

1908.

THE PARLIAMENT OF THE COMMONWEALTH

HOUSE OF REPRESENTATIVES.

Read 1^o 29 September, 1908.*(Brought in by the Minister for Defence, the Honorable
T. T. Ewing.)*

A BILL

FOR

AN ACT

Relating to Naval and Military Defence.

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

1.—(1.) This Act may be cited as the *Defence Act* 1908.

5 (2.) The *Defence Act* 1903, as amended by the *Defence Act* 1904, 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* 1903–1908.

2. This Act shall commence on a day to be fixed by proclamation.

10 3. Section two of the Principal Act is amended by inserting, before the words "Part IV.," the following words:—

"Part IIIA.—Obligations in respect of Naval and Military Training, ss. 58A–58J.

"Part IIIB.—The National Guard, ss. 58K–58P."

[C. 8]—780/29.9.1908.—F.7221.

4.—(1.) Section

Short title and citation.

Commencement

Amendment of s. 2 of Principal Act.

Permanent
Forces.

4.—(1.) Section thirty-one of the Principal Act is amended by omitting the word “garrison.”

(2.) Section thirty-two of the Principal Act is repealed, and the following section substituted in lieu thereof:—

“32.—(1.) The Naval and Military Forces respectively shall consist of Active Forces and Reserve Forces. 5

Citizen Forces.

“(2.) The Active Citizen Forces—to be known as the National Guard—shall consist of those undergoing training under sections 58A and 58B of this Act, together with the officers, soldiers, petty officers, and sailors serving for longer periods in the same units and corps, and, in addition, such Citizen Forces existing at the commencement of the *Defence Act* 1908 as continue to be maintained. 10

Reserve Forces.

“(3.) The Reserve Forces shall consist of Citizen Forces, and shall include the officers shown on the Reserve of Officers List, the members of Rifle Clubs, and all those liable to serve in time of war under section fifty-nine of this Act who are not included in the Active Forces.” 15

5. Section thirty-five of the Principal Act is amended by inserting before the word “Part IV.” the words “Part IIIA., Part IIIB., and.” 20

Non-application
of certain
sections to
Military Forces.

6. After section forty-two of the Principal Act the following section is inserted:—

“42A.—Sections thirty-six to forty-two inclusive of this Act shall not apply to members of the Citizen Forces who are enrolled under the provisions of Part IIIA. or Part IIIB. of this Act.” 25

Power to apply
Army Act.

7. After section fifty-four of the Principal Act the following section is inserted:—

“54A. The regulations may prescribe—

(a) that members of the Defence Force, voluntarily serving with the Imperial Forces outside Australia, shall be subject to the Army Act; and 30

(b) subject to any Imperial Act—that members of the Imperial Forces serving in Australia shall be subject to this Act.”

Training.

8. The following Parts and Sections are inserted after Part III. of the Principal Act:— 35

“PART IIIA.—OBLIGATIONS IN RESPECT OF NAVAL AND MILITARY TRAINING.

“58A. All male inhabitants of Australia (excepting those who are exempted by the Regulations), who have resided therein for six months, and are British subjects, shall be liable to be trained, as prescribed, as follows:— 40

(a) From 12 to 18 years of age, in the Cadets or Senior Cadets; and

(b) From 18 to 26 years of age, in the Defence Force.

“58B.—(1.) The

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“ 58B.—(1.) The prescribed training shall in time of peace not exceed in each year—

- 5 (a) in the Cadets and Senior Cadets, fifty-two attendances of one hour each and four attendances of one whole day each, or their equivalent, as prescribed; and
- (b) in the Defence Force, for the first three years, eighteen working days, or their equivalent, as prescribed; and
- (c) in the Defence Force, for the last five years, seven working days, or their equivalent, as prescribed.

10 Provided that, in the case of those allotted to the Naval Forces, and, in the Military Forces, the Artillery and Engineers, the training shall not exceed annually, in the first five years, twenty-eight working days or their equivalent, as prescribed, and in the last three years seven working days or their equivalent, as prescribed.

15 “(2.) In this section ‘working days’ means days on which training is carried out, and is exclusive of Sundays.

20 “ 58C. The prescribed training shall be carried out during the periods on and between the first day of July in the year in which persons attain the ages mentioned and the next succeeding last day of June. Training years.

