These offences should not be dealt with by a court-martial inferior to a District Court-Martial.
- (iii.) Detention has been introduced into the scale of punishments in order that soldiers, convicted of purely military offences, should not, as a rule, be subject to the stigma attached to imprisonment. The latter punishment ought, as a rule, to be reserved for men convicted of serious offences, or of grave military offences, which in the opinion of the court render their discharge with ignominy advisable.
- (iv.) Where, therefore, a soldier has for a purely military offence been sentenced by a court-martial to imprisonment without discharge with ignominy, the confirming officer, or other superior authority, should, except under very special circumstances, commute the sentence to a sentence of detention.
- (v.) When a sentence of imprisonment is commuted into one of detention, the term of detention shall in no case exceed the term of imprisonment originally awarded.
- (vi.) A sentence of detention, being lower in the scale of punishments than imprisonment, cannot be commuted into one of imprisonment.
- (vii.) Where a soldier has been sentenced to imprisonment and to be discharged with ignominy, and a confirming officer, or other superior authority, commutes the imprisonment to detention, he will, in such a case, remit the discharge with ignominy, as such a discharge cannot accompany a sentence of detention. The converse will also hold good, that is, when a confirming authority remits a discharge with ignominy, he will at the same time commute the sentence of imprisonment to one of detention.

- (viii.) A soldier who is convicted by a court-martial of a purely military offence and who, at the expiration of his sentence, will rejoin his corps, should not ordinarily be sentenced to imprisonment.
- (ix.) The powers of a Regimental Court-martial, and of a Commanding Officer, will not extend to the award of imprisonment. A Regimental Court-martial or a Commanding Officer may award detention, and a soldier awarded detention will undergo his sentence in a detention barrack or a branch detention barrack. He cannot be sent to a prison for that purpose, but a soldier sentenced to imprisonment may undergo his sentence in a detention barrack.
- (x.) The following general instructions are issued for the guidance of courts-martial, but nothing contained in them must be construed as limiting the discretion of the court to pass any legal sentence, whether in accordance with these instructions or not, if in their opinion there is good reason for doing so:—

Offences.	Punishment.		Remarks.
	Detention.	Imprisonment.	
	Period.	Period.	
(a.) In the absence of a previous conviction, or of aggravating circumstances, or of antecedents appearing to require a severe lesson, or of an unusual prevalence* in the unit or garrison of the species of offence forming the subject of the charge. First desertion within first six months' service, and when not under orders for embarkation. Leaving guard or post. Offence of sentries. Insubordinate or threatening language. Disobedience not of a grave nature. Resisting escort, not involving an attempt at serious injury. Breaking out of barracks. Neglect of orders. Absence. Failing to appear at parade. Being out of bounds. Drunkenness. Release of person or allowing person to escape (not wilfully). Escaping from custody. Loss of kit, &c. Irregularity or omission in regard to returns (not fraudulent). Minor contempt of court-martial. False answer on attestation. Conduct to prejudice, &c. (not of a serious nature).	Not exceeding 28 days.	..	An addition of from 7 to 28 days' detention may appropriately be made in the case of each previous conviction, whether for a similar, or any other offence, or of any circumstances that aggravate the gravity of the offence, provided that the full detention does not exceed 90 days.

* Where an offence is unusually prevalent in a district or garrison, attention should be drawn to the fact periodically in local orders, and not by special directions to courts-martial.

† Cases of absence, or failing to appear at parade, which involve the avoidance of embarkation, will be held to aggravate the gravity of such offences.

Offences.	Punishment.		Remarks.
	Detention.	Imprisonment.	
	Period.	Period.	
(b) Striking a superior officer. Disobeying a lawful command (graver cases). Fraudulent enlistment. False evidence. False accusation.	Not exceeding 60 days.	..	If the offence has been repeated, or attended with circumstances which add to its gravity, a sentence should be proportionately increased.
(c) Ordinary theft .. Frauds.	..	Not exceeding 60 days.	If the offence has been repeated, or attended with circumstances which add to its gravity, the sentence may be proportionately increased to imprisonment not exceeding 90 days.
(d) An offence under sub-para. 53 of para. 236.	..	Not exceeding 90 days.	
(e) Gross violence to superiors Disgraceful conduct under sub-para. 29 of para. 236.	..	Not exceeding 90 days.	

(xi.) When an offender is convicted on two or more charges, the sentence should be that which is considered adequate for the gravest of the offences, with some addition for each of the other charges.

(xii.) The addition of "discharge with ignominy" to a sentence of imprisonment is, as a rule, advisable in the case of any persistent offender, *e.g.*, who has been twice previously convicted of desertion or fraudulent enlistment. It should also be awarded for an offence under sub-para. 53 of para. 236, or those coming under (c), (d), or (e).

Punishment of imprisonment.

363. (a) The awarding of the punishment of imprisonment shall be reserved for general and district courts-martial only.

(b) A soldier who is convicted by a court-martial of an offence under sub-paragraphs 24, 28, and 29 of paragraph 236 of the Regulations shall be sentenced to imprisonment. (The offences referred to in this paragraph shall not be dealt with by a court-martial inferior to a district court-martial.)

(c) A general or district court-martial shall have power to sentence a soldier to imprisonment for a purely military offence; but this power shall not, except under very special circumstances, be exercised when it is intended that the soldier should rejoin for duty at the expiration of his sentence.

(d) If sentenced to imprisonment and discharge with ignominy, the soldier shall be sent to a public prison to undergo his sentence.

(e) If sentenced to imprisonment without discharge, the soldier shall be sent to a public prison to undergo his sentence. Provided, if the term of imprisonment awarded is short, and if the confirming authority so directs, the soldier may undergo his sentence in a detention barrack.

(f) Where a confirming officer or other superior authority commutes the imprisonment of a soldier, sentenced both to imprisonment and discharge with ignominy, to detention, he shall also remit the discharge with ignominy.

(g) A discharge with ignominy shall not accompany a sentence of detention.

(h) A regimental court-martial may award the punishment of detention.

(i) If a soldier is sentenced to detention he shall undergo his sentence in a detention barrack or in a detention room, but not in a prison.

364. Courts-martial in framing sentences will award terms of imprisonment or detention in days.

Rule in awarding imprisonment or detention.

365. (1) Where a person has been convicted by court-martial of having stolen, embezzled, received, knowing it to be stolen, or otherwise unlawfully obtained, any property, and the property or any part thereof is found in the possession of the offender, the authority confirming the finding and sentence of such court-martial, or the Military Board, may order the property so found to be restored to the person appearing to be the lawful owner thereof.

Power as to restitution of stolen property.

(2) A like order may be made with respect to any property found in the possession of such offender, which appears to the confirming authority or Military Board to have been obtained by the conversion or exchange of any of the property stolen, embezzled, received, or unlawfully obtained.

(3) Moreover, where it appears to the confirming authority or Military Board from the evidence given before the court-martial, that any part of the property stolen, embezzled, received, or unlawfully obtained was sold to or pawned with any person without any guilty knowledge on the part of the person purchasing or taking in pawn the property, the confirming authority or Military Board may, on the application of that person, and on the restitution of the said property to the owner thereof, order that out of the money (if any) found in the possession of the offender, a sum not exceeding the amount of the proceeds of the sale or pawning shall be paid to the said person purchasing or taking in pawn.

(4) An order under this section shall not bar the right of any person, other than the offender, or any one claiming through him, to recover any property or money delivered or paid in pursuance of an order under this section from the person to whom the same is so delivered or paid.

366. If the accused has been sentenced to a payment in respect of the property stolen, or unlawfully obtained, and any sum of money which has been found upon him has been appropriated to the above use, the accused should be made to pay for the balance only of the stoppage awarded by the court. In cases where the theft has been coupled with desertion a reference is to be made for the decision of the Military Board. Theft, &c., stoppages for.

Confirmation and Promulgation.

367. (1) The authority having power to confirm the finding and sentence of a court-martial may send back such finding and sentence, or either of them, for revision once, but not more than once, and it shall not be lawful for the court on any revision to receive any

Confirmation, revision, and approval of sentences.

additional evidence; and where the finding only is sent back for revision, the court shall have power without any direction to revise the sentence also. In no case shall the authority recommend the increase of a sentence, nor shall the court-martial on revisal of the sentence, either in obedience to the recommendation of an authority, or for any other reason, have the power to increase the sentence awarded.

(2) The finding of acquittal, whether on all or some of the offences with which the accused is charged, shall not require confirmation or be subject to be revised, and if it relates to the whole of the offences shall be pronounced at once in open court, and the accused shall be discharged.

(3) A member of a court-martial shall not have authority to confirm the finding or sentence of that court-martial, and where a member of a court-martial becomes confirming officer he shall refer the finding and sentence of the court-martial to a superior authority competent to confirm the findings and sentences of the like description of courts-martial, and that authority shall, for the purposes of the Act, be deemed to be in that instance the confirming authority.

(4) An officer having authority to confirm the finding and sentence of a court-martial may withhold his confirmation, wholly or partly, and refer such finding and sentence, or the part not confirmed, to any superior authority competent to confirm the findings and sentences of the like description of courts-martial, and that authority shall for the purpose of the Act be deemed to be in that instance and to the extent of such reference the confirming authority.

(5) Subject to the provisions of the Act and Regulations with respect to the finding of acquittal, the finding and sentence of a court-martial shall not be valid except in so far as the same may be confirmed by an authority authorized to confirm the same.

Procedure
confirming
officer.

368. (a) In the case of a finding which does not require confirmation the confirming officer shall not make any remarks in the proceedings, but if he thinks that anything in the case requires further attention he shall report it to superior authority.

(b) In the case of findings or sentences which require confirmation the confirming authority—

(1) May direct the re-assembly of the court for revision of the finding or sentence, or either of them, stating the reasons for such revision; and

(2) Upon receiving the proceedings, whether original or revised, may confirm or refuse confirmation, and may add any remarks on the case which such authority may think fit, and such confirmation and remarks shall be entered in and form part of the proceedings.

Commutation
and remission
of sentences.

369. (1) The confirming authority may, when confirming the sentence of any court-martial, mitigate or remit the punishment thereby awarded, or commute such punishment for any less punishment or punishments to which the offender might have been sentenced by the said court-martial. The confirming authority may also suspend for such time as seems expedient the execution of a sentence.

(2) When a sentence passed by a court-martial has been confirmed, the authorities who had power to confirm shall have power to mitigate or remit the punishment thereby awarded, or to commute such punishment for any less punishment or punishments to which the offender might have been sentenced by the said court-martial.

(3) Provided that the power given by this paragraph shall not be exercised by an officer holding a command inferior to that of the authority confirming the sentence, unless such officer is authorized by such confirming authority or other superior military authority to exercise such power.

(4) An authority having power under this or any other paragraph to mitigate, remit, or commute any punishment may, if it seem fit, do all or any of those things in respect of a person subject to such punishment.

370. (a) Where the finding or sentence is sent back for revision, **Revision.** the court should reassemble in closed court, and shall not receive any further evidence.

(b) Where the finding is sent back for revision, and the court do not adhere to their former finding, they shall revoke the finding and sentence, and record a new finding, and, if the new finding involves a sentence, pass sentence afresh.

(c) Where the sentence alone is sent back for revision, the court shall not revise the finding.

(d) After revision, the president shall date and sign the decision of the court, and the proceedings, upon being signed by the judge-advocate (if any) shall be at once transmitted for confirmation.

371. (a) Where a sentence has been awarded by court-martial in respect of offences in several charges, and the confirming authority confirms the finding on some but not on all of such charges, that authority shall take into consideration the fact of such non-confirmation, and shall, if it seems just, mitigate, remit, or commute the punishment awarded according as seems just, having regard to the offences in the charges the findings on which are confirmed. **Mitigation of sentence on partial confirmation.**

(b) Where a sentence has been awarded by a court-martial in respect of offences in several charges and has been confirmed, and any one of the charges or the finding thereon is found to be invalid, the authority having power to remit or commute the punishment awarded by such sentence shall take into consideration the fact of such invalidity, and if it seems just, mitigate, remit, or commute the punishment awarded according as seems just, having regard to the offences in the charges which with the findings thereon are not invalid, and such punishment shall be as valid as if it had been originally awarded only in respect of those offences.

(c) Where a sentence passed by a court-martial has been confirmed, and is found from any reason to be invalid, the authority who would have had power to commute the punishment awarded by such sentence if it had been valid may pass a valid sentence, and the sentence so passed would have the same effect as if passed by the court-martial, but the punishment awarded by such sentence shall not be higher in the scale of punishments than the punishment awarded by the invalid sentence, nor, in the opinion of the said authority, be in excess of the last-mentioned punishment.

372. (a) Where a special finding has been recorded in relation to alternative charges under Rule of Procedure 44 (f), and the confirming authority is of opinion that the facts found by the special finding constitute in law the offence charged by any of the alternative charges, that authority may confirm the finding, and in that case shall declare that the finding amounts to a finding of guilty on that charge; but if it is afterwards declared by any authority having power to remit or commute the punishment awarded that the said **Confirmation finding on alternative charges.**

facts constitute in law the offence charged in one of the other alternative charges, then the confirming authority, or such other authority as aforesaid, may declare that the finding amounts to a finding of guilty on that alternative charge; and the finding shall be a valid finding of guilty on the charge specified in that behalf in the declaration made on confirmation, or, in case of a subsequent declaration, in that subsequent declaration.

(b) The sentence awarded in the case of any such special finding may likewise be confirmed, subject to this proviso, that if the offence in one of the alternative charges involves a higher punishment, or is otherwise graver, than the offence in the charge of which the offender is found to be guilty under the terms of any declaration mentioned in (a), the authority making the declaration, or some other authority having power to mitigate, remit, or commute the punishment awarded, shall mitigate, remit, or commute the punishment according as seems just having regard to the last-mentioned offence; and the punishment as so modified shall be as valid as if it had been originally awarded in respect of the last-mentioned offence.

Confirmation notwithstanding informality in or excess of punishment.

373. (a) If the sentence of a court-martial is informally expressed, the confirming authority may, in confirming the sentence, vary the form so that it shall be properly expressed; and if the punishment awarded by the sentence is in excess of the punishment authorized by law, the confirming authority may vary the sentence so that the punishment shall not be in excess of the punishment authorized by law; and the confirming authority may confirm the finding and the sentence as so varied of the court-martial.

(b) Whenever it appears that a court-martial had jurisdiction to try any person, and that that person was charged with some offence or offences under the Act or Regulations, and was shown by legal evidence to have been guilty of the offence or one of the offences charged, the finding in respect of the offence or offences of which he is so shown to be guilty, and the sentence may be confirmed, and if so confirmed shall be valid, notwithstanding any deviation from the Regulations or the Rules of Procedure, or any defect or objection, technical or other, unless it appears that any injustice has been done to the offender; but nothing in this Regulation shall relieve an officer from any responsibility for any wilful or negligent disregard of any of the Regulations.

Confirming authority to regulate punishment.

374. It is the province of a confirming authority, by the exercise of his powers of commutation or mitigation, to regulate the amount of punishment awarded by courts-martial, and to insure that the findings and sentences are legal, and that no sentence is heavier than the interests of discipline and the merits of the particular case require.

Remarks and promulgation.

375. A confirming authority, when the proceedings require confirmation, will record such remarks as may seem to him fit on any matter connected with the trial, and may direct his observations to be promulgated, either with the proceedings, or as he may think desirable. When, however, he finds it necessary to comment on the inadequacy of a sentence, his remarks are not to form part of the minute of confirmation, or to be attached to the proceedings, but will either be communicated in a separate minute to the members of the court, or, in exceptional cases, where in the interests of discipline a more public instruction is required, will be made known by publication in the orders of the command.

Remarks in cases of acquittal.

376. If an officer who would have confirmed the finding and sentence of a court, had the trial resulted in a conviction, thinks it necessary to remark upon the proceedings in a case where the accused has been acquitted, he will not annex his observations to the proceedings, but will embody them in a letter for the information

of superior authority. In the case of a regimental court-martial the report will be made to the District Commandant, who will give such orders as may be necessary; in the case of a general or district court-martial, the matter will be referred to the Military Board.

377. If it appears to a confirming authority that the proceedings of a court-martial are illegal, or involve substantial injustice to the accused, and he has not confirmed the finding and sentence, he will withhold his confirmation; if he has confirmed the finding and sentence he will direct the record of the conviction to be removed, and the soldier to be relieved from all consequences of his trial. If he is in doubt, he may refer the case for the opinion of superior authority. When the circumstances of the case admit of reference without undue delay, the proceedings of courts-martial that have been confirmed will not be quashed without reference to the Attorney-General. If the proceedings can be legally sustained, and there is no substantial injustice, but an irregularity authority will consider what reduction of the sentence (if any) is due to the accused. The same rule will apply when the proceedings of a court-martial, after confirmation, come under the review of any other authority competent to deal with them. Except as above provided, when a soldier has been tried and sentenced by court-martial, and the proceedings have been confirmed, but the sentence has been wholly remitted, the remission does not extend to any penalty or forfeiture consequent on the conviction.

