STATUTORY RULES.

1927. No. 149.

REGULATIONS UNDER THE DEFENCE ACT 1903-1927.

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 1903-1927, to come into operation on the thirty-first day of December, 1927.

Dated this fourteenth day of December, 1927.

STONEHAVEN,
Governor-General.

By His Excellency's Command,

T. W. GLASGOW,
Minister of State for Defence.

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2. These Regulations are divided into parts and divisions and appendices as follows:

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3. (1) In these Regulations, and in the forms authorized by these Regulations, unless the contrary intention appears—

- **Active Forces** means the Active Military Forces.
- **Air Force** means the Royal Australian Air Force.
- **Australian Army Orders** means the Orders of the Military Board which have been issued under the names of "Military Orders" and "Australian Army Orders" respectively and any similar Orders of the Military Board which shall be issued under any name.
- **Cadets** means Military Cadets.
"Citizen Forces" means the Citizen Military Forces.

"Civil court" means, with respect to any crime or offence, a court of ordinary criminal jurisdiction, and includes a court of summary jurisdiction.

"Civil prison" means a prison in a State or Territory in which a European, sentenced by a civil court in that State or Territory to imprisonment, may, for the time being, be confined; and with reference to a sentence passed, or the suspension of the currency of which is revoked, outside the Commonwealth, or for an offence committed on war service, means, in addition (subject to these Regulations), a civil prison, wherever situate, in which a member of His Majesty's Regular Forces, sentenced by court martial to imprisonment may for the time being be confined.

"Commandant of a place of detention" includes an officer, warrant officer, or non-commissioned officer in charge of a place of detention.

"Commanding Officer"—

(a) In Regulations relating to investigation of charges, power of commanding officer, summary and minor punishments, courts martial or execution of sentences has the meaning assigned to it by A.M.R. 237; and,

(b) elsewhere means the officer to whom the expression is applicable according to the custom of the service.

"Company, &c." means a squadron, battery, company, or similar constituent part of a unit or of an administrative service.

"Custom of the service" means the custom for the time being of the Military Forces.

"Defaulter" means a soldier under an award of confinement to barracks.

"Formation, &c." means the command of a formation, &c., commander, including all officers and soldiers attached to or doing duty with the formation, &c., or otherwise under the command of the formation, &c., commander.

"Formation, &c., commander" means commander of a cavalry division, or of a division, or of a mixed brigade, or of the field troops in a military district, or District Base Commandant.

"Fraudulent enlistment" means an offence against section 13 (1) of the Army Act, or against regulation 265 (1) (b) or (c).

"Head-quarters" means the head-quarters of the Military Forces.

"His Majesty's Forces" with or without an adjective indicating the nature of the forces, includes the forces of the United Kingdom, of the Commonwealth, and of any British Possession.

"His Majesty's Regular Forces" means His Majesty's Regular Land Forces of the United Kingdom.

"His Majesty's Service" includes the service of the United Kingdom and of any British Possession, including the Commonwealth.

"King's Regulations" means the King's Regulations for the Army and the Army Reserve, or any Regulations substituted therefor.

"Member" means an officer or soldier.
"Military Board" means the Military Board, or if the Military Board is not in existence, the officer appointed to command the Military Forces in time of war.

"Military convict" means a person under a sentence of penal servitude passed by a court martial.

"Military premises" means any barracks, camp, quarters, bivouac, fort, post or place occupied or used exclusively or partially by any part of the Military Forces.

"Military prison" means a place appointed by the Governor-General to be a military prison, and, with reference to a sentence passed (or the suspension of the currency of which is revoked), outside the Commonwealth, or for an offence committed on war service, means, in addition, subject to these Regulations, a military prison under the Army Act in which a member of His Majesty's Regular Forces sentenced by court martial to imprisonment may, for the time being, be confined.

"Military prisoner" means a person under sentence of imprisonment passed by (a) a civil court for an offence for which, under the Defence Act, he could have been tried by court martial, or (b) a court martial.

"Militia, &c., Forces" includes—

(a) The Militia Forces within the meaning of the Defence Act;
(b) all officers and voluntarily enlisted soldiers of the Active Citizen Forces, other than Volunteer Forces;
(c) all persons registered and liable to be trained in the Citizen Forces under Part XII. of the Defence Act.

