DEFENCE.

**No. 19 of 1951.**

An Act to amend the *Defence Act* 1903–1950.

[Assented to 19th July, 1951.]

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* 1951.

(2.) The *Defence Act* 1903–1950 is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Defence Act* 1903–1951.

**Commencement.**

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

**Parts.**

**3.** Section two of the Principal Act is amended by omitting the words—

“Part XII.—Universal obligation in respect of Naval Military or Air Force Training.

Part XIII.—Exemptions from Personal Service.

Part XIV.—Registration and Enrolment for Naval Military or Air Force Training.”.

**4.** Section five of the Principal Act is repealed and the following section inserted in its stead :—

**Application of Act.**

“5. This Act applies, subject to the *Naval Defence Act* 1910–1919 and the *Air Force Act* 1923–1950, to, and in relation to, all the Naval Forces, Military Forces and Air Forces of the Commonwealth, and to all members of any of those Forces whether appointed or enlisted, or deemed to be enlisted, under this Act or under any other Act.”.

**Resignation of commission.**

**5.** Section seventeen of the Principal Act is amended by omitting sub-section (2.).

**Constitution of Citizen Military Forces.**

**6.** Section thirty-two a of the Principal Act is amended—

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

“(2.) The Active Citizen Military Forces shall consist of—

(*a*) persons who are appointed to, or voluntarily enlist in, those Forces;

(*b*) persons who are called up under the *National Service Act* 1951 for service with the Citizen Military Forces;

(*c*) persons who are called upon, under section sixty of this Act, to enlist and serve in time of war and are allotted to the Military Forces; and

(*d*) officers on the unattached list.”; and

(*b*) by omitting from sub-section (3.) all the words commencing with the words “and of all persons”.

**Voluntary enlistment.**

**7**. Section thirty-five of the Principal Act is amended by omitting the words “ in Parts IV. and XII.” and inserting in their stead the words “ by the *National Service Act* 1951 or by Part IV.”.

**Time of discharge.**

**8**. Section thirty-nine of the Principal Act is amended by omitting paragraph (*c*) of sub-section (1.) and inserting in its stead the following paragraph:—

“(*c*) being a person called up for service in accordance with the *National Service Act* 1951—upon the expiration of the period of five years referred to in section thirty-three of that Act.”.

**On whose complaint prosecutions may be brought.**

**9**. Section one hundred and ten of the Principal Act is amended by omitting from sub-section (5.) the words “Part XII. of this Act” and inserting in their stead the words “the *National Service Act* 1951”.

**Power to discharge or disrate members of Citizen Forces**

**10.** Section one hundred and twelve of the Principal Act is amended by omitting the words “(not serving under Part XII. of this Act)” and inserting in their stead the words “(not being a person who is called up for service in accordance with the *National Service Act* 1951)”.

**Regulations.**

**11.** Section one hundred and twenty-four of the Principal Act is amended by inserting after paragraph (*c*) of sub-section (1.) the following paragraph :—

“(*ca*) The conditions of service and training of persons rendering service under the *National Service Act* 1951; ”

**Repeal of Parts XII., XIII. and XIV.**

**12.** Parts XII., XIII. and XIV. of the Principal Act are repealed.