To withhold confirmation from illegal proceedings.

Cases of irregularity only.

Defects discovered after confirmation.

Effect of remission of entire sentence.

378. The proceedings of general and district courts-martial are to be transmitted and preserved as directed by section 99 (1) of the Act, and of regimental courts-martial as directed by section 99 (2) of the Act.

Proceedings to be preserved.

379. The charge, finding, sentence, and confirmation of a court-martial shall be promulgated in such manner as the confirming authority may direct; and if no direction is given, according to the custom of the service.

Promulgation.

380. The proceedings of courts-martial, including the charge, finding, sentence, and confirmation, should be promulgated whenever practicable by being read out on parade, or in such other manner as may be directed for the particular occasion; in all cases, however, the promulgation must include the communication of the foregoing particulars to the accused. The date of promulgation will, when practicable, be recorded upon the proceedings.

Reading on parade, &c.

381. All proceedings of courts-martial, whether transmitted before or after promulgation, are to be accompanied by a letter specifying the nature of the contents.

Covering letters.

382. The proceedings of a regimental court-martial will, when promulgated, be returned to the District Commandant, who will make any necessary communication respecting them to the president and judge advocate (if any) for their information.

Disposal of proceedings after promulgation.

383. If the proceedings of a general or district court-martial have not been forwarded to the Military Board within one month from the date of confirmation, a special report of the cause of delay is to be made.

Delay in transmission to be reported.

384. Any person tried by a court-martial shall be entitled, on demand at any time within six months after the confirmation of the finding and sentence of the court; to obtain from the officer or person having the custody of proceedings of such court a copy thereof, including the proceedings with respect to the revision and confirmation thereof, upon payment for the same at the prescribed rate, not exceeding twopence for every folio of seventy-two words; and for the purposes of this paragraph the proceedings of courts-martial shall be preserved in the manner prescribed in section 99 of the Act.

Right of person tried to copy of proceedings.

Rate of
payment
for copies of
proceedings.

385. The rate at which copies of the proceedings of a court-martial are to be supplied shall be the actual cost of the copy required, not exceeding twopence for every folio of seventy-two words; and the officer or person having the custody of those proceedings must, on demand made within the time limited for the preservation of such proceedings, supply a copy accordingly to any person tried by such court-martial.

Loss of
proceedings.

386. (a) If the original proceedings of a court-martial, or any part thereof, are lost, a copy thereof, if any, certified by the president of or the judge-advocate at the court-martial, may be accepted in lieu of the original.

(b) If there is no such copy, and sufficient evidence of the charge, finding, sentence, and transactions of the court can be procured, that evidence may, with the assent of the accused, be accepted in lieu of the original proceedings, or part thereof lost.

(c) In any case above in this rule mentioned, the finding and sentence, if requiring confirmation, may be confirmed, and shall be as valid as if the original proceedings, or part thereof, had not been lost.

(d) If, in a case where confirmation of a finding or finding and sentence is required, the proceedings, or part thereof, were lost before confirmation, and there is no such copy or evidence, or the accused refuses such assent, as above mentioned, the accused may be tried again, and on the issue of an order convening the court for such trial, the said finding and sentence of the previous court, of which the proceedings were so lost, shall be null.

Imprisonment and Detention.

Execution of
sentences of
imprisonment
and detention.

387. (1). Where a sentence of imprisonment is passed by a court-martial, the person on whom such sentence is passed (hereinafter, in the Regulations relating to imprisonment and detention, referred to as a soldier under sentence) shall undergo the term of imprisonment wholly in military custody, or in a public prison, or in a detention barrack, or partly in military custody, or in a public prison, or in a detention barrack.

(2) The order of the committing authority hereafter mentioned shall be a sufficient warrant for the transfer of a soldier under sentence to a public prison.

(3) A soldier under sentence while in a public prison shall be confined, kept to hard labour, and otherwise dealt with in the like manner as an ordinary prisoner, under a like sentence of imprisonment; and where the hospital or place for the reception of sick prisoners in such prison is detached from the prison, may be detained in such hospital or place, and conveyed to and from the same as circumstances require.

(4) A soldier under sentence during his conveyance from place to place, or when on board ship or otherwise, may be subjected to such restraint as is necessary for his detention and removal.

(5) The discharging authority hereafter mentioned may, at any time during the period of a soldier under sentence undergoing his imprisonment, by order discharge the soldier under sentence.

(6) The committing authority or any other prescribed authority may at any time by order remove a soldier under sentence from one public prison to another.

(7) The removing authority hereafter mentioned may at any time during the period of the soldier under sentence undergoing his sentence in a public prison, from time to time by order provide for his being brought before a court-martial, or any civil court, either

as a witness, or for trial or otherwise, and an order of such authority shall be a sufficient warrant for delivering him into military custody and detaining him in custody until he can be returned and returning him to the place from whence he is brought, or to such other place as may be determined by the removing authority.

388. Where a sentence of imprisonment or detention is passed or is being undergone, then for the purpose of the provisions of the Act and Regulations relating to imprisonment or detention—

Public prison, committing, removing, and discharging authority.

(1) The expression "public prison" means any prison in which offenders sentenced by a civil court to imprisonment can for the time being be confined.

(2) Any one or more of the following officers shall be the committing authority, or removing authority, or discharging authority :—

(a) The Adjutant-General.

(b) The District Commandant of the Military District in which the soldier under sentence may be.

(c) The officer who confirmed the sentence.

(d) Any other prescribed officer; also,

(e) Where the sentence was passed by the Commanding Officer, the Commanding Officer.

389. The term of imprisonment or detention to which a person is sentenced by a court-martial, whether the sentence has been revised or not, and whether the soldier under sentence is already undergoing sentence or not, shall be reckoned to commence on the day on which the original sentence and proceedings were signed by the president of the court-martial.

Commencement of term of imprisonment or detention.

Detention Barracks and Public Prisons.

390. (1) Detention barracks are intended for the confinement of soldiers summarily awarded detention by the Commanding Officer, and for carrying into effect sentences of imprisonment or detention by courts-martial.

Appointment of detention barracks.

(2) The barracks occupied by the Permanent Forces at each military station are appointed detention barracks under section 116 of the Act, and soldiers under sentence may be confined in such portion thereof as may be approved by the District Commandant.

(3) The Officer Commanding the Royal Australian Artillery in each district, under the orders of the District Commandant, is charged with the general discipline, management, and care of detention barracks.

391. Forms of warrants for the commitment, removal, and discharge of soldiers sentenced by court-martial to imprisonment or detention or awarded detention by a Commanding Officer, are contained in the Appendix following para. 467.

Warrants.

Soldiers under Sentence.

392. In districts that are without public prisons or detention barracks, application will be made to the Military Board for instructions as to the disposal of soldiers under sentence.

When the district has no prison or detention barrack accommodation. Form of committal.

393. The order of commitment to a public prison will usually be signed by the Commanding Officer of the soldier under sentence, unless he receives a commitment signed by some superior authority. The order of commitment to a detention barrack will be signed by the Commanding Officer of the soldier under sentence, and when a soldier under sentence who is temporarily confined in a detention barrack is transferred to a public prison a fresh commitment must be sent with him for his admission into a public prison.

Medical certificate to accompany every commitment.

Documents to be sent with soldier under sentence.

Temporary detention of soldier under sentence.

When soldiers under sentence may be removed from a public prison.

Expenses of escorts at civil courts.

Removal of soldier under sentence to be brought before a court.

Detention in custody on board ship.

394. Every commitment to a civil prison is to be accompanied by a medical certificate of the state of health of the soldier under sentence. When the medical officer considers the soldier under sentence unfit for the ordinary hard labour of the prison, he is to state the grounds on which his opinion is based.

395. When a soldier under sentence is committed to a detention barrack, his conduct sheet and medical history sheet will be sent with him. On the soldier's release from prison or detention barrack, the medical history sheet will be returned to the Commanding Officer, who will send it back to the medical officer. When the commitment is to a civil prison copies of the soldier's company conduct sheet and medical history sheet will be sent with him.

396. A soldier under sentence may, by an order signed by his Commanding Officer, be committed for temporary detention not exceeding seven days to any prison, detention barrack, police station, lock-up, or other place of confinement in which prisoners may legally be confined. This order may be made at any time in case of necessity.

Removal of Soldiers under Sentence.

397. A soldier under sentence undergoing his sentence in a public prison in the Commonwealth may be removed from prison by the military authorities in the following cases:—(1) For the purpose of bringing him before a court, military or civil, either for trial, or as a witness or otherwise; and (2) for embarkation for service at another station.

398. When a soldier under sentence or a soldier in military custody is bound over under recognizances to appear as a witness before a civil court, and it is necessary to send him there under escort, the non-commissioned officer in charge will be furnished with the necessary funds by his Commanding Officer, and will be instructed to apply to the court for the expenses of the escort, as well as those of the soldier under sentence. Failing the grant of the expenses, the Commanding Officer will report the circumstances to the District Commandant.

399. An order for the removal of a soldier under sentence from a public prison for the purpose of being brought before a court-martial or civil court will be made by the Officer Commanding the District, or station, in which the prison is situated. The escort which removes him will obtain from the Governor of the gaol the original order of commitment, and will return it to the governor of the gaol to which the soldier under sentence is returned. If he is returned to a different prison, the Officer Commanding the district or station where the soldier under sentence is at the time of his return will make an order for his return to that prison, which will be delivered to the governor with the original order of commitment.

400. The commander of a ship is authorized to receive and detain, as in military custody, any soldier under sentence or person subject to military law, charged with an offence, whose conveyance by sea from one station to another of the Commonwealth has been sanctioned by a military authority. When, therefore, a soldier under sentence is sent by sea, either without an escort or with an insufficient escort, under this provision, a special order authorizing the soldier under sentence to be conveyed by sea, should be issued, either at the place of departure or at the port of embarkation, and produced to the commander of the ship. The embarkation of the soldier under sentence should be duly notified to the officer commanding at the port of disembarkation, in order that proper arrangements may be made there to receive him over from the commander of the ship.

401. When units move from one station to another, the soldiers under sentence confined in detention barracks are to be taken with them, and re-committed to the detention barrack at the new station. The removal from the detention barrack will be effected by an order signed by the Commanding Officer, under the conditions laid down in paragraphs 404 and 405.

Removal of soldiers under sentence from detention barracks on change of station.

Remission of Imprisonment or Detention.

402. When any portion of the sentence of imprisonment or detention which a soldier under sentence is undergoing is remitted by a competent authority, notice of the remission will be sent, when necessary, to the Officer Commanding the district or station in which the prison or detention barrack is, who will make the order for his discharge, and give orders for carrying out the same. In remitting sentences of imprisonment or detention, care must be taken that the order is so worded as to admit of the discharge of the soldier under sentence from confinement taking place on the expiration of the reduced term of imprisonment or detention.

Remission of imprisonment or detention, how carried out.

Wording of order of remission.

Discharge from Prison.

403. An order for the discharge of a soldier under sentence confined in a public prison will not be required unless the release of a soldier under sentence from prison is desired before the termination of the sentence which he has to undergo. It is to be observed that a soldier discharged from a public prison cannot be received over into military custody under the sentence which he has been undergoing. A District Commandant may, by an order signed by him, cause a soldier under sentence to be discharged from a public prison, but the order should not be made except in case of necessity, where the immediate liberation of the soldier under sentence is required. The order should state the necessity of the case, and care is to be taken that it is transmitted or delivered in such a manner as to enable the governor of the prison to determine the authenticity of the order.

Discharge from public prison.

404. When a soldier under sentence is undergoing detention under award of his Commanding Officer in a detention barrack, the Commanding Officer of the soldier under sentence may, by an order signed by him, cause the soldier under sentence to be discharged from detention before the expiration of the award.

Of soldier under sentence in detention barrack under award of commanding officer.

405. A soldier under sentence discharged from a detention barrack under this order may be released from further confinement, or may be kept in confinement in the guard-room until the expiration of the term of detention awarded, as may be ordered by the Commanding Officer. If released, the discharge will be held to include the remission of the unexpired portion of the detention. If the discharge is made for the purpose of removal with his corps, or for embarkation, the soldier under sentence will be received into custody of an escort.

Procedure after discharge.

406. Soldiers released from a detention barrack or prison at any hour will be confined to barracks, and be exempted from duty for the remainder of the day. Whenever an exceptional case occurs of a man being placed on duty on the day of his release, a special report of the same is to be made to superior authority.

Soldiers not to do duty on day of release.

407. The escort of a soldier under sentence is, as a rule, to consist of one corporal and one private; if the soldier under sentence is to be conducted to his unit after surrendering himself, a non-commissioned officer only is sufficient. When parties of two or more soldiers under sentence are to be removed from one station to another, the number of privates to form the escort need not in ordinary cases exceed half the number of soldiers under sentence. Escorts, on arrival at the head-quarters of a district, unless their journey would be delayed thereby, should report themselves to the garrison sergeant-major.

Strength of escorts.

Conveyance
to prison.

408. Covered conveyances for soldiers under sentence proceeding to prison must in all cases be provided. Waggon belonging to the Army Service Corps should, when available, be employed for this service; otherwise conveyance may be hired. The money required for conveying soldiers under sentence to prison will be charged to travelling expenses.

Safe custody of
soldiers under
sentence.

409. Escorts are answerable for the safety of soldiers under sentence intrusted to their charge, and will be provided with handcuffs from the regimental stores for use in case of necessity. District Commandants may use their discretion as regards dispensing with soldiers under sentence being handcuffed, but if a Commanding Officer considers it necessary that a soldier under sentence should be handcuffed in any special case, he will give orders accordingly. Soldiers under sentence should never be marched in military custody through the streets, unless such a course is absolutely unavoidable.

N.C.O. to
receive
soldiers under
sentence on
termination
of sentence.

410. A non-commissioned officer, furnished, unless otherwise ordered, by the unit the soldier under sentence is to join, and when necessary, provided with a regimental route for the journey, will be sent to receive over every soldier under sentence on the termination of his imprisonment.

N.C.O.'s
receiving
soldiers from
another
corps.

411. Non-commissioned officers sent to receive soldiers from military custody in another corps will be provided with money to refund the cost of their subsistence while in barracks or in a guard-room.

Regulations for the Management of Detention Barracks and Rooms.

Discipline and Treatment of Soldiers under Sentence.

Discipline, &c.,
of soldiers under
sentence.

412. (1.) All soldiers in confinement, whether under sentence of court-martial or by the award of the Commanding Officer, are to be dealt with alike, and subjected to the same discipline during their detention in detention barracks and rooms.

Daily routine of
work.

(2.) A soldier under sentence will rise at 6 o'clock a.m., and will go to bed at 8.45 p.m., lights being extinguished at 9 o'clock p.m. throughout the year. The daily routine of employment during week days (Christmas Day and Good Friday excepted) will consist of two periods of drill (physical training) of one hour each, and such general fatigue work as may be directed by general or other officers commanding to suit the local circumstances of each station and the season of the year.

Separate
confinement.

(3.) When separate confinement of each soldier is not practicable, three or more may be placed together if the rooms or wards are sufficiently spacious; but two soldiers are never to be locked up together, without being accompanied by a provost's assistant, and the occupation of a room by more than one soldier should never be resorted to unless absolutely necessary for want of special accommodation.

Medical
examination.

(4.) A soldier under sentence is to be visited daily by a medical officer detailed for the duty; and in the event of any particular punishment being found prejudicial to the health of a soldier, the Medical Officer on duty is to report the circumstances to the Commanding Officer at the station, with a view to a modification of such punishment.

Punishment for
irregularities.

(5.) Irregularities or minor breaches of discipline while under confinement should be reported to the Commanding Officers of garrisons and corps, who may, by a written direction to the Provost-Sergeant, order that a soldier under sentence be placed on "punishment diet" for any period not exceeding 72 hours. The Provost-Sergeant is to take care that in all cases the offences, as

well as the nature and extent of the punishment awarded, are recorded in the punishment book; if the officer who awards the punishment directs that it be entered in the regimental conduct book, a copy of the award is to be furnished for that purpose to the Commanding Officer on the soldier's release.

(6.) In cases of violence, or urgent and absolute necessity, the Officer Commanding the garrison, or the officer in command of the unit to which the offender belongs, may, by an order in writing, direct any soldier under sentence to be placed in handcuffs. The order will specify the cause that gave rise to it, and the time during which the man is to remain under such restraint. No soldier under sentence shall be put in irons or under any other mechanical restraint as a punishment. Irons or other means of mechanical restraint shall be used only when necessary for the purpose of restraining the soldier under sentence.

(7.) Soldiers under sentence are to be provided with three blankets, or two blankets and a rug. Every soldier is to be searched on arrival, and any articles in his possession not sanctioned by the Regulations will be sent back with the escort. The articles in each soldier's holdall are to be removed from his room, and are not to be in his possession except when actually required for use.