"Non-commissioned officer" means, except where the context or subject-matter indicates a non-commissioned officer of Cadets, a non-commissioned officer of the Permanent Forces or Citizen Forces, and includes a lance or acting non-commissioned officer, but does not include a warrant officer.

"Officer" means, except where the context or subject-matter indicates an officer of Cadets, an officer of the Permanent Forces or Citizen Forces commissioned or in pay as an officer, and includes an officer appointed or promoted to provisional, probational, or acting rank, and a warrant officer holding an honorary commission.

"Pay Warrant" means the Royal warrant for the pay, appointment, promotion, and non-effective pay of the army, or any warrant substituted therefor.

"Penal servitude prison" means a prison or place in the Commonwealth, the United Kingdom, or a British Possession in which a European there sentenced to penal servitude by a civil court may, for the time being, be confined, or, if there is no such prison or place, a civil prison.

"Permanent Forces" means the Permanent Military Forces.

"Personal service" means the personal service required by Part XII. of the Defence Act.

"Place of Detention" means a place appointed by the Governor-General, under section 116 of the Defence Act, as a place in which sentences of detention may be undergone; and, with reference to a sentence passed, or the suspension of the cur-
rency of which is revoked outside the Commonwealth, or an award made outside the Commonwealth, or for an offence committed on war service, means, in addition, subject to these Regulations, a place in which a soldier of His Majesty’s Regular Forces sentenced to or awarded detention may, for the time being, be confined.

“Place of imprisonment” means a civil prison or a military prison.

“Private soldier” includes every soldier not being a warrant officer or non-commissioned officer.

“Proper military authority” with or without a qualifying adjective, means, in relation to any power, act, duty, or matter, a military authority who, under the Defence Act or any Regulations made under the Defence Act, or, when applicable, the Army Act, or any rules or Regulations made thereunder, or any order, or the custom of the service or otherwise, is entitled to exercise the power, perform the act or duty, or act in the matter.

“Regimental” means connected with a corps, or with any part of a corps.

“Regulations made under the Defence Act” is confined to Regulations applicable to the Military Forces, or Military Cadets, or some part of those Forces or Cadets, but includes these Regulations, and Regulations made before or after the coming into operation of these Regulations.

“Reserve Forces” means the Military Reserve Forces.

“Rules of procedure” means the rules of procedure made under section 70 of the Army Act, and for the time being in force.

“Senior Cadet” includes a warrant officer of the Senior Cadets and a non-commissioned officer of the Senior Cadets, but not an officer of the Senior Cadets.

“Sentence” in relation to detention includes a summary award, and “sentenced” is similarly inclusive.

“Soldier” means a soldier of the Permanent Forces or Citizen Forces, and includes a non-commissioned officer and a warrant officer not holding an honorary commission, but does not include an officer.

“Soldier under sentence” means a military convict, or a military prisoner, whether officer or soldier, or a soldier under sentence of detention.

“Soldier under sentence of detention” means a person under sentence or award of detention passed or made by a civil court, by a court martial, or by a commanding officer.

“Subject to military law” means subject to military law under these Regulations.

“Substantive rank” does not include brevet, local, temporary, or honorary rank.

“Superior officer” in relation to a soldier includes a warrant officer and a non-commissioned officer.

“Territory” means a territory under the authority of the Commonwealth, and includes a territory governed by the Commonwealth under a mandate.

“The Defence Act” and “The Act” respectively mean the Defence Act 1903-1997, and all amendments thereof for the time being in force.
"The Military Forces" means the Military Forces under the Defence Act.

"Trainee" means a person liable to be trained in the Citizen Forces under Part XII. of the Defence Act, who has been registered under section 149 of the Defence Act, but does not include an officer, a person exempt from the training prescribed by Part XII. of the Defence Act, a person being trained in the Senior Cadets under section 129 of the Defence Act, or a person continuing to serve as an officer in the Senior Cadets under sub-section (8) of section 69 of the Defence Act.

"War service" includes deemed to be on war service under section 54A of the Defence Act.

"Warrant officer" means warrant officer of the Permanent Forces or Citizen Forces, except where the context or subject-matter indicates a warrant officer of Cadets; but does not include a warrant officer holding an honorary commission.

(2) Unless the contrary intention appears, the provisions of these Regulations with respect to an original sentence of penal servitude, imprisonment, or detention shall extend to a sentence of penal servitude, imprisonment, or detention imposed by way of commutation or substitution.

