

DEFENCE (No. 2).

No. 38 of 1939.

An Act to amend the *Defence Act* 1903-1939.

[Assented to 26th September, 1939.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title
and citation.

1.—(1.) This Act may be cited as the *Defence Act* (No. 2) 1939.

(2.) Sub-section (3.) of section one of the *Defence Act* 1939 is repealed.

(3.) The *Defence Act* 1903-1934*, as amended by the *Defence Act* 1939†, is in this Act referred to as the Principal Act.

(4.) The Principal Act, as amended by this Act, may be cited as the *Defence Act* 1903-1939.

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

† Act No. 13, 1939.

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

3. Section sixty-one of the Principal Act is amended—

(a) by omitting from paragraph (i) of sub-section (1.) the words “who satisfy the prescribed authority that their” and inserting in their stead the word “whose”; and

Persons
exempt from
service.

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

“(3.) In this section ‘conscientious beliefs’ includes all conscientious beliefs, whether the ground thereof is or is not of a religious character, and whether the beliefs are or are not part of the doctrines of any religion.”.

4. Section sixty-one A of the Principal Act is amended by adding at the end thereof the following sub-sections :—

Burden of
proving
exemption.

“(2.) If an application for exemption under paragraph (i) of sub-section (1.) of section sixty-one of this Act is refused by any court authorized as provided in sub-section (1.) of this section, an appeal shall lie from the decision to the High Court or to the Supreme Court of the State or Territory of the Commonwealth in which the application was made.

“(3.) An appeal may be on questions of fact as well as on questions of law, and shall, at the request of the appellant, be by way of re-hearing.

“(4.) The Justices of the High Court or a majority of them may make Rules of Court for regulating the practice and procedure in relation to appeals to a Court under sub-section (2.) of this section.”.