

# STATUTORY RULES.

1942. No. 38.

REGULATIONS UNDER THE DEFENCE ACT 1903-1941.\*

**I** THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Defence Act 1903-1941*.

Dated this second day of February, 1942.

GOWRIE

Governor-General.

By His Excellency's Command,

F. M. FORDE

Minister of State for the Army.

## VOLUNTEER DEFENCE CORPS REGULATIONS.

1. These Regulations may be cited as the Volunteer Defence Corps Regulations. Citation.

2.—(1.) In these Regulations, unless the contrary intention appears— Definitions.

“full time service” means the service of a member of the Corps, when called out pursuant to a Proclamation under section 46 of the Act and directed to perform continuous full time war service for the duration of the war;

“the Act” means the *Defence Act 1903-1941* and, if at any time that Act is amended, means that Act as so amended;

“the Corps” means the Volunteer Defence Corps constituted under regulation 3 of these Regulations.

(2.) Subject to this regulation, words used in these Regulations shall have the same meaning as in the Australian Military Regulations.

3. In time of war there shall be a Volunteer Defence Corps which shall constitute a corps of the Citizen Military Forces and shall consist of persons enlisted in those Forces for service in the Corps. Constitution of Volunteer Defence Corps.

4. Any person who is not—

Enlistment.

(a) a member of the Active Naval, Military or Air Forces of the Commonwealth or of the Naval, Military or Air Reserve Forces of the Commonwealth already employed on full-time war service; or

(b) an active member of any other of His Majesty's Naval, Military or Air Forces

may offer to enlist and be enlisted as a private soldier in the Military Forces for service in the Corps.

5. A member of the Corps shall not by reason only of his membership be exempted from any obligations imposed on him by Part IV. of the Act or any regulations made under the Act relating to the obligations imposed by that Part.

6. The Australian Military Regulations shall, except insofar as they are inconsistent with these Regulations, apply to and in relation to the Corps and the members thereof.

7.—(1.) When serving in conjunction with members of the Australian Military Forces other than members of the Corps, officers, warrant and non-commissioned officers of the Corps shall rank and take precedence with but below officers, warrant and non-commissioned officers, as the case may be, of corresponding rank who hold active appointments and who are not members of the Corps.

(2.) Officers, warrant and non-commissioned officers of the Corps shall, when on military duty, have powers of command at all times in relation to members of the Corps, and, subject to this regulation, also in relation to other personnel of the Australian Military Forces for such period or in such circumstances as are specified by the formation, &c., commander of any formation, &c., to which they are attached.

(3.) The power of command referred to in this regulation shall be the power of command vested in officers, warrant and non-commissioned officers other than members of the Corps, holding commissions or warrant or non-commissioned rank in the Australian Military Forces of corresponding rank and belonging to corresponding formations, units or categories, but shall not, except when exercisable pursuant to sub-regulation (2.) of this regulation, include any power of punishment over any member of the Defence Force who is not a member of the Corps.

8.—(1.) Except as provided in this regulation, a member of the Corps shall not be entitled to any pay or allowances for his services.

(2.) While any member of the Corps is employed on full time service, he shall be entitled to pay and allowances at the daily rate specified by the War Financial (Military Forces) Regulations for the rank corresponding to his rank in the Corps.

(3.) When a member of the Corps who is not employed on full time service performs duty in obedience to any command directed to him personally, or which is subsequently certified to have been necessary in the then existing circumstances, he shall be paid an amount equivalent to his loss of earnings in his civil employment or, in the case of a member in casual or irregular civil employment, his probable loss of earnings, consequential upon the performance of that duty:

Provided that the amount payable to any member in respect of any day on which he performs duty shall not be greater than the amount to which he would have been entitled if he had been eligible for payment under sub-regulation (2.) of this regulation.

Liability to service under Part IV. of Act.

Application of Australian Military Regulations.

Rank, precedence and power of command.

Pay and allowances.

(4.) For the purpose of the last preceding sub-regulation, "duty" does not include attendance at any parade, school of instruction, bivouac or the like for the purpose of training or receiving instruction, or any attendance at any ceremonial or other parade.