(3) In these Regulations the following abbreviations have the meanings set opposite to them respectively:

**Abbreviations.**

A.A. — Army Act.
A.A.O. — Australian Army Orders.
A.M.B. — Australian Military Book.
A.M.F. — Australian Military Form.
A.M.R. — These Regulations.
C.O. — Commanding Officer.
D.C.M. — District Court Martial.
D.F.O. — District Finance Officer.
F.G.C.M. — Field General Court Martial.
G.C.M. — General Court Martial.
N.C.O. — Non-commissioned officer.
Par. — Paragraph.
W.O. — Warrant Officer.

(4) In these Regulations, when the name of an Act or regulations or rules, or the abbreviation thereof, is followed by a number, or a number and letter, the number, or number and letter shall be read as a reference to the section, sub-section, regulation, sub-regulation, rule or sub-rule, paragraph or sub-paragraph bearing the same number or number and letter.

4. The *Acts Interpretation Act 1901-1916* shall, when capable of application, be applied in the interpretation of these regulations and of all regulations made under the D.A. after the coming into operation of these regulations, as if the regulations formed part of the D.A.

5. The Australian Military Regulations 1916 (Statutory Rules 1916, No. 166) and all amendments thereof, except Regulations 57A and 1057A (made by Statutory Rules 1917, No. 166) are repealed.
6. (1) The repeal of any regulations made under the D.A., by which a previous regulation is repealed, shall not revive the previous regulation unless that intention is expressed.

(2) Reference in any regulation made under the D.A. to regulations, or provisions thereof, which are subsequently repealed and for which other regulations or provisions are substituted, with or without variation shall, unless the contrary intention appears, be construed as reference to those other regulations or provisions.

7. The cancellation of Orders issued by the Military Board shall operate in like manner to the repeal of regulations made under the D.A. and shall have the like results.

8. Where in any regulations made under the D.A. reference is made to any other regulation, and that other regulation is subsequently amended, then, unless the contrary intention appears, the reference shall, from the coming into operation of the amendment, be construed as being to that regulation as amended.

9. (1) Except where the contrary intention appears, these regulations and all regulations made under the D.A. before or after the coming into operation of these regulations, and for the time being in force, shall apply to the Military Forces whether on war service or not, and whether in or out of the Commonwealth.

(2) Regulations made under the D.A., and the provisions of the A.A., and of rules and regulations made under the A.A., when applicable to the Military Forces, shall be read as mutually supplemental, except where the contrary intention is expressed, and the inclusion in any regulation made under the D.A. of any thing relating to the same subject as any provision of the A.A., or any rule or regulation made under the A.A., shall not prevent the application to the Military Forces of that provision, save so far as it is inconsistent with a regulation made under the D.A.

(3) Except to the extent to which they are expressly applied by regulations made under the D.A., no provision of the King’s Regulations or of the Pay Warrant, now or hereafter in force, shall apply to the Military Forces, whether on war service or not.

10. (1) In all regulations made under the D.A., except where the contrary intention appears, mention of a person by designation of his office includes every person who at any time lawfully performs the functions of or acts in the office, whether by virtue of permanent, temporary, or acting appointment, or by the assumption of the functions of the office in pursuance of these regulations, or of any order, or of the custom of the service, or otherwise.

(2) When in any regulation made under the D.A. a power is made exercisable by an officer or other authority by whom some act has been done, the power may be exercised by a successor in or temporary occupant of the office of the officer or other authority.

11. (1) The Minister may, by writing under his hand, delegate any power, duty, or other function conferred or imposed on him by these regulations.

(2) The Military Board may delegate to any officer any power, duty, or other function conferred or imposed on them by these regulations.

(3) Every delegation under this regulation shall be revocable at will, and no delegation shall prevent the exercise or performance of any power, duty, or other function by the Minister or the Military Board.
12. Every power and discretion given to a formation, &c., commander by these regulations may also be exercised by the Military Board or by a member thereof to the extent to which he is by those regulations authorized to exercise the powers of the Military Board or by any officer who, under these regulations, is authorized to act on behalf of a member of the Military Board, but only to the extent to which he is so authorized.