(8.) The use, by a soldier under sentence, of tobacco in any form, or of spirituous or other liquors, or of any article not sanctioned by the Regulations, is strictly forbidden.

(9.) Every soldier under sentence is to wash himself thoroughly at least once a day, to shave daily, to change his linen twice a week, and to bathe at least twice a week. The hair of every soldier will be kept only as close as is necessary for cleanliness.

(10.) Every soldier under sentence is to keep his own room, together with the utensils and furniture thereof, clean and orderly. The bedding, when in use, is to be removed during the day, and in dry weather, exposed to the air.

Duties of Provost-Sergeant.

413. (1.) The Provost-Sergeant is to exercise his authority with firmness and humanity, to abstain from all irritating language, and on no account to strike, or otherwise ill-treat, a soldier under sentence. He is also to take care that his assistants follow the same rule of conduct.

(2.) He is to take care that soldiers under sentence are informed of the Regulations for detention barracks and rooms, and the diet authorized, which should be read to soldiers on their admission.

(3.) He must see the soldiers under sentence frequently, and at uncertain times during the day, but he is not to hold, or to permit his assistants to hold, any unnecessary communication with them. He is not to permit any person to visit the soldiers except the officers appointed by these rules.

(4.) He is to report to the medical officer at his regular visits the case of any soldier under sentence who may appear to be out of health, and in the event of sudden and serious illness at any other time, he is to send an immediate report to the nearest medical officer.

(5.) He is to see that the soldiers under sentence have such exercise as their health may, in the opinion of the Medical Officer, require, and is to superintend the employment on fatigue or other work which is ordered for them. It is to be understood that mere walking exercise is not generally necessary. Ordinary drill or fatigue in the open air gives ample exercise of the most suitable kind. Half an hour's exercise on Sundays may be allowed to soldiers under sentence.

Sentries.	(6.) When sentries are posted near the detention barrack rooms, care is to be taken that they do not communicate with the soldiers under sentence. Sentries are not to have any charge of the discipline of soldiers under sentence, but merely to have orders to call the attention of the Provost-Sergeant or Commander of the Guard to any irregularity they may notice, and to apprise him in case of any soldiers making a signal from the rooms.
Conversation.	(7.) The Provost-Sergeant is not to permit the soldiers under sentence to hold conversation with each other, or with any other person. In case of a soldier persisting at any time in disobeying this or any other order when employed outside his room, he is at once to be sent back to it, and his case is to be dealt with as laid down in sub-para. 5 of paragraph 412.
Means of communication.	(8.) He is to take care that the means by which a soldier under sentence may communicate with him or his assistant are kept in proper repair, reporting any defect to the Orderly Officer.
Ventilation.	(9.) He is to pay due attention to the ventilation of the rooms and to the warming of them when necessary. He is also to obey any instructions he may receive from the Medical Officer with reference to these points.
Daily report.	(10.) He is to keep a journal in which he will make a daily report of the state of the rooms and premises, as well as of the furniture and other articles under his charge. He is to specify therein the hours at which he has visited the soldiers under sentence, and to report on their conduct, whether regular or otherwise. This journal will be laid before the officer visiting the detention barrack rooms.
Dieting soldiers under sentence.	(11.) He is to take care that the soldiers under sentence are supplied with their regular meals, according to the dietary from time to time prescribed.
Scale of diet.	(12.) The regulations regarding the diet of the soldiers under sentence are contained in the Financial and Allowance Regulations.
Books to be kept.	(13.) The Provost-Sergeant is to keep the following books :—
Journal.	(a) A journal in which will be recorded all occurrences of importance, particularly such as relate to the health and discipline of the soldiers under sentence. The hour at which the rooms are visited by the officer of the day, the medical officer, and chaplain, and the state of the soldiers generally, as reported to the officer of the day, are to be noted therein. This journal is to be laid before the Officer Commanding as often as may be required.
Punishment book.	(b) A punishment book, in which will be entered all offences committed while under confinement, and the punishment awarded. An extract from this book, containing such offences and punishments as are directed to be entered in the regimental conduct book by the officer awarding the punishment, is to be furnished to Commanding Officers of regiments and corps when a soldier returns to his duty.
Visitors' book.	(c) A visitors' book, in which should be entered the remarks of all visiting officers.

Courts of Inquiry.

Regulations for Courts of Inquiry, other than Courts of Inquiry held under paragraph 425.

Courts of inquiry.	414. (a) A court of inquiry may be assembled by the Military Board or by the officer in command of any body of troops, whether belonging to one or more corps. (b) The court may be composed of any number of officers of any rank, and any branch or department of the service, according to the nature of the investigation.
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(c) The court will be guided by the written instructions of the officer who assembled the court. The instructions should be full and specific, and must state the general character of the information required from the court in their report.

(d) A court of inquiry is an assembly of officers directed by a Commanding Officer to collect evidence and report with respect to a transaction into which he cannot conveniently himself make inquiry.

(e) Previous notice should be given of the time and place of the meeting of a court of inquiry, and of all adjournments of the court, to all persons concerned in the inquiry.

(f) Whenever any inquiry affects the character or military reputation of an officer or soldier, full opportunity must be afforded to the officer or soldier being present throughout the inquiry, and of making any statement and of giving any evidence he may wish to make or give, and of cross-examining any witness whose evidence, in his opinion, affects his character or military reputation, and producing any witnesses in defence of his character or military reputation.

(g) It is the duty of a court of inquiry to put such questions to a witness as they think desirable for testing the truth or accuracy of any evidence he has given, and otherwise for eliciting the truth.

(h) The court may be re-assembled as often as the officer who assembled the court may direct, for the purpose of examining additional witnesses, or further examining any witness, or recording further information.

(i) The whole of the proceedings of a court of inquiry will be forwarded by the president to the officer who assembled the court.

(j) The proceedings of a court of inquiry, or any confession, statement, or answer to a question made or given at a court of inquiry, shall not be admissible in evidence against an officer or soldier, nor shall any evidence respecting the proceedings of the court be given against any officer or soldier, except upon the trial of any officer or soldier under paragraph 236 (52) of these Regulations, for wilfully giving false evidence before that court.

(k) An officer or soldier who is tried by court-martial in respect of any matter or thing which has been reported on by a court of inquiry, and, unless the Military Board see reason to order otherwise, an officer or soldier whose character or military reputation is, in the opinion of the Military Board, affected by anything in the evidence before, or in the report of, a court of inquiry, shall be entitled to a copy of the proceedings of the court, including any report made by the court, on payment of the actual cost of the copy required, not exceeding twopence for every folio of 72 words.

Courts of Inquiry—Committees and Boards Generally.

415. A court of inquiry or a board may be assembled by an officer in command to assist him in arriving at a correct conclusion on any subject on which it may be expedient for him to be thoroughly informed; it may be required to give an opinion on any point not involving the conduct of any officer or soldier. A court of inquiry or a board may consist of any number of members, its composition being determined by the convening officer according to the circumstances under which it is assembled. Three members, the senior acting as president, will in ordinary cases be sufficient.

Power of commanding officers to assemble.
Composition.

416. The officer assembling a court of inquiry, committee, or board, will appoint a president by name, or failing such appointment, the senior member will preside. When the convening officer has so appointed a president, no officer senior in rank to the president will be appointed to serve as a member of the court of inquiry, committee, or board.

President.

Deficiency of
stores, &c.

417. When stores, equipment, clothing, or supplies of any kind belonging to the public are lost, stolen, destroyed, or damaged, or when a deficiency is discovered on any store account, or in case of structural damage by fire or otherwise, the amount of the loss, *i.e.*, the value of the stores lost, stolen, destroyed, or deficient, or the cost of making good damages, will be ascertained. The value of stores deficient on a store account means the sum total of the values of the stores deficient on individual headings of account, without any abatement in respect of stores which may be surplus on other headings of account.

418. When either the amount of the loss or the cost of structural repairs exceeds £5, the matter will be at once reported to the District Commandant, and will be investigated by a board, to be composed, if possible, of officers not belonging to the unit or department concerned.

(a) If, after considering the finding of the board, the District Commandant is of opinion that the loss is due to neglect of duty, or to any other offence under the Act or Regulations, he will, in the case of an officer, apply to the Military Board for instructions, or in other cases either convene a court-martial, or apply to the Military Board for authority to allow the individual responsible to pay the whole or part of the loss, instead of being tried by court-martial, or of being removed from his appointment, or from the Service.

(b) If the District Commandant is of opinion that the loss is not due to an offence under the Act or Regulations, but that no satisfactory explanation has been given, he will report to the Military Board whether he recommends that the individual responsible should be allowed to pay the whole or part of the loss, or be superseded in promotion or removed from his appointment.

(c) If the District Commandant is of opinion that a satisfactory explanation has been given, he will approve of the stores being struck off, provided that the expenditure involved comes within the aggregate amount that is authorized to be incurred per month under paragraph 5 of the Financial and Allowance Regulations. If an expenditure be involved in excess of such aggregate amount, reference should be made through the proper channel, to the Military Board. The value of the stores struck off is to be shown in the monthly schedule of expenditure incurred by the District Commandant.

419. When neither the amount of the loss nor cost of structural repairs exceeds £5, the superior officer of the individual responsible will make a full inquiry into all the circumstances and report thereon to the District Commandant, who may, if he sees fit, dispense with a Board.

All losses due to theft or fraud will be dealt with as prescribed in paragraph 418 for losses of over £5; but in other cases the District Commandant may, if he sees fit, deal with the matter himself, allowing the individual responsible to pay the whole or part of the loss, or giving authority to strike it off. Should he deal with the case himself, a full statement of the circumstances, with his decision thereon, will be attached as a voucher to the account on which the loss arises.

420. In the case of a court of inquiry, which affects the conduct or character of an officer of the Militia or Volunteer Forces, one-half at least of the members of the court should belong to the Citizen Forces, and to that branch of the Force to which the officer concerned belongs.

421. Whenever a soldier, whether on or off duty, becomes maimed, mutilated, or injured, except by wounds received in action, a court of inquiry will be assembled as soon as possible after the occurrence to investigate the circumstances thereof. When no evidence beyond that of the injured man is forthcoming, it should be so stated in the proceedings. The court will submit its recommendation. The proceedings will then be sent to the Military Board for confirmation. Court of inquiry to investigate causes of injuries.

422. Committees and boards differ only from courts of inquiry in so far that the objects for which they are assembled should not involve any point of discipline. They will follow, as far as may be convenient, the rules for courts of inquiry, but are in no way bound by them. Committees and boards.

423. Medical boards will, as a rule, consist of three medical officers, but in cases of emergency two will be considered sufficient. The senior officer present will be the president. Medical boards.

424. All proceedings of courts of inquiry, committees, and boards for which special forms are not provided, are to be written on the authorized form. Form of proceedings.

Desertion and Offences against Enlistment.

Inquiry as to and Confession of Desertion.

425. (1) When any soldier of the Permanent Forces has been absent without leave from his duty for a period of twenty-one days, a court of inquiry may, as soon as practicable, be assembled, and inquire in the prescribed manner on oath or solemn declaration (which such court is hereby authorized to administer) respecting the fact of such absence, and the deficiency (if any) in the arms, ammunition, equipments, instruments, regimental necessaries, or clothing of the soldier; and if satisfied of the fact of such soldier having absented himself without leave or other sufficient cause, the court shall declare such absence and the period thereof, and the said deficiency, if any, and the Commanding Officer of the absent soldier shall enter in the regimental books a record of the declaration of such court. Inquiry by court on absence of soldier.

(2) If the absent soldier does not afterwards surrender or is not apprehended, such record shall have the legal effect of a conviction by court-martial for desertion.

426. (1) Where a soldier signs a confession that he has been guilty of desertion or fraudulent enlistment a competent military authority may, by the order dispensing with his trial by a court-martial, or by any subsequent order, award the same forfeitures and the same deductions from pay (if any) as a court-martial could award for the said offence, or as are consequential upon conviction by a court-martial for the said offence, except such of them as may be mentioned in the order. Confession by soldier of desertion or fraudulent enlistment.

(2) If upon any such confession, evidence of the truth or falsehood of such confession cannot then be conveniently obtained, the record of such confession, countersigned by the Commanding Officer of the soldier, shall be entered in the regimental books, and such soldier shall continue to do duty in the corps in which he may then be serving, or in any other corps to which he may be transferred, until he be discharged or transferred, or until legal proof can be obtained of the truth or falsehood of such confession.

(3) The competent military authority for the purposes of this paragraph means the Military Board or a District Commandant.

Courts of
inquiry as
to illegal
absence
under
para. 425.

427. (a) A court of inquiry under paragraph 425 will, when assembled, require the attendance of such witnesses as they think sufficient to prove the absence and other facts specified as matters of inquiry in the said paragraph.

(b) They will take down the evidence given them in writing, and at the end of the proceedings will make a declaration of the conclusions at which they have arrived in respect of the facts they are assembled to inquire into.

(c) The Commanding Officer of the absent soldier will cause the original proceedings of the court of inquiry to be filed together with the soldier's attestation sheet.

(d) The court of inquiry will examine all witnesses who may be desirous of coming forward on behalf of the absentee, and will put such questions to them as may be desirable for testing the truth or accuracy of any evidence they have given, and otherwise for eliciting the truth, and the court in making their declaration, will give due weight to the evidence of such witnesses.

(e) A court of inquiry will administer the same oath or solemn declaration to the witnesses as if the court were a court-martial, but the members of such court will not themselves be sworn.

Courts of
inquiry to
determine
illegal absence.

428. A court of inquiry, under paragraph 425, for the purpose of determining the illegal absence of a soldier, will be held in all cases at the expiration of 21 days from the date of absence, or as soon after as practicable, unless the soldier has been taken into custody. Before declaring the deficiency of any arms, &c., the court will satisfy itself by evidence that the absentee was, within a reasonable period of the date of absentsing himself, in possession of the articles it finds to be deficient. The court will record the values of the unexpired wear of all articles of Government property to be deficient.

Descriptive
reports of
deserters.

429. With a view to the detection and apprehension of deserters and absentees without leave, Commanding Officers are to forward to the police in the locality in which the offence has taken place a descriptive report on the authorized form of every deserter or absentee without leave, giving particulars of the man's height, age, &c., at the time of his absentsing himself, and the fullest information possible. When there is good ground for supposing an absentee to have deserted, the report shall be rendered within 24 hours after his absence has been discovered, but in no case should it be delayed beyond five days. Up to 21 days the man should not be returned as a deserter, unless there is ground for supposing that he has deserted; after 21 days, all absentees without leave should, pending investigation, be considered as deserters.

Duplicate
reports.

430. Similar reports should be sent to the Officers Commanding units of the Permanent Forces in the various military districts, also to the police of the place to which it is supposed the man may have proceeded, and elsewhere as Commanding Officers may consider desirable.

Warrants
for arrest.

431. Warrants for the arrest and detention of any member of the Defence Force who absconds or deserts may be issued by a member of the Military Board, or a District Commandant, or a Commanding Officer, and should, if possible, be on the authorized form, but the use of any particular form shall not be necessary for the validity of any such warrant. (See also sections 114, 115, and 122 of the Act.)

Deserters
charged
before a
civil court.

432. Where a person is brought before a court of summary jurisdiction charged with being a deserter, such court may deal with the case in like manner as if such person were brought before the court charged with an indictable offence.

433. The court, if satisfied either by evidence on oath or by the confession of such person that he is a deserter, shall forthwith cause him to be delivered into military custody, or until he can be so delivered to be committed to some prison, police station, or other place legally provided for the confinement of persons in custody, for such reasonable time as appears necessary for the purpose of delivering him into military custody. Apprehension of deserters.

434. If a deserter surrenders himself to any portion of his own regiment or corps, and evidence as to identity is immediately available, he may be at once taken into military custody and the Commanding Officer is forthwith to proceed against him. Surrender of deserters.

435. When a committed deserter is not claimed for service as a soldier, a protecting certificate may be issued by the District Commandant. Use of protecting certificate.

436. If a soldier committed as a deserter cannot conveniently be taken over into military custody by reason of the distance of the place of committal from a military station, or when the committal has been ordered on the soldier's confession by reason of the delay that must necessarily take place in procuring evidence of the truth of the confession, the District Commandant may take steps to cause him to be discharged from custody without a protecting certificate, and consequently without prejudice to his subsequent apprehension. Committed deserters not taken over.

437. When an offender has fraudulently enlisted on several occasions he may, for the purposes of paragraph 236 (55), be deemed to belong to any one or more of the corps to which he has been appointed or transferred, as well as to the corps to which he properly belongs; and it shall be lawful to charge an offender with any number of offences against this paragraph at the same time, and to give evidence of such offences against him, and if he be convicted thereof to punish him accordingly. Fraudulent enlistment.

438. If any soldier has improperly entered or re-entered the Defence Force, the case will, except as laid down in paragraph 196, be disposed of on its merits, and, if trial be ordered, will be dealt with under paragraph 236 (40) or (53).