“ 58D. This Act shall, so far as concerns the obligation to render personal services for purposes of training, not apply to persons who are over the age of eighteen years on the first day of January following the coming into force of the *Defence Act* 1908. Who are liable at commencement of Act.

25 “ 58E. At the termination of each annual training each member shall be classified in the prescribed manner as ‘efficient’ or ‘non-efficient.’ Those who are classified as ‘non-efficient’ either for failure to attend the prescribed period, or because they have not attained a sufficient standard of proficiency, shall be required to attend an equivalent additional annual training for each year in which they are ‘non-efficient.’ Efficiency required.

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“ 58F. No employer shall prevent, or attempt to prevent, any employee from rendering the personal service required by this Act, or in any way penalize, or attempt to penalize, any employee for rendering such personal service, either by reducing his wages or dismissing him from his employment or in any other manner. Employers may not prevent employees from serving.

35

Penalty: One hundred pounds.

40 “ 58G. Every person who evades or fails to comply with all the requirements of this Part of this Act with respect to personal service in the Defence Force shall, unless and until he has performed equivalent personal service as prescribed— Disqualifications of persons who evade service.

- (a) be and remain ineligible for employment of any kind in the service of the Commonwealth; and
- 45 (b) be and remain disqualified from being an elector of Members of the Parliament; and
- (c) be and remain disqualified to receive an invalid or old-age pension.
- “ 58H. The

Burden of proving exemption.	“ 58H. The burden of proving exemption from service in the Defence Force shall rest on the person claiming exemption, and applications for exemption shall be decided by such Courts as are prescribed.	
Districts for training.	“ 58I. The prescribed training shall be carried out with respect to persons residing within such portions of Australia as are prescribed.	5
Persons not permitted to serve.	“ 58J. No person shall be permitted to serve personally in the Defence Force who is found, by a prescribed Court— (a) to have been convicted of any disgraceful or infamous crime, or (b) to be of notoriously bad character.	10
	“PART III B.—THE NATIONAL GUARD.	
Registration.	“ 58K. All male inhabitants of Australia, who have resided therein for six months, shall register themselves in the manner prescribed— (a) during the first seven days of January in the year in which they will attain the age of eighteen years, or (b) if not then present in Australia—within such further time as is prescribed.	15
Allotment to corps.	“ 58L.—(1.) All persons liable to be trained shall be allotted as prescribed to the several arms and corps.	
Naval Forces.	“(2.) Such a number as are required shall first be allotted for training in the Naval Forces.	20
Inspection.	“ 58M. All persons liable to be trained shall attend at the prescribed times and places for inspection, and shall give such information as is prescribed.	
Registered address.	“ 58N.—(1.) Every person shall, on his form of registration, notify his address, and shall in the prescribed manner notify any change of address, and the address so notified shall be deemed his place of abode for the purposes of this Act.	25
Notices and forms of registration, &c.	(2.) All notices posted to a person's place of abode shall be deemed to have been delivered to him, and all printed notices exhibited at the post office of the district in which his place of abode is shall be deemed a notice to him, and all postmasters are required to exhibit such notices as are sent to them by the prescribed authority, and to keep and issue such forms as are prescribed, and to send such forms when so required by the regulations to the prescribed persons.	30
Record book.	“ 58O.—(1.) Every person who registers shall receive a printed Record Book, in which shall be entered such information as is prescribed, and all records of service, and the production of such book shall be <i>prima facie</i> evidence of the entries therein contained.	
Unauthorized entries.	(2.) No entry shall be made in the Record Book except by those authorized by the regulations.	40
Oath to be taken.	“ 58P.—All those liable to be trained who are reported, by the prescribed officers, to be ‘fit’ and otherwise suitable for service shall take, before an officer or a justice of the peace, the oath set forth in the Fourth Schedule.”	45

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9. The Schedule to this Act shall stand as the Fourth Schedule to the Principal Act. Fourth Schedule.

10.—(1.) The heading to Part IV. of the Principal Act, and section fifty-nine of that Act, are amended by substituting the word "Citizen" for the word "Militia." Persons liable to serve in time of war.

(2.) Section sixty of the Principal Act is repealed, and the following sections substituted in lieu thereof:—

10 "60. In time of war it shall be lawful for the Governor-General, in the manner prescribed in section forty-six, to call upon all persons liable to serve in the Reserve Forces to enlist and serve as prescribed. Reserve Forces.