13. (1) Except where the contrary intention appears—

(a) every power and function, which under any regulation made under the D.A., may be exercised or performed by the Military Board, and every act and thing, which under any regulation made under the D.A. may be done by, to, before or on the recommendation of the Military Board, may be;

and

(b) every act and thing which by any regulation made under the D.A. is required to be done by, to, before or on the recommendation of the Military Board shall be, exercised, performed or done by, to, before or on the recommendation of the officer appointed to command the Military Forces in time of war, if the Military Board is not in existence.

(2) For the purpose of this regulation, and everything consequential on its operation, references in these Regulations to the Military Board shall be read as references to the officer commanding the Military Forces.

14. The operation of orders issued by the Military Board shall not cease or be suspended by reason of the powers or functions of the Military Board becoming vested in an officer appointed to command the Military Forces in time of war.

15. When an act or omission constitutes an offence against more than one provision of regulations made under the D.A., except so far as a contrary intention appears, the offender may be dealt with and punished under any such provision, notwithstanding his liability to be dealt with and punished under some other such provision. Provided that he shall not be liable to be punished more than once for the same act or omission, but nothing in this regulation shall prevent the inclusion in a charge sheet of alternative charges.

16. (1) 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 these regulations, may be exercised by or done by, to or before any person for the time being authorized in that behalf according to the custom of the service.

(2) For the purpose of its application to the Military Forces, A.A. 171 shall be read as if at the end there were inserted the words "or under the Defence Act of the Commonwealth of Australia."

17. When any order is authorized by any regulation made under the D.A. to be made by the adjutant-general, or by a formation, &c., commander, or by any general or other officer commanding, such order, unless the contrary intention is expressed, may be signed by an
order, instruction, or letter under the hand of any officer authorized to issue orders on behalf of the adjutant-general or the formation, &c., commander or other general or other officer commanding; and an order, instruction, or letter purporting to be signed by any officer appearing therein to be so authorized shall be prima facie evidence of his being so authorized.

18. (1) The forms in these Regulations, and 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 the forms shall not, by reason only of such deviation, render any charge, warrant, order, proceedings, or other document invalid.

(2) An omission of any such form shall not, by reason only of the omission, render any act or thing invalid.

(3) The notes to and instructions in the forms shall be considered as instructions which it is expedient to follow in all cases to which the notes or instructions are applicable. The Military Board may append to any of the forms, when issued, such further notes as they think fit, and any such notes shall be considered as instructions which it is expedient to follow in all cases to which they apply.

14. For the purpose of its application to the Military Forces, R.P. Adaptation of R.P. 138 (c) on same subject. 138 (C) shall be read as if next after the words “The Army Council” there were inserted the words “or the Military Board of the Commonwealth of Australia.”

19. For the purpose of any proceeding or other matter under these Regulations time shall be reckoned exclusively of Sunday, Good Friday, and Christmas Day, but for the purpose of the commencement or duration of any punishment or of any deduction of pay shall include those days.

20. Every 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 the authority, on account of military exigencies or otherwise, dispenses with the writing or with transmission through the proper channel, or with both.

PART II.—ORGANIZATION.

31. (1) The Military Board shall be composed of the Minister, as President, and the following members:—

The Chief of the General Staff (First Military Member and Chairman).
The Adjutant-General (Second Military Member).
The Quartermaster-General (Third Military Member).
A Finance Member appointed by the Governor-General.

(2) When there is a Second Chief of the General Staff, he may be appointed by the Governor-General an associate member of the Military Board.
22. (1) There shall be a Secretary to the Military Board, who shall be an official of the department of the Secretary to the Department of Defence.

(2) The Secretary to the Military Board shall, in accordance with these Regulations, prepare, record, distribute, and preserve the agenda, minutes, decisions, and recommendations of the Military Board.

23. Members of the Military Board and officers appointed in connexion therewith shall jointly or severally exercise the powers and perform the duties assigned to them by these Regulations, or, not inconsistently with these Regulations, by the Minister.

24. (1) An ordinary meeting of the Military Board shall consist of members. A general meeting of the Military Board shall consist of the Minister and members.

(2) An ordinary meeting of the Military Board may be convened by the First Military Member. A general meeting of the Military Board may be convened by the Minister.

(3) At a general meeting of the Military Board the Minister shall take the chair. At an ordinary meeting of the Military Board the chair shall be taken by the First Military Member, or, in his absence, by the senior Military Member present.