When the soldier's discharge is to be carried out in consequence of his offence, the case should, as a rule, be dealt with by the civil power instead of by court-martial, if such a course can be adopted without expense to the public; proceedings before the civil power cannot however be instituted if more than six months have elapsed since the date of the offence.

439. When exemption from trial on a charge of desertion or fraudulent enlistment has been earned by exemplary service in any corps, the Commanding Officer of that corps will be held responsible for notifying the fact. Exemption earned by exemplary service.

440. When it is decided to try a soldier for making a false answer on attestation (other than in relation to any former service or discharge) he should be dealt with by court-martial if he is to be retained in the service; but if ordered to be discharged, the rule prescribed in paragraph 438 will be followed. Proceedings for false answer.

441. When a soldier is held to serve in his present corps, he will serve on his last attestation. If he is relegated to his former corps, he will, as a general rule, serve on his former attestation; but if it is thought desirable that he should be held to the conditions of his last attestation, the case should be referred to Headquarters. Attestation on which to serve.

442. As a general rule, a soldier who has fraudulently enlisted will be tried in his present corps, and arraigned as belonging thereto, and the necessary evidence will be obtained from his former corps. If he has fraudulently enlisted in the Militia, Volunteer, or Reserve Forces he will be sent back to, and be dealt with as a soldier of his former corps. In which corps to be tried.

Transfer to
former corps.

443. When it is decided that a soldier who has fraudulently enlisted is to be relegated to his former corps after punishment, the Officer Commanding the unit in which he is serving will forward his transfer documents, and communicate the result of the trial, and particulars as to place of confinement and expiration of imprisonment, to the Officer Commanding his former corps. The transfer to the former corps will take effect from the date of committal.

Notification
of disposal of
soldier.

444. The Officer Commanding the unit to which a soldier may be relegated, or, if the transfer be not ordered, the Officer Commanding the unit in which the soldier is serving will communicate to any units in which such soldier may have previously served, the result of the trial, or the manner in which his case has been disposed of. The Officers Commanding such units will note this information.

Soldier
irregularly
serving.

445. When a soldier is found to be serving in the Defence Force without having previously obtained a release from his former engagement, and is retained for service in the Defence Force, he is to be required to make good, as compensation for the loss occasioned by his offence, the amounts laid down in paragraphs 428, 455, and 456, and these amounts may be stopped from his pay.

Trial may be
dispensed
with.

446. In all cases in which there is no objection to the retention of the man in the Defence Force, the Commanding Officer is empowered to dispose of the case without punishment, and the required stoppages will be imposed. The soldier will thereafter be treated in respect of his service under his attestation as if at the time of his enlistment into the Defence Force he had been duly released from his former engagement.

Procedure on
receiving
notification
from civil
power.

447. When a notification is received that a person apprehended as a deserter has been committed to prison to await an escort, a Commanding Officer will, where the man named is traced as being illegally absent, and evidence as to identity is available, despatch an escort (consisting, if possible, of soldiers capable of identifying the deserter), to bring the deserter back should he be identified. A "deserter route" will be filled in for this service, and must be taken by the non-commissioned officer detailed for the duty as the authority to receive the deserter or absentee. As far as may be, a similar course should be followed when the deserter has not been arrested, but information has been received that he is at a place where an escort furnished with a warrant can arrest him. When the expense of sending such escort amounts to more than £3, the case should be referred to the District Commandant.

Order for
removal.

448. An escort proceeding to receive over from civil custody a deserter, or absentee without leave, will be provided with an order on the authorized form for the removal of the man. The order will be given up to the governor or chief officer of the prison. When a deserter route is issued, this order, which forms part of it, will be detached and similarly given up on taking the deserter over.

FORM OF ORDER.

Order for the Removal in Military Custody of a Deserter or Absentee without Leave awaiting Escort.

To the Governor or Chief Officer of Prison

Whereas [Insert number, rank, and name] of the _____ Regiment, is now in your custody as a deserter or absentee without leave awaiting escort, I, the undersigned, being* _____, do hereby order you to deliver the said deserter or absentee to the escort producing this authority.

Signed at _____, this _____ day of _____, 19____.

* The Commanding Officer of the said deserter or absentee, or other superior authority.

449. The commander of each escort is required to compare the deserter and his necessities with the description and account inserted on the route, as he is responsible for the identity of the person committed to his charge, and liable to punishment for suffering the necessities of the deserter to be misused or made away with on the road. Identity of deserter and his necessities.

450. Such articles of necessities as the deserter may absolutely require, and which are not amongst the articles left behind by him, not exceeding, however, one shirt, one pair of boots or shoes, and one pair of socks, will be provided under the orders of the Officer Commanding the corps furnishing the escort, and the charge for the same will be defrayed by the Officer Commanding the company, &c., to which the man belongs, and will be subsequently included in the deserter's accounts. These will not be supplied more than once on any march. Necessaries to be supplied.

451. In cases where identification is necessary, but it appears to a Commanding Officer doubtful if the deserter should be conveyed to the regimental head-quarters, he will make an immediate report to the District Commandant with a view to special instructions being given. Identification in special cases.

452. An escort which includes a witness capable of identifying a deserter will not take over into custody a person who is not identified as the deserter in question. If the person has not yet been committed, and it appears to the witness that the person has made a false confession, the fact should be stated to the magistrate with a view to the conviction and punishment of the person. If the person has already been committed, the commander of the escort will report the circumstance to the governor of the gaol and to the nearest military authority with a view to action being taken for the prosecution of the offender by the police. Persons not identified.

453. When a soldier has been committed as a deserter under paragraph 432, and has signed the confession contained in the form of committal to the effect that he is a deserter, or when a soldier while serving has signed a confession that he has been guilty of fraudulent enlistment under paragraph 236 (55) and it is not considered desirable that the soldier should be tried for his offence, application will be made to one of the competent military authorities named in paragraph 426, who may, at his discretion, dispense with the soldier's trial by court-martial for desertion or fraudulent enlistment, and make an order as to forfeitures. Dispensation from trial for desertion or fraudulent enlistment.

454. A copy of the committal or the confession should accompany the application, and whenever possible, evidence as to the truth of the confession should have been previously obtained. Where a soldier has not signed a confession before a magistrate, the following forms may be used:— Forms of confession of desertion and fraudulent enlistment.

Form of Confession of Desertion.

I [Here insert name] do hereby
confess that I am No. of the corps,
and that I deserted from that corps on [any other
particulars to be added]. Signed this day of

(Signature of soldier.)

(Signature of Commanding Officer.)

NOTE.—Where the soldier confesses to more than one offence of desertion the form may be varied to suit the case.

Form of Confession of Fraudulent Enlistment.

I _____, now being No. _____ of the _____ corps, do hereby confess that I was No. _____ in the _____ corps, that I absented myself from that corps on _____, and that I fraudulently enlisted in the Defence Force on the _____ day of _____ at _____.

Signed this _____ day of _____

(Signature of soldier.)

(Signature of Commanding Officer.)

NOTE.—Where the soldier confesses to more than one offence of fraudulent enlistment the form may be varied to suit the case. If the confession includes both desertion and fraudulent enlistment both the above forms may be combined in one form of confession.

Form of
order
dispensing
with trial.

455. If the application for dispensing with trial in case of desertion or fraudulent enlistment is approved, the following form of order will be used:—

As it appears from the annexed confession or the annexed descriptive return that private A.B., _____ of _____ has signed a confession of having been guilty of desertion [**or fraudulent enlistment,*] _____ thereby dispenses with the trial of the said soldier with effect from [this date or the _____ day of _____], and orders that instead of being tried by a court-martial he shall suffer the same forfeitures and the same deductions from pay (if any) as if he had been convicted by a district court-martial of the said offence, with the exception [*Here insert any forfeitures or deductions which he is not to suffer.*]

(ii.) And also hereby further orders that he shall suffer deductions from his pay—(1) until he has made good the value of the deficiency in his arms, ammunition, equipments, instruments, and public clothing at the time at which his absence from his corps began; (2) also until he has made good the value of the free kit obtained by him on his re-enlistment.

(iii.) The actual period of absence and the actual sum sufficient to make good the above compensation will be ascertained by his present Commanding Officer; and no greater deduction will be made from the pay of the above-named soldier than is sufficient to make good the sum so ascertained.

By order,
A.B.

Signed this _____ day of _____

Penalties
incurred.

456. The forfeitures and deductions from pay which the soldier will suffer, under the order that he shall suffer the same forfeitures and deductions as if he had been convicted by court-martial, will be—(1) forfeiture of all his service towards discharge prior to date of order (para. 458); (2) forfeiture of any service towards pension, good conduct badge, and pay or deferred pay, which he forfeits *ipso facto* on conviction by court-martial of desertion or fraudulent enlistment; (3) his ordinary pay for every day of absence, and also for every day while he is in confinement awaiting the order dispensing with the trial.

Any further deductions from pay which are not prescribed by the Regulations to be consequent on a conviction, will depend upon any award made by the order dispensing with the trial, as in paragraph 455 (ii.).

* Where the confession includes both offences the form may be varied to suit the case.

† A member of the Military Board or District Commandant.

457. The soldier's confession and the order dispensing with Confession trial, or copies thereof, will be preserved with the attestation, and an entry of the order dispensing with trial will be made in the conduct sheets as if the soldier had been convicted by court-martial of his offence. Confession and order to be preserved with record of service.

458. In reckoning the service of a soldier of the Defence Force for the purpose of discharge— Reckoning and forfeiture of service.

(i.) The service shall begin to reckon from the date of his attestation; but

(ii.) Where a soldier of the Defence Force has been guilty of any of the following offences:—

(a) Desertion from the Defence Force; or

(b) Fraudulent enlistment,

then either upon his conviction by court-martial of the offence, or (if having confessed the offence, he is liable to be tried) upon his trial being dispensed with by order of the competent military authority, the whole of his prior service shall be forfeited, and he shall be liable to serve as a soldier for the term of his original enlistment, reckoned from the date of such conviction or such order dispensing with trial, in like manner as if he had been originally attested at that date:

Provided that the Military Board may restore all or any part of the service forfeited under this paragraph to any soldier who may perform good and faithful service, or may otherwise be deemed by the Military Board to merit such restoration of service, or may be recommended for such restoration of service by a court-martial.

Supplemental.

459. The provisions of the Act and Regulations shall apply to a warrant officer not holding an honorary commission in like manner as if he were a non-commissioned officer, subject nevertheless (in addition to the modifications for a non-commissioned officer) to the following modifications:— Special provisions as to warrant officers.

(1) He shall not be punished by his Commanding Officer, nor tried by regimental court-martial, nor sentenced by a district court-martial to any punishment not in this paragraph mentioned; and

(2) He may be sentenced—

(a) By a district court-martial to such forfeitures, fines, and stoppages as are allowed by the Act and Regulations, and, either in addition to or in substitution for any such punishment, to be dismissed from the service, or to be suspended from rank and pay and allowances, for any period stated by the court-martial, or to be reduced to the bottom or any other place in the list of the rank which he holds, or to be reduced to an inferior class of warrant officer (if any) or, if he was originally enlisted as a soldier, but not otherwise, to be reduced to a lower grade, or to the ranks; or

(b) By a general court-martial to any punishment which under this paragraph a district court-martial has power to award, either in addition to or in substitution for any other punishment.

- (3) A warrant officer reduced to the ranks, or remanded to regimental duty in the rank of private, shall not be required to serve in the ranks as a soldier.
- (4) The president of a court-martial for the trial of a warrant officer shall in no case be under the rank of captain.

460. In the application of the Act and Regulations to a non-commissioned officer, the following modifications shall apply:—

- (1) The obligation on a Commanding Officer to deal summarily with a soldier charged with drunkenness shall not apply to a non-commissioned officer charged with drunkenness.
- (2) Any non-commissioned officer may be reduced to a lower grade, or to the ranks, by order of the Military Board.

Definition.
Summary
conviction and
jurisdiction.
(D. A. 101, 110.)

461. An offence is punishable on summary conviction when it is triable before a Court of Summary Jurisdiction. A Court of Summary Jurisdiction is a Court of Justice sitting in open Court for (*inter alia*) the summary trial of offenders. Under the law of the Commonwealth a Court of Summary Jurisdiction must consist of a Stipendiary Police or Special Magistrate or some Magistrate who is specially authorized by the Governor-General to exercise the jurisdiction. See *Acts Interpretation Act* 1901, sec. 26 (*d*). *Judiciary Act* 1903, sec. 68.

462. For the purposes of paragraph 236 (37), the expression "equipments" includes any article issued to a soldier for his use, or intrusted to his care for military purposes.

Exercise of
powers
vested in
holder of
military office.

463. Any power or jurisdiction given to, and any act or thing to be done by, to, or before any person holding any military office for the purpose of the Regulations may be exercised by, or done by, to, or before any other person for the time being authorized in that behalf according to the custom of the service.

Cases
unprovided for.

464. In any case not provided for by the Regulations such course will be adopted as appears best calculated to do justice.

Forms in
appendices.

465. (*a*) The forms in the appendices to these Regulations should be followed in all cases in which they are applicable, and when used shall be valid in law, but a deviation from such forms will not, by reason only of such deviation, render any charge, warrant, order, proceedings, or other document invalid.

(*b*) An omission of any such form will not, by reason only of such omission, render any act or thing invalid.

(*c*) The notes to and instructions in the forms will be considered as instructions which it is expedient to follow in all cases to which such notes and instructions apply.

Definitions.

466. In these Regulations, unless the context otherwise requires, the expression "proper military authority," when used in relation to any power, duty, act, or matter, means such military authority as, in pursuance of the Act and Regulations or the custom of the service, exercises or performs that power or duty or is concerned with that act or matter.

Construction of
regulations.

467. (*a*) Time, for the purposes of any proceeding or other matter under these Regulations, shall be reckoned exclusive of Sunday, Good Friday, and Christmas Day, but any time reckoned for the purposes of paragraph 267, or of any punishment or of any deduction of pay, shall include those days.

(b) Any report or application directed by these Regulations to be made to a superior authority, or proper military authority, shall be made in writing through the proper channel, unless such authority, on account of military exigencies or otherwise, dispenses with the writing.

(c) These Regulations shall apply to a person subject to military law as an officer in like manner, so nearly as circumstances admit, as if he were an officer, and to a person subject to military law as a soldier in like manner, so nearly as circumstances admit, as if he were a soldier, subject, nevertheless, to the restrictions contained in the Act and Regulations, and to this qualification—that nothing in these Regulations shall confer on any person not an officer or soldier any jurisdiction or power as an officer or soldier.

APPENDIX.

FORMS AS TO COURTS-MARTIAL.

FORM OF APPLICATION FOR A COURT-MARTIAL.

		<i>Regiment.</i>
Station	Date	19
<i>Application for a</i>		<i>Court-Martial.</i>

SIR,

I have the honour to submit Charge against No. _____
of the _____ under my command, and request
you will obtain the sanction of _____ that a
Court-Martial may be assembled for his
trial at _____

The case was investigated by _____

The accused is now at _____ . His general
character is*

I beg to enclose the following documents :—

1. † Charge sheet (in duplicate).
2. ‡ Summary of Evidence.
3. § The accused's [squadron, battery, or company] conduct sheet.
4. § List of Witnesses for the prosecution, and defence (with their present stations).
5. § Statement as to character, and particulars of service of the accused to be proved by _____

I have the honour to be,

Sir,

Your obedient servant,

Signature of)
Commanding Officer.)

To

* To be filled in by the commanding officer.

† One copy to be sent to the President; one copy to be filed with the application for trial. In cases of desertion, a statement as to whether the accused was apprehended or surrendered should be included in the summary of evidence.

‡ To be sent to the president.

§ (3), (4), and (5) To be returned to the Corps with the notice of trial.

FORMS FOR ASSEMBLY OF COURTS-MARTIAL.

NO. 1.—GENERAL.

Form of Order for the Assembly of a General Court-Martial.

orders by

commanding the

(Place, date.)

The officers mentioned below will assemble at
on the _____ day of _____ for
the purpose of trying by a general court-martial the accused person
[persons] named in the margin [and such other person or persons
as may be brought before them].*

PRESIDENT :

is appointed president.†

MEMBERS :

} are appointed members.

The President,
members, wait-
ing members
and judge-
advocate must
be named, and
their ranks and
regiments or
corps stated.

WAITING MEMBERS

} are appointed waiting members.

JUDGE-ADVOCATE.

has been [or where the convening officer has
the appointment of a judge-advocate, is hereby] appointed judge-
advocate.

The accused will be warned and all witnesses duly required to
attend.

The proceedings will be forwarded to

Signed this _____ day of _____

Commanding the

The convening
officer must
sign the order
personally.

* Any opinion of the convening officer with respect to the com-
position of the Court (see paragraphs 316 to 321 of the Regulations)
should be added here, thus: "In the opinion of the convening
officer, officers of the different corps are not, having due regard to
the public service, available," or as the case may be.