15 "60A. A proclamation under the last preceding section may call upon all the persons liable to service in any named military district or sub-district who are specified in any one or more of the classes hereunder set out so to enlist, but so that the persons specified in any class shall not be called upon so to enlist until the persons in that district or sub-district who are specified in every preceding class are or have been so called upon. Order of liability to service.

The classes referred to in this section are as follows:—

20 Class I.—All men of the age of eighteen years and upwards but under thirty-five years, who are unmarried, or widowers without children;

25 Class II.—All men of the age of thirty-five years and upwards but under forty-five years, who are unmarried, or widowers without children;

Class III.—All men of the age of eighteen years and upwards but under thirty-five years, who are married, or widowers with children;

30 Class IV.—All men of the age of thirty-five years and upwards but under forty-five years, who are married, or widowers with children; and

Class V.—All men of the age of forty-five years and upwards but under sixty years.

35 "60B. If the Parliament is not sitting at the date of the issue of a proclamation calling upon persons to serve in pursuance of section forty-six or section sixty, it shall be summoned to meet within ten days after that date." Parliament to be summoned if not in session.

11. Section sixty-two of the Principal Act is repealed, and the following section substituted in lieu thereof:— Cadets.

40 "62.—(1.) All those liable to be trained as Cadets and Senior Cadets under sections 58A and 58B shall be allotted to units and arms as prescribed. Allotment.

(2.) Officers

Officers and
non-com-
missioned
officers.

(2.) Officers and non-commissioned officers of Cadet Corps and Senior Cadet Corps shall be appointed as prescribed, and without regard to the conditions prescribed for the corresponding ranks of the Defence Force.

Under orders
of Military
Commandant.

(3.) All Military Cadet Corps in a military district shall be under the orders of the Military Commandant of that district. 5

Commissioned
ranks.

(4.) Commissioned rank in the Cadet or Senior Cadet Corps shall be deemed 'honorary' rank in the Defence Force, but shall not confer any right to any command in the Defence Force."

SCHEDULE.

OATH.

Citizen Forces.

I swear that I will well and truly serve Our Sovereign Lord the King in the Defence Force of the Commonwealth of Australia so long as by law required or until sooner lawfully discharged dismissed or removed 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.

AFFIRMATION.

I solemnly and sincerely affirm and declare that I will well and truly serve Our Sovereign Lord the King in the Defence Force of the Commonwealth of Australia so long as by law required or until sooner lawfully discharged dismissed or removed and that I will resist His Majesty's enemies and cause His Majesty's peace to be kept and maintained and I will in all matters appertaining to my service faithfully discharge my duty according to law.

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THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

DEFENCE BILL (1908).

(New Clauses to be proposed in Committee.)

By Mr. Crouch—

7A. Section eleven of the Principal Act is hereby repealed and the following substituted in lieu thereof :—

11. In the first appointment of officers priority shall be given to persons who have served in the Defence Forces for three years without a commission.

7B. The words omitted by sections two and three of the *Defence Act 1904* are hereby restored to the Principal Act.

7c. The regulations as to discharges shall apply to all ranks of the Defence Forces, but no discharge fee shall be required after five years' service.

123A. No question as to his religion shall at any time be put to any member of the Defence Forces, nor shall any regulation or other order compel attendance at any religious service.

6th October, 1908.

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[C. 8]—300/6.10.1908.—F.7221.]

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HOUSE OF REPRESENTATIVES.

DEFENCE BILL (1908).

(New Clause to be proposed in Committee.)

By Mr. Coon—

A. No canteen or institution for the sale of intoxicating liquors shall be permitted in connexion with any camp, barracks, or naval or military meeting or gathering, and no person shall sell any intoxicating liquor to any person wearing the prescribed uniform.

Penalty : Ten pounds.

14th October, 1908

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HOUSE OF REPRESENTATIVES.

DEFENCE BILL (1908).

(Amendment to be proposed in Committee.)

By Mr. Catts—

Page 3, clause 58B, insert at end of clause new sub-clause as follows:—

“(3.) Every person undergoing the prescribed training in the Citizen Forces shall be paid out of any appropriation for the purpose agreed to by Parliament at a rate of Eight-shillings per day for each working day or part of a working day on which he is so undergoing training.”

29th October, 1908.

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