(4) At a general meeting of the Military Board the Minister and two members shall be a quorum. At an ordinary meeting of the Military Board three members shall be a quorum.

(5) At a meeting of the Military Board the chairman and the members present shall each have one vote, and the decision of the meeting shall be in accordance with the majority of votes.

25. An associate member of the Military Board may attend any meeting of the Military Board and take part in its deliberations, but shall not be counted in a quorum, and shall not vote, except in the absence of the Chief of the General Staff, and by his authority.

26. A Military Member of the Military Board may cause the attendance in a consultative capacity at any meeting of the Military Board of any of his technical advisers. The Finance Member may cause the attendance in a consultative capacity of any person employed, with the concurrence of the Minister, as a financial adviser or consultant.

27. (1) Subject to the provisions of these and any other regulations made under the D.A., the Military Board is charged with the control and administration of all matters relating to the Military Forces, in accordance with the policy directed by the Minister.

(2) Within the scope of the duties and powers assigned to him under these or any other regulations made under the D.A., each member of the Military Board may individually, and except as mentioned in A.M.R. 29 (4), in his own name, deal with and decide matters which in his opinion are matters of routine, and may delegate his duties and powers under this regulation to his subordinates.

(3) A member of the Military Board may apply to the First Military Member of the Military Board to refer to a meeting of the Military Board any matter which the member considers should be dealt with or decided by the Military Board collectively. If the First Military Member considers that any matters so referred, or any matter which has been dealt with by a member, should be dealt with or decided by an ordinary meeting of the Military Board, he shall convene such a meeting to deal with or decide the matter.
If the First Military Member considers that any matter involves a question of policy or an important principle, he shall apply to the Minister to convene a general meeting of the Military Board for its consideration. In the absence of the First Military Member, his duties and functions under this sub-regulation shall be performed and exercised by the Second Military Member.

28. (1) The Secretary to the Military Board shall prepare an agenda for each ordinary and general meeting of the Military Board. Each member shall prepare a précis of the matters to be submitted by him. At least two days before the day fixed for a meeting of the Military Board, copies of the agenda and précis, with notice of the place, date, and time fixed for the meeting, shall be sent by the Secretary to the Military Board to the Minister, to each member and associate member, to the Inspector-General, and to the Secretary to the Department of Defence.

(2) The person who convenes a meeting of the Military Board, if he considers that the public interest so requires, may dispense with the preparation or delivery of any agenda or précis, or shorten the notice of any meeting.

29. (1) A general meeting of the Military Board shall not, without the concurrence of the Minister, decide any matter, but may make a recommendation to the Minister. An ordinary general meeting of the Military Board may decide a matter or make a recommendation to the Minister.

(2) Except as directed in sub-regulation (3) of this regulation, a decision of the Military Board shall be acted upon forthwith, unless the Minister has directed that the matter be submitted for his decision, or the meeting directs that action be deferred until the decision has been communicated to the Minister, or until he has approved of the decision.

(3) A decision of the Military Board which entails an increase of expenditure, transfer of a vote of expenditure, or any new principle governing expenditure, shall not be acted upon until it has been approved by the Minister.

(4) The communication of a decision of the Military Board or of an individual member, if he so directs, shall be made in the name of the Military Board, and signed by the Secretary to the Military Board.

(5) A copy of every decision and recommendation of the Military Board made at an ordinary or general meeting shall be sent immediately after the meeting to the Minister, to each member and associate member, to the Inspector-General, and to the Secretary to the Department of Defence.

30. The duties assigned to each member of the Military Board shall be such as the Minister shall decide from time to time on the following principles:

(a) The Chief of the General Staff— shall in general be charged with all preparations for war, and in particular with Intelligence; Organization; War Establishments; Principles of Mobilization; Plans of Operation and Concentration; Distribution of Troops; Issue of Operation Orders; Defence Schemes; Fortifications; Matters of Principle affecting the design, supply, and distribution of Ordnance and Ammunition; Censorship; Training; Musketry and Education; Libraries.
(b) The Adjutant-General—
shall in general be charged with the provision, enrolment, allocation to approved organizations, mobilization in detail, and the discipline of personnel, and in particular with Peace Organization; Peace Establishments; Reserves; Registrations; Exemptions; Medical Inspection; Administration of Military Areas; Training Localities; Allocation upon approved Establishments; Preparation and Issue of Standing Orders for Mobilization and coordination of administrative arrangements affecting mobilization; Discipline; Military Prisons; Police; Detention Barracks; Military and Martial Law; Duties in aid of the Civil Power; Medical Services; Sanitation; Issue of Routine Orders; Drafting of A.M.R. and O. and other Military Regulations; Administration of Administrative and Instructional Staffs, and any organization which includes personnel thereof; Appointments, Promotions, Retirements, Posting, Exchange, and Transfer of Officers; Honours, and Rewards; Casualties; Discharges; Desertion and Fraudulent Enlistment; Medals; Ceremonial; Wearing of Uniform; Chaplains.