† Add here, if the President is under the rank of field officer,
and the officer convening the Court is not under that rank, "In the
opinion of the convening officer a field officer is not, having due
regard to the public service, available."

NO. 2.—DISTRICT.

Form of Order for the Assembly of a District Court-Martial.

orders by _____ commanding
the _____ (Place, date).

The officers mentioned below will assemble at _____
on the _____ day of _____ for the
purpose of trying by district court-martial the accused person
[persons] named in the margin [and such other person or persons
as may be brought before them].*

The President
and members
must be named,
and their ranks
and regiments
or corps stated.

PRESIDENT :

is appointed president.†

MEMBERS :

} are appointed members †

The accused will be warned and all witnesses duly required to
attend.

The proceedings will be forwarded to

Signed this _____ day of _____

The convening
officer must
sign the order
personally.

A.B.,

Commanding the

*Any opinion of the convening officer with respect to the composition of the Court (see paragraph 316 to 321 of the Regulations) should be added here, thus: "In the opinion of the convening officer, officers of different corps are not, having due regard to the public service, available," or as the case may be.

†If the president is under the rank of field officer, and the convening officer is not under that rank, after the words "appointed president," add "In the opinion of the convening officer a field officer is not, having due regard to the public service, available," and if the president is under the rank of Captain, add "In the opinion of the convening officer a captain is not, having due regard to the public service, available."

‡If a judge-advocate is appointed, or waiting members, the appointment will be made in the same manner as in the Form of Order for the assembly of a general court-martial.

NO. 3.—REGIMENTAL.

Form of Order for the Assembly of a Regimental Court-Martial.
 orders by _____ commanding
 (Place, date).

The officers mentioned below will assemble at _____
 on the _____ day of _____ for the
 purpose of trying by regimental court-martial the accused person
 [persons] named in the margin [and such other person or persons
 as may be brought before them].

PRESIDENT :

is appointed president.*

MEMBERS :

} are appointed members.

The President
 and members
 must be named,
 and their ranks
 and regiments
 or corps
 stated.

The accused will be warned and all witnesses duly required to
 attend.

The proceedings will be forwarded to

Signed this _____ day of _____

A. B.,

Commanding the

* If the president is under the rank of captain, after the
 words "appointed president," add "the court-martial being held on
 the line of march," or "the court-martial being held on board the
 _____, a ship† commissioned by His Majesty [the Governor-General], or "in the opinion of the
 convening officer a captain is not, having due regard to the public
 service, available."

† If the ship
 is not His
 Majesty's ship
 insert "not."

FORM OF SUMMONS.

*Form of Summons to a Civil Witness, under sections 94 and 95 of
 the Defence Acts 1903-1904.*

To

Whereas a _____ court-martial has been ordered to
 assemble at _____ on the _____ day
 of _____ 19____, for the trial of _____
 of the _____ regiment [corps], I do hereby summon
 and require you A.B., _____ to attend, as a witness,
 the sittings of the said Court at _____ on
 the _____ day of _____ at _____ o'clock
 in the forenoon [and to bring with you and produce the documents
 hereinafter mentioned, namely, _____], and so
 to attend from day to day until you shall be duly discharged,
 whereof you shall fail at your peril.

Given under my hand at _____ on the
 day of _____ 19____.

President of the Court.

MEDICAL OFFICER'S CERTIFICATE.

I certify that No. _____ Regiment _____ is in
 a _____ state of health and _____ to undergo imprison-
 ment or detention, and with or without hard labour; and that his
 present appearance and previous medical history both justify the
 belief, that hard labour employment will neither be likely to
 originate nor to reproduce disease of any description.

Signature of the Medical Officer.

FORMS OF WARRANTS, ETC.

Form A.

*Warrant for Commitment to prison of persons subject to Military
 Law, sentenced by Court-Martial to Imprisonment under the
 Defence Acts 1903-1904.*

To the governor or chief officer in charge of (a)
 prison (or detention barrack) at _____

Whereas [No.—Rank—Name], of the _____ regiment,
 was by a (b) _____ court-martial held at _____
 convicted of the offence of (c) _____ and, by a sentence
 signed on the _____ day of _____ 19 _____, sentenced to be
 imprisoned with (d) hard labour for _____, commencing
 on the aforesaid day, and such sentence has been confirmed by
 _____ as required by law (e).

Now, therefore, I the undersigned, the (f) _____ do hereby
 in pursuance of the *Defence Acts 1903-1904*, and of all other Acts
 and powers, enabling me in this behalf, order you to receive the
 said person into your custody, and detain him to undergo his said
 sentence according to law, and for so doing this shall be your
 warrant.

Signed at _____ this _____ day of _____ 19 _____

- (a) Insert "His Majesty's" or as required, according to title of prison.
 (b) Insert as required "general," "district."
 (c) If there are several offences, state all of them. An offence should be stated
 in the words of the charge on which the soldier was convicted; but, if modified by
 the finding, as so modified, omitting the statement of particulars containing the
 details of time, place, and circumstances.
 (d) If the sentence does not specify hard labour alter "with" into "without."
 (e) Add, if necessary, "with a remission of _____" or "but has
 been mitigated by the omission of the hard labour" or as the case may be.
 (f) "Adjutant-General," or "District Commandant of the Military District
 in which the soldier under sentence is," or "Officer who confirmed the sentence."
 (See paragraph 388 of the Regulations.)

Form B.

Warrant for Commitment to a Detention Barrack of persons subject to Military Law as soldiers, sentenced to Detention.

To the chief officer in charge of the detention barrack at

Whereas [No.—Rank—Name], of the _____ regiment was
by a (a) _____ court-martial held at _____ convicted of
the offence of (b), _____ and by a sentence signed on
the _____ day of _____ 19 _____, sentenced to detention for
_____ commencing on the aforesaid day, and such sentence
has been confirmed by _____ as required by law (c);

Now, therefore, I, the undersigned the (d) _____ do
hereby, in pursuance of the *Defence Acts* 1903-1904, and of all
other Acts and powers enabling me in this behalf, order you to
receive the said soldier into your custody, and detain him to undergo
his said sentence according to law, and for so doing this shall be
your warrant.

Signed at _____ this _____ day of _____ 19 _____.

(a) Insert as required "general," "district," "regimental."

(b) If there are several offences, state all of them. An offence should be stated in the words of the charge on which the soldier was convicted, but if modified by the finding, as so modified, omitting the statement of particulars containing the details of time, place, and circumstances.

(c) Add, if necessary, "with a remission of _____."

If the detention was awarded by the commanding officer, the form from "Whereas" down to "required by law" will be replaced by the corresponding provision in Form C.

(d) "Adjutant-General," or "District Commandant of the Military District in which the soldier under sentence is," or "Officer who confirmed the sentence." (See paragraph 388 of the Regulations.)

Form C.

Warrant of Commitment to Detention Barrack on Award of Detention by Commanding Officer.

To the chief officer in charge of the detention barrack at

Whereas [No.—Rank—Name], of the _____ regiment was
on the _____ day of _____, 19 _____, awarded by
his commanding officer detention for _____ the offence
of _____

Now, therefore, I, the undersigned, being the commanding officer
of the said soldier, do hereby, in pursuance of the *Defence Acts*
1903-1904, and of all other Acts and powers enabling me in this
behalf, order you to receive him into your custody to undergo his
sentence according to law and for so doing this shall be your
warrant.

Signed at _____ this _____ day of _____ 19 _____.

Form D.

Order for Discharge of persons subject to Military Law undergoing Imprisonment.

To the governor or chief officer of prison (or detention barrack)
at

Whereas [No.—Rank—Name], of the _____ regiment
is now in your custody under a sentence of imprisonment by court-
martial;
I, the undersigned, being (a) _____, do hereby order
you to discharge the said soldier.

Signed at _____ this _____ day of _____ 19 ____

(a) "Adjutant-General, or "District Commandant of the Military District in
which the soldier under sentence is," or "Officer authorized." (See paragraph 388 of
the Regulations.)

Form E.

Order for discharge of persons subject to Military Law as soldiers undergoing Detention.

To the chief officer of the _____ detention barrack at _____

Whereas [No.—Rank—Name], of the _____ regiment
is now in your custody under a sentence of detention by court-
martial;
I, the undersigned being (a) _____ do hereby order
you to discharge the said soldier

Signed at _____ this _____ day of _____ 19 ____

(a) "Adjutant-General," or "District Commandant of the Military District in
which the said soldier under sentence is," or "Officer authorized." (See paragraph
388 of the Regulations.)

Form F.

Order for discharge in case of Detention under the award of Commanding Officer.

To the chief officer in charge of the detention barrack at _____

You are hereby required to discharge the soldier
[No.—Rank—Name], of the _____ regiment, now in
your custody undergoing his sentence pursuant to the award of
his commanding officer.

Signed at _____ this _____ day of _____ 19 ____

Commanding officer of the above soldier.

Form G.

Order for Removal of Soldier undergoing Imprisonment to be brought before a Court.

To the governor or chief officer of _____ prison (or detention barrack) at _____

Whereas [No.—Rank—Name], of the _____ regiment is now in your custody undergoing a sentence of imprisonment passed by court-martial;

I, the undersigned, being the officer commanding the military command* in which the said soldier is, do hereby, in pursuance of the Defence Acts 1903-1904, and of all other Acts and powers enabling me in this behalf, order you to deliver the said soldier to the officer or non-commissioned officer bringing this order. *If necessary substitute "station."

And I do hereby order the said officer or non-commissioned officer, and all other officers and non-commissioned officers into whose custody the said soldier may be delivered, to keep the said soldier in military custody and bring him to _____ there to appear before a (a) court-martial (b) as a witness, and then to return him to the above-named prison (or detention barrack) or to such other prison (or detention barrack) as may be determined by the proper authority, and to detain him in military custody until he is so returned, or is discharged in due course of law, and for so doing this shall be sufficient warrant.

Signed at _____ this _____ day of _____ 19 .

If the Prison (or Detention Barrack) is altered.

I, the undersigned, being the officer commanding the military command in which the above-named soldier is, do hereby, in pursuance of the Defence Acts 1903-1904, and of all other Acts and powers enabling me in this behalf, order that he be forthwith taken in military custody to _____ prison (or detention barrack) at _____, there to undergo the remainder of his sentence.

Signed at _____ this _____ day of _____ 19 .

(a) If the facts so require, substitute "civil court."

(b) Substitute, according to the facts, "for trial," or the other reasons for which he is to be brought.

Form H.

Order for Removal of Soldier undergoing Detention to be brought before a Court.

To the chief officer of detention barrack at _____

Whereas [No.—Rank—Name], of the _____ regiment is now in your custody, undergoing a sentence of detention (a) passed by court-martial;

I, the undersigned, being the officer commanding the military command* in which the said soldier is, do hereby, in pursuance of the Defence Acts 1903-1904, and of all other Acts and powers enabling me in this behalf, order you to deliver the said soldier to the officer or non-commissioned officer bringing this order. *If necessary substitute "station."

And I do hereby order the said officer or non-commissioned officer, and all other officers and non-commissioned officers into whose custody the said soldier may be delivered, to keep the said soldier in military custody and bring him to there to appear before (b) court-martial (c) as a witness, and then to return him to the above-named detention barrack, or to such other detention barrack as may be determined by the proper authority, and to detain him in military custody until he is so returned, or is discharged in due course of law, and for so doing this shall be sufficient warrant.

Signed at this day of 19 .

If the Detention Barrack is altered.

I, the undersigned, being the officer commanding the military command in which the above-named soldier is, do hereby, in pursuance of the Defence Acts 1903-1904, and of all other Acts and powers enabling me in this behalf, order that he be forthwith taken in military custody to detention barrack at , there to undergo the remainder of his sentence.

Signed at this day of 19 .

(a) If necessary, substitute "awarded by his Commanding Officer."

(b) If the facts so require, substitute "civil court."

(c) Substitute, according to the facts, "for trial," or the other reasons for which he is to be brought.

Form I.

Order for Removal of Soldier undergoing Imprisonment from one Public Prison (or Detention Barrack) to another.

To the governor or chief officer of prison (or detention barrack) at

Whereas [No.—Rank—Name], of the regiment is now in your custody undergoing a sentence of imprisonment passed by court-martial;

I, the undersigned, being the (a) , do hereby in pursuance of the Defence Acts 1903-1904, and of all other Acts and powers enabling me in this behalf, order you to deliver the said soldier to the officer or non-commissioned officer presenting this order.

And I do hereby order the said officer or non-commissioned officer, and all officers and non-commissioned officers into whose custody the said soldier may be delivered, to keep the said soldier in military custody, and convey him in military custody in such manner as may be directed by military authority, to the prison (or detention barrack) at , there to undergo the remainder of his sentence, and for so doing this shall be sufficient warrant.

Signed at this day of 19 .

(a) Adjutant-General," or "District Commandant, of the Military District in which the soldier under sentence is," or "Officer who confirmed the sentence." (See paragraph 388 of the Regulations.)

Form J.

Order for Removal of Soldier undergoing Detention from one Detention Barrack to another.

To the chief officer of detention barrack at

Whereas [No.—Rank—Name], of the regiment
is now in your custody undergoing a sentence of detention passed
by court-martial (a);

I, the undersigned, being the (b) , do hereby
in pursuance of the Defence Acts 1903-1904, and of all other Acts
and powers enabling me in this behalf, order you to deliver the
said soldier to the officer or non-commissioned officer presenting this
order.

And I do hereby order the said officer or non-commissioned
officer, and all officers and non-commissioned officers into whose cus-
tody the said soldier may be delivered, to keep the said soldier in
military custody, and convey him in military custody in such
manner as may be directed by military authority, to the detention
barrack at , there to undergo the remainder of
his sentence, and for so doing this shall be sufficient warrant,

Signed at this day of 19 .

(a) If necessary, substitute "awarded by his Commanding Officer."

(b) "Adjutant-General," or "District Commandant of the Military District in
which the soldier under sentence is," or "Officer who confirmed the sentence." (See
paragraph 398 of the Regulations.)

Form K*.

Order for Temporary Detention in Prison or Detention Barrack.

To the governor or chief officer of prison (or
detention barrack) at (a).

Whereas [No.—Rank—Name], of the regiment
is now a soldier in military custody;

Now, therefore, I, the undersigned, the commanding officer of
the said soldier, do hereby, in pursuance of the Defence Acts 1903-
1904, and all other Acts and powers enabling me in this behalf,
order you to receive the said soldier into your custody, and detain
him until you receive a further order from me, but not longer than
seven days, and for so doing this shall be your warrant.

Signed this day of 19 .

Commanding Officer.

(*) This form can be used only in the case of a soldier as defined by the Defence
Acts 1903-1904.

(a) *Substitute*, if necessary, "Officer in charge of the police station (or other place)
at ."

Form L.

Warrant for the Detention in Prison (or in a Detention Barrack) of persons subject to Military Law charged with an offence triable by Court-Martial.

To the governor or chief officer in charge of (a) prison (or detention barrack) at

Whereas [No.—Rank—Name], of the _____ regiment is now a soldier in military custody, charged with an offence triable by court-martial;

Now, therefore, I, the undersigned, the (b) _____ do hereby, in pursuance of the Defence Acts 1903-1904, and of all other Acts and powers enabling me in this behalf, order you to receive the said person into your custody and detain him until you receive a further order from me, and for so doing this shall be your warrant.

You will take care that the said soldier wears his regimental clothing and necessities, that he is allowed to exercise during a reasonable portion of each day in association, if possible, but that he is kept apart from soldiers undergoing sentences, and that he receives the ordinary rations and messing of a soldier. He should not be *obliged* to labour otherwise than by being employed in drill, fatigue, and other duties similar in kind and amount to those he might be called on to perform if not in confinement.*

Signed at _____ this _____ day of _____ 19 .

* The forms should be altered to meet the cases of confinement before and after trial respectively by erasing the words not applicable.

(a) Insert "His Majesty's," or as required according to title of prison.

(b) "Adjutant-General," or "District Commandant," or officer authorized by the Regulations. (See paragraph 383.)

Form M.

Discharging Order in case of Detention in Prison (or in a Detention Barrack) of Person charged with an offence triable by Court-Martial.

To the governor or chief officer in charge of a prison (or detention barrack) at

You are hereby required to deliver over the soldier [No.—Rank Name], of the _____ regiment, now in your custody, for safe custody, to the non-commissioned officer of the escort herewith attending to receive him.

Signed at _____ this _____ day of _____ 19 .

*

* "Adjutant-General," or "District Commandant," or any officer authorized by the Regulations.

Form N.

Warrant for the Arrest of a Member of the Defence Force who absconds or deserts.—Issued under sections 114 and 122 of the Defence Acts 1903-1904.

To

Whereas [No.—Rank—Name] of the _____ regiment, is now a deserter [or absconder, or absentee, without leave], I, the undersigned, being _____ do hereby, in pursuance of the Defence Acts 1903-1904, and of all other Acts and powers enabling me in this behalf, order you to take the said _____ into your custody, and detain him until you receive a further order from me, but not longer than seven days, and for so doing this shall be your warrant.