(5.) The Military Board shall issue all necessary Orders and Instructions for the purpose of carrying into effect the provisions of sub-regulation (3.) of this regulation and in particular as to the manner in which, and the persons by whom, the certification of duty as necessary and the determination of the amounts to be paid under that sub-regulation shall be made.

(6.) A member of the Corps may be paid travelling expenses and allowances in accordance with the provisions of Part IV. of the War Financial (Military Forces) Regulations (other than regulation 68 of those Regulations) as if he were a "member" as defined by those Regulations.

(7.) In special circumstances the Military Board may authorize payment to a member of the Corps, who is not employed on full time service, of travelling expenses other than those which he may be paid pursuant to sub-regulation (6.) of this regulation and of an allowance in lieu of rations or quarters which the Board considers appropriate in the circumstances.

9.—(1.) Regulations 176, 184, 185, 188 and 190 of the Australian Military Regulations shall not apply in relation to members of the Corps. Discharge.

(2.) Members of the Corps may be discharged for any of such reasons as the Military Board determines.

(3.) A discharge may be effected—

- (a) in the case of a Commander of the Corps in a Military District—by the District Commandant of that Military District on the authority of the Military Board;
- (b) in the case of any other officer of the Corps—by the District Commandant or the Commander of the Corps in the Military District in which that member is enlisted; and
- (c) in the case of any other member of the Corps—by the District Commandant or the Commander of the Corps in the Military District in which the member is enlisted or his Battalion Commander.

10.—(1.) When a member of the Corps is discharged for any reason there shall be prepared, unless the member cannot be found, a certificate of discharge containing such particulars as the Military Board directs to be entered thereon. The certificate shall be signed by the authority effecting the discharge and delivered or sent to the former member as soon as possible after his discharge. Certificate of discharge.

(2.) A District Commandant may at any time review the statement of the reason for discharge and the particulars relating thereto entered on any certificate of discharge, and, if he considers it desirable to do so, he may vary or amend that statement or those particulars or add any explanatory remarks thereto as he considers warranted in the circumstances of the case.

Retirement.

11.—(1.) Regulations 124 and 191 of the Australian Military Regulations shall not apply in relation to members of the Corps.

(2.) The age for compulsory retirement of a member of the Corps shall be sixty-five years.

Records.

12. All records relating to members of the Corps shall be maintained in such manner as is determined by the Military Board.

Redress of wrongs.

13.—(1.) Regulation 194 of the Australian Military Regulations shall not apply to members of the Corps.

(2.) If an officer of the Corps thinks himself wronged, he may complain in writing, in succession, to—

- (a) his Battalion Commander (if any);
- (b) his Group Commander (if any);
- (c) his Corps Commander (if any);
- (d) the General Officer Commanding the Command or the Commandant of the Military District, as the case may be, in which that officer is enlisted;
- (e) the Military Board.

(3.) If a member of the Corps other than an officer considers himself wronged, he may complain, in succession, to—

- (a) his Company &c., Commander (if any);
- (b) his Battalion Commander (if any);
- (c) his Group Commander (if any);
- (d) his Corps Commander (if any);
- (e) the General Officer Commanding the Command or the Commandant of the Military District, as the case may be, in which that member is enlisted;
- (f) the Military Board.

(4.) Each authority mentioned in the preceding sub-regulations of this regulation to whom complaint is made shall, so far as is practicable and so far as not already done, cause the complaint to be investigated, and if it appears to the authority that the officer or member of the Corps has suffered a wrong, shall cause the wrong to be fully redressed, if full redress is within the power of the authority, or, if investigation or full redress is not within the power of the authority, shall refer the complaint to the next superior authority, in order that it may be investigated and redressed as fully as possible.

(5.) If an officer of the Corps is dissatisfied with the decision of the Military Board, he may require that his complaint be referred to the Governor-General in Council.

(6.) An authority to whom a complaint is made or referred under this regulation shall not attempt to prevent or dissuade any officer or member of the Corps from carrying his complaint to a superior authority in accordance with this regulation.