(c) The Quartermaster-General shall in general be charged with the provision, storage, and issue of the requirements of the troops; and in particular with Supply; Transport; Equipment and Stores of all kinds; Provision, Inspection, Storage, and Distribution of Ordnance, and Ordnance Ammunition; Arms and Ammunition; Movements by land and sea, other than operations of war; Railways, Conveyance of Stores; Quartering including the occupation and allotment of barracks and other buildings; Clothing; Re-mounts; Veterinary Service; Postal Service; Ranges; Patents and Inventions; Administration and Mobilization of Departments or Services dealing with any of the above.

(d) The Finance Member shall be responsible for Military Finance and Accounting; Consideration and Compilation of Parliamentary Estimates; Review of Proposals for New Expenditure or the Redistribution of the sums allotted to the different sub-heads of Defence Votes; Treasury requirements; Claims, Compensation for death or injury.

31. Members of the Military Board shall allot the duties of their directors and other subordinates.

32. Any warrant, order, recommendation, decision, approval, map, plan, or other document of any description authorized to be issued, given, or made by the Military Board may be evidenced by a writing or representation signed by the Secretary to the Military Board, and a writing or representation purporting to bear the signature, or a facsimile of the signature of the Secretary to the Military Board, and to have been signed by authority from the Military Board, or on its behalf, shall be admissible in evidence without proof of the signature or appointment of the person whose signature, or facsimile of signature, it purports to bear.
33. (1) The Military Board may appoint committees to consider any matters, and make recommendations with reference thereto.

(2) There shall be a committee appointed by the Military Board to consider and make recommendations in regard to—

(a) all promotions above the rank of captain in the Permanent Forces and above the rank of major in the Citizen Forces; and

(b) all appointments of officers above the rank of major in the
Permanent Forces and in the Citizen Forces; and

(c) all appointments of officers of the Permanent Forces to be
staff officers of higher formations than brigades.

The recommendations of that committee shall be considered by an ordinary meeting of the Military Board, which shall submit their recommendations to the Minister.

AUSTRALIAN SECTION OF THE IMPERIAL GENERAL STAFF.

34. The Chief of the General Staff shall be the Chief of the
Australian Section of the Imperial General Staff.

INSPECTOR-GENERAL.

35. (1) The duties of the Inspector-General shall be to review and to report to the Minister on the practical results of the policy of the Government as administered by the Military Board.

(2) The Inspector-General shall make such inspections, inquiries, and reports as are required from time to time by the Minister, and annually, before the 31st May, shall prepare a general report for the information of the Military Board. For these purposes, he shall arrange for the examination of the actual effect of the systems of classification, enrolment, enlistment, registration, and organization of the Cadets, the Permanent Forces, and the Citizens Forces, and their transport; for the inspection of their training and efficiency, as well as of the suitability of their arms, armament, and equipment; the condition of the fortifications and defences; and generally to investigate the state of preparedness for war of the Military Forces.

WAR RAILWAY COUNCIL.

36. (1) There shall be a War Railway Council. The War Railway Council shall consist of the President of the War Railway Council unless the Minister appoints some other officer as president.

(2) The officers mentioned in this sub-regulation shall be members of the War Railway Council:

(a) Officers of the Engineer and Railway Staff Corps, being one belonging to the Commonwealth Railways and one belonging to the Railways of each State, and in each instance being the senior officer, unless the Minister appoints another. Any member may, during his absence, appoint as his delegate another officer of the Corps belonging to the system of Railways to which the officer making the delegation belongs.
(b) The Consulting Military Engineer; and
(c) The Director of Operations and the Director of Mobilization, and such representatives of the Naval Forces, the Military Forces, and the Air Force, as the Minister shall appoint.