Signed this _____ day of _____ 19 ____

Form O.

Order for the Removal in Military Custody of a Deserter, Absconder, or Absentee without leave awaiting escort.

To the Governor or chief officer of _____ prison.

Whereas [No.—Rank—Name], of the _____ regiment is now in your custody as a deserter [or absentee without leave] awaiting escort, I, the undersigned, being (a) _____ do hereby order you to deliver the said soldier to the escort producing this authority.

Signed at _____ this _____ day of _____ 19 ____

(a) The soldier's commanding officer or other superior authority.

Form P.

Form of Commitment of Person subject to Military Law as a Soldier guilty of Contempt of a Court-Martial under the Defence Acts 1903-1904.

To the chief officer in charge of the detention barrack at _____

Whereas a court-martial for the trial of _____, of _____, of which I, the undersigned, am president, was on this day sitting at _____ and _____ of the _____ regiment, was guilty of contempt of such court by using insulting language [or by using threatening language], [or by causing an interruption in the proceedings of such court, or as the case may be], namely, by [here describe the act of which the person subject to military law as a soldier was guilty.]

Now, therefore, the said court doth order that such offender be committed to a detention barrack for _____

And the court doth order you to receive him into your custody for safe custody, and for so doing this shall be your warrant.

Signed at _____ this _____ day of _____ 19 ____

.....
President of the above Court-Martial.

Leave of Absence—Permanent Forces.

468. Every member of the Permanent Forces may be granted leave of absence for any period or periods not exceeding in the whole eighteen days (exclusive of Sundays and holidays), provided that his services can be spared, and that the Commanding Officer approves.

A record of all leave granted is to be kept in C.M. Book No.

17.

469. District Commandants will make such arrangements as will allow each member of the Permanent Forces such leave of absence annually, but if it is found impracticable to grant such leave in any year, or for any sufficient reason, the Military Board or District Commandant may permit the leave to be taken in the following year, provided that in other cases leave not taken during the years it accrues shall lapse.

470. In the case of soldiers, the leave of absence mentioned in the last paragraph may be granted by Commanding Officers, subject to such limitations as may be found necessary, and laid down from time to time in Orders.

Extended
leave without
pay.

471. With the approval of the Governor-General, on the recommendation of the Military Board, leave of absence without pay may be granted to any officer or soldier, for any period not exceeding twelve months, but the period of leave shall not for any purpose be included as part of such officer's or soldier's period of service.

Case of
pressing
necessity.

472. In case of other pressing necessity, the Military Board may grant leave of absence for a period not exceeding three months, with or without pay, to any officer or soldier, and such leave may be in addition to the leave for recreation.

Extra leave.

473. Officers or soldiers stationed in places remote from large centres of population, or whose duties cannot ordinarily be performed within usual regular hours, and when no compensation in time or money has been given for the extra time worked, may be granted by the Military Board, 24 days' leave of absence in any year, exclusive of Sundays, for recreation purposes.

Accumulated
leave.

Should an officer or soldier in a remote district not avail himself of leave in any year, it may be granted to him in a subsequent year, in addition to the leave for that year, but the accumulated leave shall not exceed 48 days exclusive of Sundays. This paragraph shall apply to all officers or soldiers stationed in localities where, under ordinary conditions of conveyance, the time occupied on the journey from such places to the chief city of the State is in excess of three days, or where, in the opinion of the District Commandant, the conditions are such as to warrant the granting of such leave.

In very exceptional cases, to which this paragraph applies, the Military Board may, in addition to leave, grant such reasonable time for travelling, not exceeding two weeks, as circumstances warrant.

Short leave
of absence.

474. A member of the Military Board or District Commandant (or Commanding Officer, in the case of a soldier) may, on sufficient cause being shown, grant any officer or soldier leave of absence not exceeding three days; but all such periods of leave shall be properly recorded in the book kept for that purpose, and at the discretion of the authorities above named, shall or shall not be deducted from the next annual leave or accumulated leave. Provided that if the leave granted under this paragraph to any officer or soldier exceeds three days in one year, the excess shall be deducted from the officer's or soldier's next annual leave.

Leave granted to officers or soldiers for the purpose of carrying out duties imposed on them by these Regulations shall not, however, be deducted.

475. Leave of absence may be granted by the Governor-General, Long leave. on the recommendation of the Military Board, to any officer or soldier who has continued in the service of the Commonwealth, or, in the case of officers or soldiers transferred, in the service of a State and the Commonwealth, at least twenty years, for a period not exceeding twelve months on half-pay, or six months on full pay, but during such period of absence such officer or soldier shall not be entitled to receive any addition to his rate of pay. No such leave of absence shall be granted to any officer or soldier whose conduct has at any time during such service been unsatisfactory.

Soldiers to be eligible for this leave, in addition to complying with the foregoing conditions, must have fulfilled the requirements for the medal for Long Service and Good Conduct, provided also that the number at any one time does not exceed the following in each State:—New South Wales, Victoria, Queensland, two each; South Australia, Western Australia, Tasmania, one each.

476. Any days prescribed under the law of any State to be observed as holidays in that State shall, as far as possible, be observed holidays by the military offices. Public

477. The Governor-General may also, by proclamation, at any time appoint, in addition to the days hereinbefore named, any specified day or specified part of a day to be kept as a holiday or half-holiday in the military offices of the Commonwealth, or in any part thereof.

478. Should the Military Board, or District Commandant, or Commanding Officer, require the attendance and services of any officer or soldier during any such holiday, in that case every such officer or soldier will be granted in lieu thereof a holiday upon such other occasion as does not interfere with public business.

Leave of Absence on Ground of Illness.—Permanent Forces.

479. In cases of sickness or ill-health the Military Board may, on the production of evidence supported by the certificate of the medical officer in charge of troops, of a duly qualified medical practitioner, or of a medical board, grant leave, not exceeding three months, in accordance with the following schedule:— Short periods.

Length of Service in State and Commonwealth.	Period for which leave may be granted, on—		
	Full Pay.	Half Pay.	
	Months.	Months.	
Under 5 years ...	1	2	In exceptional cases, the Military Board may take any special circumstances into consideration, and may vary the scale of payments; provided that in no case shall the leave granted exceed three months on full pay.
Over 5 years and under 10 ...	2	1	
Over 10 years ...	3	...	

480. District Commandants may grant leave of absence on full pay on the ground of illness in cases in which such leave does not exceed one month in any one year, provided the conditions and periods laid down in paragraph 479 are not exceeded.

481. All cases of illness of Officers of the Administrative and Instructional Staff of longer duration than 48 hours are to be reported to the Commandant of the District, and in the case of illness of a Commandant report is to be made to the Military Board.

Extended
leave.

482. Where, in case of illness, an officer or soldier, who has received leave of absence for three months, is not so far recovered as to be able to resume his duties, further extensions of leave may be granted with the approval of the Governor-General, in accordance with the following schedule, provided that, on each extension of leave, the applicant shall be subjected to an examination by the medical officer in charge of troops, or by a medical officer, or by a medical board, approved by the Military Board :—

Length of Service in State and Commonwealth.	Period for which leave may be granted, on—			
	Half Pay.	Third Pay.	without Pay.	
	Months.	Months.	Months.	
Under 5 years ...	1	6	8	In exceptional cases, special circumstances may be taken into consideration, e.g., where a person in discharge of his duty sustains injuries of such a nature as to incapacitate him for all duty this scale may be varied; provided that in no case shall full pay be allowed for a period exceeding nine months in addition to leave granted by the Military Board on full pay.
Over 5 years and under 10 ...	3	6	6	
Over 10 years ...	6	3	6	

Medical
certificate before
resuming duty.

483. If any person is absent from duty on account of illness, and such absence has extended beyond three months, he shall not be permitted to return to duty unless and until the principal medical officer in charge of troops, or some other medical practitioner approved by the Military Board, or a medical board has certified that he is fit to resume work.

Rate of pay.

484. When extended leave is granted other than on full pay, the rate paid for Sundays and holidays shall be the same as that allowed for the period of leave.

Medical
examination in
cases of
misconduct, &c.

485. The Military Board or District Commandant may order a medical board or detail a medical officer to attend on and examine any officer or soldier, in cases where sickness or ill-health for which leave is requested has been caused by misconduct or other unsatisfactory reason. The same practice may be followed where an officer or soldier is suspected of malingering, and of absenting himself from duty without sufficient cause.

Sick leave not
recreation leave.

486. Leave of absence in case of illness shall not be reckoned as nor included in leave of absence for recreation.

487. Sick leave allowed under paragraphs 479 and 482 may be granted in one or more periods, but the aggregate amount of leave provided for in the schedules is intended to cover a period of three years, dating from the first absence on sick leave. Limit of sick leave.

The second or any subsequent triennial period will commence on the date of first absence on sick leave, following the date upon which the previous triennial period expired, and for the three years thus commencing, the full amount of leave provided in the schedules according to length of service may again be allowed.

Leave of Absence—Militia Forces.

488. (a) Leave of absence, not exceeding one month, may be granted by Commanding officers to officers under their command, provided that a sufficient number of officers remains available for duty with their corps. Leave.

(b) Leave of absence, not exceeding three months, may be granted by Commanding Officers to warrant officers, non-commissioned officers and men under their command.

(c) Applications for leave not exceeding one year (inclusive of leave specified in (a) and (b)) will be submitted to the District Commandant, who may approve of same.

(d) Applications for leave beyond the period specified in (c) will be submitted by the District Commandant, with his recommendation, for the consideration of the Military Board.

(e) A record of all leave granted is to be kept in C.M. Book No. 17.

Leave of Absence—Volunteer Forces.

489. (a) Commanding Officers may grant leave of absence, not exceeding three months. Leave.

(b) Applications for leave not exceeding one year (inclusive of leave specified in (a)) will be submitted to the District Commandant, who may approve of same.

(c) Applications for leave beyond the period specified in (b) will be submitted by the District Commandant, with his recommendations, for the consideration of the Military Board.

(d) A record of all leave granted is to be kept in C.M. Book No. 17.

Garrison and Regimental Institutes.

Canteens.

490. At all Canteens and Institutes established under these Regulations the supply of all alcoholic liquors, except ales and wines, is strictly prohibited. Ales and wines only allowed.

491. District Commandants shall, as occasion may require, have power to authorize a canteen to be opened at any military barracks, encampment, or rifle range, during such hours as they may think fit, for the supply of refreshments to all *bona fide* members of the Defence Force only, and may appoint any one member, or more members, of the Defence Force, whether non-commissioned officers or not, to dispense and supply all refreshments required by the members of such forces, but so that such member or members shall be responsible for the opening and closing of the canteen at the hours appointed by the District Commandant. Canteens only for Defence Force.

492. All such canteens shall be conducted on the regimental system, that is, they shall not be farmed out to contractors, but shall be conducted as regimental or garrison institutes. Management.

Liquors property of corps.	493. The liquors supplied in such canteens must also be the property of the corps for whose benefit the canteens have been established.
Boys and Cadets.	494. Boys and Cadets shall not, under any circumstances, be allowed to enter or be served with any intoxicating liquor at any canteen where intoxicating liquor is sold.
Object of establishment.	495. A regimental institute will be established, as far as possible, in every unit of the Permanent Forces, to supply the troops with good articles at the lowest prices consistent with good quality, without limiting their right to resort to any other shops or markets, and to provide means for their recreation and amusement.
Garrison institutes.	496. At stations where local circumstances render it expedient, the District Commandant may establish garrison institutes, either in lieu of or in addition to the regimental institutes, or of any part thereof, as may seem most desirable. Garrison institutes will be administered under the orders of the District Commandant.
Responsibility of District Commandants.	497. The District Commandants will exercise supervision and control over all institutes, and will be responsible that the regulations and rules are properly observed. They will decide all matters connected therewith which may require the sanction of authority superior to that of the Commanding Officer of the unit.
Committee of management.	498. A Committee of Management shall be appointed by the Commanding Officer, consisting of a president (who shall be the Commanding Officer) and not more than two other officers, together with two other members of the unit nominated by their comrades and approved by their Commanding Officer.
Duties of committee.	499. The committee is to superintend the management and accounts of the institute, to visit the premises frequently and inspect the quality of all articles sold, and generally to enforce the regulations and rules. The immediate supervision of the several branches of the institute should be divided among the members, but this will in no way lessen the responsibilities of the president or of the committee as a body.
Proceedings on change of committee.	500. On the appointment of a new committee or a new president, a regimental board, consisting of a field officer, if possible, as president, and of which the outgoing and incoming committee presidents will form part, will assemble to examine the financial condition and the accounts of the institute. They will record, with reference to each branch :—(1) The actual cash balance at the date of transfer, and in whose hands it is lodged; (2) the liabilities on all accounts, including merchants' and tradesmen's bills, and unrepresented cheques; (3) all assets ascertained and assessed to their satisfaction.
Proceedings retained by C.O.	501. The proceedings will be retained by the Commanding Officer for subsequent reference in determining the responsibilities of the respective committees.
Credit.	502. The giving of credit, under any circumstances, for alcoholic liquors supplied to any one dealing at the canteen or institute, is <i>strictly forbidden</i> . All sales of alcoholic liquors will be for "spot cash" only. Credit to the money value of one fortnight's pay may be allowed members of the Permanent Defence Force only, for groceries and "dry goods" generally; but all accounts in this connexion must be settled on or before the first pay day following the grant of such credit. No distinction shall be made in the rates charged to officers and soldiers.
No distinction in rates.	
Forms, statements, &c.	503. The forms, statements, and books necessary for conducting the transactions of the canteen or institute must be in accordance with the instructions which will be issued from time to time in Military Orders.
Balance-sheet.	504. A balance-sheet shall be prepared half-yearly, which shall be certified as correct by two auditors, one of whom shall be an officer of the unit—not on the Committee of Management—and the other a member of the District Paymaster's Staff or some

person nominated by the District Paymaster. It will be the duty of the District Paymaster to see that this paragraph is strictly observed.

505. Except in canteens of the mounted branches, for fifteen minutes before midday stables or before stables after field days, no intoxicating or malt liquors of any description are to be sold before 12 noon, or after tattoo, or during the hours of divine service on Sundays. In no canteen will any liquors be sold at any time to any person appearing to be in the smallest degree under the influence of drink. The canteen will be closed at tattoo. Nature and uses of canteen.

506. The grocery shop is not to be connected in any way with the canteen (except as to its management), and, whenever practicable, it will be in an entirely separate building. The sale of intoxicating liquors or poisons is prohibited. Harmless drugs and simple medicines approved by the visiting medical officer may be sold. With regard to other articles the discretion of the Commanding Officer is not restricted. The grocery shop will be open during such hours as the Commanding Officer may determine, and closed half-an-hour after tattoo. Grocery shop.

507. Officers and soldiers with their families and servants are the only persons permitted to purchase articles at any of the branches of the institute. Where such exist in their own unit, they are prohibited, save with their Commanding Officer's permission, from making purchases in those of other units, except of articles consumed on the premises. Persons who may deal at the institute

508. All persons entitled to deal at these institutes are prohibited from purchasing, or being concerned in the purchase of, articles for the benefit of or on behalf of persons not so entitled. Any wilful breach of this paragraph, if committed by a soldier, will render him liable to punishment, or to be prohibited from using the institute, and if committed by any other person will render the person or family implicated liable to a like prohibition. Dealing on behalf of others prohibited.

509. Women entitled, under paragraph 507, to deal at the institute may enter the canteen and grocery shop for the sole purpose of making purchases, but are not to be permitted to remain there, or to consume any articles on the premises. No civilians are to be allowed to purchase articles in any of the establishments, at any time, or during the hours prohibited by the existing Licensing Acts to enter the canteen. Women dealing at canteen and grocery shop.

510. The Commanding Officer may, at his discretion, exclude any individual at any time. C.O. may order exclusion.

511. Officers appointed to the command of a camp of continuous training may be authorized to call for and approve of any tenders received for the sale of groceries, booths for non-alcoholic liquors, barbers' shops, etc., forwarding a list of those approved to the D.A.Q.M.G. for the information of the District Commandant and District Paymaster, accompanied by a balance-sheet showing the amounts received and how they have been disposed of. Temporary canteens in camp. Tenders. Accounts.

512. The moneys so received will be disposed of as follows :—

(a) To be divided proportionately between each regiment or corps or portion of the same in camp, and such proportion to be forwarded to the respective Commanding Officers. Division of proceeds.

(b) The money so received to be paid into corps' funds, to be used at the discretion of the Commanding Officer in providing games, gymnastic gear, &c., for regimental recreation rooms, or for necessary expenditure for the benefit of the troops in camp. Expenditure of proceeds.

Rifle Clubs.

Establishment of Clubs.

513. Rifle Clubs may be established in such localities as may be authorized by the Governor-General, and shall form part of the Military system of the Commonwealth. Provided, however, that all Rifle Clubs which have been duly gazetted or authorized by General Order prior to these Regulations shall be considered Rifle Clubs duly established under these Regulations.

Application to form a Club.

514. Before any club can be formed an application on a prescribed form, signed by not less than 30 men of or over the age of 16 years and under the age of 60 years, who must be natural-born or naturalized British subjects, and who are *bona fide* residents of the locality in which it is desired to form the club, must be forwarded to the Officer Supervising Rifle Clubs. In special cases the Governor-General may authorize the formation of clubs in remote districts with a less number than 30.

Commissions in Reserve Forces.

514A. Commissions as 2nd Lieutenants in the Reserve Forces, subject to the conditions prescribed in paragraphs 57 and 59 of these Regulations, may be granted to members of Rifle Clubs, in a proportion not exceeding one commission to every one hundred members of the total strength of Rifle Clubs in each State, provided that the member has passed the examination as prescribed from time to time for 2nd Lieutenants of Light Horse or Infantry (as the candidate may elect), is passed as medically fit by any duly qualified medical practitioner, and has been an efficient member of a Rifle Club for three consecutive years.

Composition of Rifle Clubs.

515. Rifle Clubs shall consist of—
(a) Active members;
(b) Honorary members.

Classification of Members.

516. Active members shall consist of those who undertake to serve as a reserve to the existing and organized corps in the Military Forces in time of emergency, and shall include those members granted commissions in the Reserve Forces under the provisions of paragraph 514A. Honorary members being British subjects, may be elected by the committee of the club they desire to join, but shall have no voice in its management, and shall not be entitled to any free issue of ammunition.

Provided, however, that officers on the Unattached List, and on the Reserve of the Military Forces of the Commonwealth, elected to the positions of Captain or Secretary, as provided by paragraph 526, and members of the Police Force elected to be honorary members, shall be entitled to the privileges specified for active members in paragraphs 527, 531, 534, 535, 536, and 538 of these Regulations.

Nearest Club to be joined.

517. Any person desiring to become a member of a Rifle Club must join the one situated nearest to his place of domicile, unless authority be granted for him to join another club. No person shall join a Rifle Club as an active member whilst he is on the roll of another Rifle Club.

Oath of Allegiance

518. Every person who is accepted as an active member of a Rifle Club shall take and subscribe before an officer, or a Justice of the Peace, or the Captain of the club, the oath of allegiance:—

“I swear that I will well and truly serve Our Sovereign Lord the King as a member of the Reserve Forces of the Commonwealth of Australia, and that I will resist His Majesty's enemies and cause His Majesty's peace to be kept and maintained, and that I will in all matters appertaining to my service faithfully discharge my duty according to law. So help me God.”

519. The Captain of each club shall ascertain that every person fulfils the conditions as to age, and that his vision is sufficiently good and has been tested by the aid of the "Dot Card" prior to such person taking the oath. Qualification for Membership.

The Captain of the club shall thereupon sign the following certificate at the foot of the Attestation Sheet:—

"I do certify that
appears to be within the age entered on this Attestation Form; that his eyesight has been tested by me by the aid of the 'Dot Card,' and appears to be good; and that he is, in my opinion, suitable for service in case of emergency."

520. If there be fewer than 50 per cent. of efficient active members on the roll of any Rifle Club at any time after the first year of formation, such club may be disbanded by the Governor-General. Disbandment of Clubs.

521. Except in time of emergency, any member of a Rifle Club may resign by giving fourteen days' notice, in writing, to the Captain of his club, and, on such resignation being accepted, his name shall be removed from the list of members. In the case of members who are in possession of Government property, the same must be returned and delivered in good order to the Captain of the club before the resignation can be accepted. Resignation.

522. The Captain of a club shall at once forward to the Officer Supervising Rifle Clubs in the Military District in which the club is situate a notification of the death, departure from the district, or resignation of any member. Absence for a longer period than three months from the locality in which a club is established shall mean departure from the district, and any member so absent, except on leave obtained from the Officer Supervising Rifle Clubs of his district, shall be liable to be struck off the strength of the club to which he belongs by the Officer Supervising Rifle Clubs. Death or Resignation of Members to be notified.

523. Any member on leaving the locality of his club may, at his own request made in writing to the Club Captain, be transferred to a club convenient to his intended place of residence, provided that the transfer is approved by the Captain of the club to which transfer is sought, and the Officer Supervising Rifle Clubs of the Military District. Transfers.

524. The District Commandant may dismiss any member of a Rifle Club for a breach of these Regulations, or for any conduct which, in his opinion, may bring discredit on Rifle Clubs. Dismissal of Members.

Any member of a Club may be recommended by the Captain to be struck off the roll for misconduct or for other sufficient cause, the existence and sufficiency of such cause to be determined by the Committee of the Club.

525. All orders and directions of the Government with respect to the administration of Rifle Clubs will be communicated to the District Commandant by the Military Board, and the District Commandant will issue the necessary orders to give effect to the same. Orders of the Government, how communicated.

526. No member of another branch of the Defence Force may be other than an honorary member of a Rifle Club, and under no circumstances (except as specially provided for in paragraph 516) is his name to be shown on any list of active members submitted to Headquarters, as claiming any privilege allowed to an active member. Members of Defence Force as Honorary Members.

Officers of the Unattached List, and on the Reserve of the Military Forces of the Commonwealth, may, on the recommendation of the Officer Supervising Rifle Clubs, and with the approval of the District Commandant, be permitted to act as Captain or Secretary of any Club, if elected to such positions by the members.

Election of Committee	527. Every club shall elect a committee, consisting of a captain, secretary, treasurer, and four members; and the property of the club shall be vested in such committee.
Correspondence and Payments.	528. (a) Correspondence on all subjects for District Headquarters of Rifle Clubs will be addressed to the "Officer Supervising Rifle Clubs." (b) When forwarding payments, the same are to be made by cheque, post-office order, or postal-note payable to the "District Paymaster."
Maintenance of Order and Discipline.	529. Captains shall maintain order and discipline amongst the members of their Rifle Club at all rifle practices and other meetings thereof, whether general or committee, and shall be responsible for the proper carrying out of all orders and regulations that may be issued from time to time. It shall be the special duty of the Captain to see that rifle practice is carried out with due precaution to the safety of the public and all concerned, but he may appoint any member of the club to perform such duties as his deputy when he cannot attend personally. At all times when members of Rifle Clubs are carrying out training or rifle practice under these Regulations, or rules thereunder, the Regulations for the time being governing the Military Forces shall be taken generally as a guide in all matters of discipline not dealt with under these Regulations. In the absence of a duly commissioned officer, the Captain and the individual members of the committee are to be responsible for the maintenance of discipline and due compliance with these Regulations.
Rules of Clubs.	530. The standard set of rules approved by the Governor-General shall be the rules for clubs.
Rifles issued on Pre-payment.	531. Captains of clubs may, on application, be supplied with rifles and spare parts, &c., for active members of their club at the prices given from time to time in the "Ordnance Store Price List." Martini-Enfield rifles will be issued on loan to Rifle Clubs in accordance with such instructions as may from time to time be issued in District Orders.
	Magazine Lee-Enfield rifles will be sold to active members of Rifle Clubs on a deferred payment system, the conditions of which will be published from time to time in Orders.
	531A. Rifles will not be sold to members of Rifle Clubs on the "Deferred Payment System" unless the Club undertakes to act as Guarantor for the due fulfilment on the part of the purchaser of the Agreement between the purchaser and the Officer Supervising Rifle Clubs.
	In cases of non-payment of any instalments when due by any member, or of the breach of any condition of the Agreement between the purchaser and the Officer Supervising Rifle Clubs, the Rifle Club of which the purchaser is or was a member shall be responsible for, and shall on demand pay the amount due, failing which the amount shall be deducted from the Annual Efficiency allowance of the Club.
Arms to be kept in good order.	532. Members of clubs will be required to keep their arms and accoutrements in good order, and to produce them for inspection when called upon. No member may dispose of the rifle purchased by him to another member of the club, or to the club, until three years after such purchase, except on approval of the captain.
Carriage of Rifles.	533. Rifles, ammunition, and accoutrements supplied by the Government, either by purchase, on loan, or free issue, will be delivered carriage free at any railway station in the vicinity of the club. The Captain of the club, or in his absence a member authorized by him in writing, shall sign the receipt for such, or any other article of Government property issued for the use of members of the club. He will be held responsible for their safe custody.

and proper distribution, and will issue no article without obtaining the written receipt of the member to whom he issues it.

534. Active members of Rifle Clubs will be classified as "Efficients" and "Non-Efficients" on the 1st of July of each year, to be reckoned from the 1st of July in each year until the 30th June in the following year. Classification of:
Efficients and
Non-Efficients.

535. No active member of a Rifle Club serving under these Regulations shall be entitled to classify as efficient on the 1st of July in any year unless during the previous year he has fulfilled the requirements hereunder specified:— Requirements
for Efficiency.

(a) Fired through a course of musketry under such conditions, as may from time to time be determined by Military Orders.

(b) Keeping such arms and accoutrements as may be in his possession clean and in good order, and producing the same for inspection when required.

536. The following free issues of ammunition will be granted, subject to the conditions laid down in paragraph 535:— Free Issues of
Ammunition.

	For Efficiency.	For Musketry.
For each active member ...	150 rounds.	50 rounds.

Each active member shall be credited with 100 rounds of free ammunition on his first enrolment, to enable him to acquire the requisite proficiency in learning to shoot.

For each efficient member of a Rifle Club possessing a Morris Tube or Miniature Rifle Range ...	{ 250 rounds of .22 R.F., or 100 rounds of Morris Tube, ammunition annually.
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537. Ammunition issued free annually to clubs for the use of its members is to be expended during the year for which it is issued. Ammunition is not to be accumulated from year to year. Captains of clubs will furnish a yearly return on or before the 15th of July in each year, showing the balance of efficiency and musketry ammunition on hand, and such unexpended balance shall be deducted from the issue for the following year. Free Issues of
Ammunition to
be accounted
for.

538. Each efficient active member of a Rifle Club shall be entitled to purchase 200 rounds, and each non-efficient active member 100 rounds, of ammunition per annum, at the rate of 5s. per 100 rounds for .303 inch rifles, and 2s. 6d. per 100 rounds for M.H. rifles. Ammunition by
Purchase.

539. Captains of clubs will be expected to make arrangements for the collection of empty cartridge cases, and for the disposal of the same; the proceeds of the sale of such empty cases to be credited to club funds, and to be used only for club purposes. Disposal of
Empty
Cartridge Cases.

Grants for Rifle Ranges.

540. Each new Rifle Club may receive a grant of money for the formation, construction and equipment of its rifle range, provided, however, that the maximum grant to any club for such purposes shall not exceed £75.

The amount of the grant to each club shall be governed by the report of the Inspector of Rifle Ranges or other officer detailed to carry out the inspection who, after inspecting the proposed site, will record his opinion as to the probable cost of construction and equipment, taking into consideration local conditions and requirements.

In cases where it may be necessary to reconstruct, alter, or carry out any repair to any rifle range, a similar grant as above mentioned may be allowed, but when the cost of such reconstruction, alteration, or repair is estimated to exceed £20, the Inspector of Rifle Ranges or other officer detailed for that purpose, shall

inspect such range, and report and record his opinion as to the probable cost of reconstruction, alteration, or repair.

Grants for the formation, construction and equipment of Rifle Ranges, or for their reconstruction, alteration or repair will be subject to the following conditions respectively, and also to (2) provision being made by Parliament; (b) the certificate of the Officer Supervising Rifle Clubs:—

A.—For New Ranges.

- (1) That the land upon which the range is situated is held under a permissive occupancy from the Crown; or
- (2) If the land upon which the range is situated is private property, that it is held under a lease of approved conditions, and of at least five years' duration.
- (3) That the range shall be available for the Active Forces in the locality, and that such active forces shall be permitted to use the range at such time as may be arranged between the Committee of the Club and the Officer Commanding the local Forces.

B.—For Reconstruction, Alteration, or Repair of Rifle Ranges.

- (1) The amount of the grant for the reconstruction, alteration, or repair of a Rifle Range which is situated upon private property will depend upon the tenure of such property.
- (2) A club having received the maximum amount of £75 for the reconstruction, alteration, or repair of its range, shall not be entitled, *except under very exceptional circumstances* and on the approval of the Governor-General, to any further grant.
- (3) The reconstruction, alteration, or repair need not necessarily be carried out in any one year, but may extend over any period, provided, however, that the maximum grant shall not exceed £75.

In the case of a range which has been constructed by a Rifle Club and which is used by a Military Unit the same conditions will apply with reference to repairs and maintenance that govern such expenditure on Military Ranges. No money will be paid to a Rifle Club as rent in consideration of its range being used by a Military Unit.

No grant will be allowed towards the establishment of branch ranges in connexion with any club.

NOTE.—For the guidance of the Inspector of Rifle Ranges or other officer deputed to carry out the inspection of Rifle Ranges, detailed instructions as regards estimating the cost of construction, alteration, reconstruction, or repair of Rifle Ranges are published in Military Orders.

Miniature Rifle Ranges.

Grants,
Miniature Rifle
Ranges.

540A. (1) Any Rifle Club which establishes a Miniature Rifle Range may receive a grant towards its construction, provided that such grant shall not exceed the unexpended balance of the maximum grant of £75 allowable under paragraph 540.

(2) Any Rifle Club having no main range of its own, and which establishes a Miniature Rifle Range, may receive a grant not exceeding £20 towards the construction thereof.

Inspection of
Rifle Ranges.

541. An officer or other qualified person may be deputed to inspect as to the suitability of any site which may be proposed for a new rifle range, or to inspect any completed range, and report thereon as to its safety for rifle practice.

Rifle practice shall not be carried out on any new rifle range until the issue of authority by the District Commandant for the use of such new rifle range.

542. Rifle ranges which are used by any of the Militia or Volunteer units will be available for the Rifle Clubs in the locality, but as these ranges are under the charge of the officers commanding the local units, Rifle Clubs will only be permitted to use them at such times as may be arranged by the responsible officers. Militia or Volunteer Rifle Ranges available for Clubs.

543. If any accident should happen to a marker or to any other person while practice is proceeding on the rifle range, the same must be reported in writing at once by the Captain of the club to the Officer Supervising Rifle Clubs. Accidents on Rifle Ranges.

544. Every active member classified as a marksman shall be entitled to receive a certificate for the year in which he becomes a marksman. The best shot of the whole of the Rifle Clubs in each State, and the best shot of each Rifle Club District in each State, shall receive and be entitled to wear a badge (worked in gold), similar to that worn by the best shot in a regiment and company respectively. Musketry Certificates and Badges.

545. On or before the 15th of July in every year the Captain of each club shall prepare and forward a return showing— Annual Returns.

(a) The names of all active members of the clubs on the 30th June, and opposite every name state the description and number of the rifle in the member's possession.

(b) A record of the drills and musketry performed by each active member.

Printed forms for the returns will be supplied. No free ammunition will be issued to any club from which this return has not been received.

546. In order to afford opportunities to members to undergo instruction in drill, an annual course of instruction will be carried out in such localities and at such centres as may be arranged by District Commandants. Attendance at this course of drill will, however, be voluntary on the part of members. Instruction in Drill.

547. Any member who so desires may, on the recommendation of the Captain of a club and with the approval of the military authority, be attached temporarily to any corps of the Defence Force for purposes of instruction. While under instruction, members of Rifle Clubs shall be subject to the same discipline as that imposed upon the members of the corps to which they are temporarily attached. Members of Rifle Clubs shall be given preference as recruits for the Militia and Volunteers. Members may be attached to Militia Units for instruction.

548. An effective grant of 5s., subject to the necessary provision being made by Parliament, will be made each year for every active member of a Rifle Club who fulfils the prescribed conditions and is classified as "Efficient" on the 1st July of any year for services performed during the twelve months immediately preceding. Effective Grant.

549. The following are the services upon which the grant made under paragraph 548 may be expended:— Disbursement of Effective Grant.

(a) Payment of markers for musketry course.

(b) Maintenance and repair of rifle ranges.

(c) Stationery and postage.

(d) General expenses in connexion with the interior economy of Rifle Clubs.

550. Effective grants are not to be considered the property of any individual, but will be handed over to the Captain of the club for the purpose of meeting the expenses mentioned in paragraph 549. Effective Grants the property of the Club.

Effective
Grants,
Banking
Arrangements.

551. The effective grant will be paid into a bank to the joint account of the Captain and Treasurer or Secretary of the club, and will be kept distinct from any private account. A cash-book will be kept, in which will be recorded all sums received, and each item of expenditure on the service specified in paragraph 549. Receipts for all payments will be obtained wherever possible, and, in the absence of a receipt, a certificate signed by the Captain and Treasurer or Secretary of the club, that the amount has actually been paid for the purpose stated, will be accepted instead.

Effective
Grants,
Accounts

552. The accounts will be balanced on the 30th June of each year, and a statement on a prescribed form will be prepared and signed by the Captain and Treasurer or Secretary of the Club, and will be forwarded to the Officer Supervising Rifle Clubs as soon after that date as practicable, but not later than the 30th September. This statement will show the receipts from the Government during the year, and the full expenditure on the authorized services mentioned in paragraph 549.

Railway
Travelling.

553. Regulations for railway travelling are issued in each State, and are governed by local arrangement. District Commandants will submit for the consideration and approval of the Military Board, their proposals for free travelling to rifle competitions, such proposals being within the expenditure provided for Rifle Club travelling in that State.

Uniform
Clothing.

554. A pattern of simple and inexpensive uniform clothing has been approved, but the wearing of same by members of Rifle Clubs shall be optional.

Standard
Rules.

555. The following shall be the Standard Rules of Rifle Clubs referred to in paragraph 530 of the Regulations.

RULES OF THE

RIFLE CLUB.

- (1) This club shall be known as the Rifle Club.
- (2) No person shall be admitted as a member of the club unless proposed by two or more members of the club, except in the case of a transfer, which is provided for by paragraph 523 of the Regulations, and on payment of such entrance fee and annual subscription as may be fixed by the by-laws.
- (3) Life members may be enrolled on payment of a donation, to be fixed by the by-laws.
- (4) The business of a club shall be managed by a committee, consisting of a captain, secretary, treasurer, and four members, three to form a quorum.
- (5) The office-bearers and members of committee shall be elected at the annual meeting of the club, which shall be held on such date as may be fixed by the by-laws.
- (6) Any office-bearer or member of committee being absent without leave for three consecutive meetings of the committee shall be liable, at the discretion of the committee, to have his seat declared vacant.
- (7) Any vacancy in the committee, caused either by resignation or enforced retirement under rule 6, may be filled up by the committee.
- (8) All meetings of the committee shall be convened by the secretary; but should he fail to do so within seven days after receiving a requisition signed by two members of the committee, any two such members may themselves convene a meeting of the committee.
- (9) No meeting of the committee shall be held to have been duly convened unless a written or printed notice be forwarded to each member thereof at least twenty-four hours prior to such meeting.

(10) The annual meeting of the club for the election of office-bearers shall be convened by notice by post to each member, and not less than seven days' notice shall be given of such meeting.

(11) A balance sheet, duly audited by two members duly appointed at the preceding annual meeting, shall be laid before the members at every annual meeting.

Should a vacancy or vacancies occur among the auditors, the committee shall have power to fill the position.

(12) The captain shall preside at all committee and general meetings at which he is present.

In his absence, the members present may elect a chairman for any meeting.

(13) The captain, or a deputy appointed by him, will conduct all correspondence with the Officer Supervising Rifle Clubs.

(14) The secretary shall keep minutes of all general meetings of members, and of meetings of the committee, and shall conduct all correspondence ordered by the committee, and he may, if duly authorized, act as the deputy of the captain.

(15) The subscription of every member shall become due on such date as may be fixed by the by-laws, and no one shall be entitled to the privileges of the Club as defined by the by-laws until his subscription be paid.

(16) No member, by reason of his being such, shall have any estate or interest in the property of the club other than the right to use the club property at the rifle ranges, in accordance with the resolutions or decisions of the committee.

(17) A general meeting of the club shall be called at any time by the secretary on receiving a requisition signed by so many members as may be prescribed by the by-laws; the time and object of such general meeting to be notified by post to each member one week previous to such meeting.

(18) Any member may be expelled from the club against whom a vote for his expulsion shall have been carried by a majority of two-thirds of the members present at a meeting specially called to consider the case. The expulsion of any member shall be at once notified to the Officer Supervising Rifle Clubs of the Military District, with a report of the circumstances.

(19) The practice days of the club shall be fixed by the by-laws, but the committee may, on giving due notice to every member, alter the time as they may think necessary, or appoint such other days in addition to the above as may appear expedient.

(20) After providing for the necessary expenses of the club, the committee may expend the balance of any moneys other than those received from Government in granting prizes to its members, the rifle matches at which such prizes are to be competed for being duly notified by advertisement.

(21) In addition to the annual subscription, the committee shall have power to exact such entrance fee as may be prescribed by the by-laws from every member who shall compete in a match for prizes, provided always that the entrance fees be devoted to the prize list.

(22) The rules for the matches and club practices, the distances, the conditions of firing, the nature and value of the prizes, and all other details, shall be decided by the committee.

(23) The committee shall have power to frame such by-laws as may from time to time be necessary for carrying on the business of the club; such by-laws shall, however, be subject to approval of the club at a general meeting thereof and shall be confirmed by the Officer Supervising Rifle Clubs.

(24) An active member of the club who has been returned as efficient at least six times in the annual return of the club may, on

his resignation, become an honorary member of the club without payment of any annual subscription, provided that a resolution to this effect is passed at a general meeting of the members of the club convened for this purpose.

(25) The conditions and regulations of State Rifle Associations shall generally be observed in the matches and practices of the club.

Rifle Associations.

- | | |
|---|--|
| Council,
Commonwealth
Rifle
Association.
Objects. | 556. There shall be a Commonwealth Council of Rifle Associations of Australia composed of two representatives from, and elected by, each State Rifle Association. |
| | 557. The objects of the Commonwealth Council shall be the promotion and conduct of all Inter-National and Inter-State Rifle Competitions, and the decision of any question in connexion with rifle shooting which may be referred to it by any Rifle Association. |
| State Rifle
Association. | 558. In each Military District there shall be a State Rifle Association, and the Council of the same representing the State shall be charged with the conduct of all rifle matches other than those laid down by the Military Regulations, and the promotion of rifle shooting generally. The District Commandant shall be the president <i>ex officio</i> . The Commanding Officers of regiments and corps, including the Naval Forces, shall be members <i>ex officio</i> . This Council will, as a consultative body, also assist the District Commandant in all matters affecting the interests of rifle shooting in the District. |
| Rules. | 559. The Rules of the Commonwealth Council, and of the State Rifle Association Councils, shall be submitted for the approval of the Military Board. |
| Annual Report
and Return. | 560. All State Rifle Associations receiving a Government grant are required to send to District Head-Quarters a copy, in duplicate, of their Rules and Regulations, and amendments thereof, for approval. |
| Promulgation of
Notices. | 561. Each such Association will also send to the District Commandant, on or before the 30th June in each year, an Annual Report and Return. |
| | 562. Officers will on all occasions use their utmost endeavours to promote the success of the annual competitions of the various Rifle Associations. They will promulgate within the limits of their respective commands all notices forwarded to them by the Councils of the different Associations, and specially direct attention to the date on which returns of entries or other matters are to be rendered. Competitors at Rifle Meetings will be expected to conform to the Regulations under which the competitions are carried out. |

Artillery Practice.

562A. The general safety precautions to be observed, and also the prescribed distances referred to in Section 72 of the Act, outside of which all ships, boats, or persons must keep, shall for Artillery Practice on Sea Fronts, be those prescribed in "Instructions for Practice Seawards, Royal Garrison Artillery," published annually.

Similarly the general arrangements for the safety of Artillery Practice on Land Ranges shall be those prescribed in "Instructions for Practice, Horse, Field and Heavy Artillery," also published annually.

District Commandants are responsible for the issue of any detailed instructions for carrying out the principles of these instructions, and also that notices of times and dates of Practice are published beforehand, and that such notices state the distances, in accordance with the practice to be carried out, at which ships, boats, or persons must keep.

It is the duty of the officer superintending the practice to satisfy himself that all precautions for safety have been carried out, and that all necessary steps are taken to, as far as possible, prevent misunderstanding or accident.

Ordnance Machinery Branch.

Inspector of Ordnance Machinery.

563. The Inspector of Ordnance Machinery will be available for expert duty with the Military Board and the Commandants of the several districts. All reports will pass direct between the officers concerned. I.O.M. available for Expert Duty.

564. The Inspector of Ordnance Machinery will be Officer Commanding the Armament Artificers of the Commonwealth Military Forces, and will exercise all disciplinary powers as prescribed in the Regulations for the Commonwealth Military Forces, but during his absence the Armament Artificers in a Military District will be under the Commanding Officer, Royal Australian Artillery, for discipline. Discipline.

565. Establishment—

Establishment.

For the Commonwealth—

Inspector of Ordnance Machinery	...	1
Military Staff Clerk	...	1
		2

For Districts—

	Artificers.	Assistants.	Total.
New South Wales	5	4	9
Victoria	4	7	11
Queensland	1	2	3
South Australia	1	Nil	1
Western Australia	1	Nil	1
Tasmania	1	Nil	1
	13	13	26

566. The Military Staff Clerk to the Inspector of Ordnance Machinery will carry out all clerical duties under the Inspector of Ordnance Machinery. Military Staff Clerk to I.O.M.

Armament Artificers.

567. Armament Artificers and Assistants are attached to the Pay, Royal Australian Artillery for pay. The rates of pay are given in the *Financial and Allowance Regulations*.

568. Uniform—

Uniform.

Blue serge coat, badge as per rank.
 Blue serge vest.
 Blue serge trousers.
 Blue cloth cap (peak), with blue cloth band and Corps badge.
 Great coat (universal pattern).
 Buttons (universal pattern).

Working Dress—

Blue dungaree coat, badge as per rank.
 Blue dungaree trousers
 White cotton hat.
 Blue cloth cap (peak).

- Enlistment.** 569. Armament Artificers and Assistants will be enlisted in the Military Forces of the Commonwealth, and will be under the Inspector of Ordnance Machinery for discipline, work, and duties.
- Qualifications for appointment.** 570. Vacancies for Armament Artificers will be filled by specially enlisted men, or by the appointment of men already serving, who—
- (a) are thorough and competent tradesmen and possess a knowledge of mechanical drawing;
 - (b) are not more than thirty nor less than twenty-one years of age;
 - (c) can produce satisfactory references as to character.
- All applicants will furthermore be required to pass the usual military medical examination, and also examinations of a practical nature, and in mechanical drawing.
- Rank.** 571. Candidates will receive the rank of Sergeants on attestation.
- Promotion.** 572. Armament Artificers may be promoted to Staff Sergeant after three years' service as Sergeant, and to Quartermaster-Sergeant after four years' service as Staff Sergeant.

Assistant Armament Artificers.

- Appointment.** 573. Assistant Armament Artificers will be selected from members of the Royal Australian Artillery or other branches of the Permanent Forces who are well recommended by their Commanding Officer.
- They will be enlisted as Assistant Armament Artificers.
- Promotion.** 574. Assistant Armament Artificers may be promoted to Bombardier after three years' service as Private, to Corporal after four years' service as Bombardier, and to Sergeant after ten years' service as Corporal, but junior to Armament Artificers of that rank.

General.

- Increments and Promotions.** 575. All increments to and promotions of Armament Artificers and Assistant Armament Artificers will be subject to the approval of the Commandant, on the recommendation of the Inspector of Ordnance Machinery.
- Working Hours** 576. The working hours will be forty-eight hours each week. When on special duty, and it is found impossible to work the regular hours appointed, the best arrangement for carrying out the necessary work is to be made. The actual time worked on each job is to be recorded on the time-sheet daily. The Senior Artificer must be on duty at each commencement of work to see that all Artificers and Assistants are punctual in attendance, and he will be responsible that the whole of their time is employed on departmental work to the best advantage of the service. He will also give the signal for cessation of work.
- Workshops under the I.O.M.** 577. The workshops in each State are under the supervision of the Inspector of Ordnance Machinery, and all machines, tools, and stores therein are under his charge.
- Requisitions.** 578. For ordinary repairs requisitions, in duplicate, will be forwarded direct to the Inspector of Ordnance Machinery.
- For the manufacture, repair, or alteration of ordnance machinery or stores, or for work involving expenditure or alterations to existing patterns of armaments, requisitions, in triplicate, will be forwarded through the District Commandant to the Inspector of Ordnance Machinery.
- No work which involves an alteration to existing patterns of armaments will be passed for execution until the Inspector of Ordnance Machinery has obtained the approval of the Chief of Ordnance for such alteration.

579. In the case of work for a District being carried out in another district, all expenditure in connexion with same shall be charged to the District for which the work is performed. Work done by one District for another.

580. Upon receipt at the workshops, requisitions will be entered in the workshops' day-book, and a consecutive number given to each order. The Inspector of Ordnance Machinery will cause a record to be kept of the material and labour expended on the service requisitioned for. Day-book of Workshops entries in.

Armament.

581. Guns, mountings, and machinery on Artillery charge will be examined as frequently as possible by the Inspector of Ordnance Machinery. Examination of Guns, Mountings, &c.

582. All trials of guns and mountings will, if possible, be attended by the Inspector of Ordnance Machinery. Trials of Guns and Mountings.

583. Practice with heavy guns will, as far as possible, be attended by the Inspector of Ordnance Machinery, and it will be his duty to assist the Commanding Officer at the practice in every point connected with the gear or machinery in use, calling attention to any points that may occur to him in the use of the gear, and advising as to the continuance of practice in case of the suspected or apparent development of defects in any portion of the ordnance, mountings, or machinery. Heavy Gun Practice.

584. The Officer in Charge of Armament will communicate direct with the Inspector of Ordnance Machinery, in the event of any defect or break-down occurring which requires to be attended to with greater rapidity than would be obtained by the usual channel. Armament Officer to communicate with I.O.M.

585. All repairs or adjustments to ordnance, mountings, machinery, or engines, belonging to the armament, will be executed under the orders of the Inspector of Ordnance Machinery. I.O.M. to Supervise and Order Repairs.

586. No alteration to any existing fitting is on any account to be made without written authority from the Inspector of Ordnance Machinery. Fittings, Alteration of Machinery.

587. The weekly reports of work performed by the several parties of Armament Artificers and other working parties employed under the orders of the Inspector of Ordnance Machinery, will be filed for reference in his office. Copies are also to be filed in the district workshops. Weekly Reports.

588. The Inspector of Ordnance Machinery will keep a record of the different repairs and adjustments, with notes on all important matters in connexion with the armament in each State. Notes on Repairs kept by I.O.M.

589. Armament Artificers will execute any work necessary for the repair or alteration of armament, carriages, slides with their parts and appurtenances, hydraulic jacks, and mechanism of disappearing carriages, and all ordinary operations for the repair of ordnance, and the adjustment of guns and their fittings, including the hydraulic mountings, steam engines, and the machinery used in the service of heavy ordnance. Work of Armament Artificers on Armament.

590. It must be understood that the services of the Armament Artificers are to be considered of the first importance in connexion with land armament works, which may necessarily place guns out of action; their employment must be regulated accordingly. Land Armament Works.

591. An Armament Artificer will be present during practice, in order to adjust or repair any fittings that may become damaged. Damaged Fittings at Gun Practice.

Australian Volunteer Automobile Corps.

592. The ranks of officers of the Corps shall be Major, Captain, and Lieutenant.

593. Private soldiers will not be enlisted except in time of war.

594. No person shall be appointed an officer who is not a qualified driver and in possession of an efficient automobile car (certified as suitable by the Committee of an Automobile Club).

595. Officers shall be provisionally appointed as Lieutenants and shall pass the prescribed examinations (Map Reading and the furnishing of Road Reports).

596. The period of service necessary for promotion shall be—

For Captain	...	...	...	4 years,
For Major	...	...	...	8 "

provided that the prescribed examination is passed.

597. Officers of the Corps shall not exercise command over members of the other arms of the Commonwealth Military Forces.

598. Every officer of the Corps shall make his car and his services, or the services of a competent driver as required, available for military duty, if called upon to do so, for a period of not less than *four* days in each military year.

599. An officer will be appointed to command the Corps in each District, who will keep a roster of the duties of the members of the Corps in his District. In allocating duties, consideration should be given to the convenience of officers and, as far as possible, they should be detailed for duty in their own neighbourhood.

600. The uniform of officers will be as follows:—

Khaki Service Jacket with distinguishing badge on collar.
 Hat } with badge.
 Cap }
 Breeches, cord.
 Leggings.
 Brown Boots.
 Gauntlets.
 Waterproof Cloak.

601. Officers of the Corps while employed on duty with their motor cars may receive daily allowance in accordance with the scale laid down in the Financial and Allowance Regulations, *i.e.*—

Major	...	...	15s.	per diem
Captain	...	...	12s. 6d.	" "
Lieutenant	...	...	12s. 6d.	" "

For each hour, 1-24th of the above.

602. Chauffeurs employed by officers of the Corps may receive travelling allowance at the rate of 6s. per diem.

603. The following mileage allowance may be paid to officers of the Corps, based on the number of miles travelled on military duty, as prescribed in the Financial and Allowance Regulations, *i.e.*—

For a motor car with two or three seats (exclusive of the space occupied by the chauffeur)	...	...	4d. per mile.
For a motor car with four or more seats and a similar reservation <i>re</i> chauffeur	...	...	6d. per mile.

Mileage will be reckoned from the place where the duty commences.

604. Claims for compensation for damage to cars will not be recognised.