(3) An officer detailed by the Military Board shall act as secretary to the War Railway Council.

Functions of Council.

37. (1) In time of peace the duties of the War Railway Council shall be, generally, to furnish advice on such railway matters as are referred to it by the Minister, and, in particular:
(a) to determine the method of supplying information to, and obtaining it from, the various Railway Departments;
(b) to recommend regulations and instructions for carrying out movements of troops;
(c) to advise upon the method of organizing railway transport officers in time of war, as intermediaries between the railway authorities and the troops;
(d) to consider the question of extra sidings, loading platforms, and the like; and proposals towards unification of gauges; and
(e) to advise upon the organization and system of training railway troops.

(2) In time of war the duties of the War Railway Council shall be, in addition to the matters set forth in sub-regulation (1) of this regulation, to advise on questions of transportation.

Meetings.

38. Meetings of the War Railway Council may be convened by the President.

Recommendations.

39. The result of the proceedings of the War Railway Council shall be framed as recommendations to the Minister.

Consultation.

40. (1) The President of the War Railway Council, with the concurrence of the senior officer of the Engineer and Railway Staff Corps belonging to the system of Railways concerned, may consult members of the corps belonging to that system.

(2) The President of the War Railway Council may appoint committees, and, with the concurrence of the senior officer of the Engineer and Railway Staff Corps belonging to the system of Railways concerned, may appoint officers of the corps to act on those committees.

Military Districts and Areas.

41. The undermentioned parts of the Commonwealth are appointed to be military districts as hereunder:

1st Military District—
The State of Queensland, together with the Northern Territory of Australia.

2nd Military District—
The State of New South Wales, together with the Territory for the Seat of Government, and any territory deemed to be part of that Territory, and that portion of the 2nd Infantry Division area which extends into the State of Victoria, but, exclusive of those portions of the State of New South Wales, which are included in the 3rd Military District, and the 4th Military District respectively.
3rd Military District—
The State of Victoria, together with that portion of the 3rd Infantry Division area, and that portion of the 4th Infantry Division area which extend from the State of Victoria into the State of New South Wales; but exclusive of that portion of the State of Victoria which is included in the 2nd Military District.

4th Military District—
The State of South Australia, together with that portion of the 4th Infantry Division area which extends from the State of South Australia into the State of New South Wales.

5th Military District—
The State of Western Australia.

6th Military District—
The State of Tasmania.

42. The extent and boundaries of the cavalry division, area and infantry division, mixed brigade, cavalry brigade, infantry brigade, battalion and training areas shall be as approved by the Military Board and shown on maps issued by the authority of the Military Board.

PART III.—OFFICERS, W.O.'s, N.C.O.'s, AND MEN—COMMAND, RANK, PRECEDENCE, APPOINTMENT, ENLISTMENT, PROMOTION, TRANSFER, RESIGNATION, DISCHARGE, RETIREMENT, ETC.

DIVISION 1.—COMMAND, RANK, AND PRECEDENCE.

43. An officer appointed to command a regiment, battalion, etc., or equivalent command shall exercise command over all members therein, but an officer so appointed to command should hold rank at least equal to the rank held by the senior officer serving therein.

44. (1) Each officer doing duty with his regiment or corps shall take regimental seniority in his rank according to the date of his appointment to that rank, and when the appointments of two or more officers to the same rank are of the same date, their regimental seniority shall be regulated by the dates of their appointments immediately previous or, in the case of first appointments, by the order in which their names appear in the Gazette.

(2) An officer appointed or transferred to a regiment or corps shall take regimental seniority in the rank in which he is so appointed or transferred according to the date of that appointment or transfer.

(3) Notwithstanding anything in these regulations, the Governor-General may by notification in the Gazette fix the regimental seniority of any officer.

45. An officer of the Reserve Forces shall take seniority in among officers of his rank in those Forces according to the date of his appointment to that rank in the Military Forces, but shall be junior to all officers of his rank on the Active List.
46. Except in cases where an officer is specially appointed to command, command shall be exercised by the senior combatant officer, irrespective of the arm or service to which he belongs.

47. An officer holding local rank in the Military Forces shall be entitled to exercise command and shall have precedence as if that rank was permanent rank.

48. Officers holding temporary rank shall rank among themselves according to their permanent rank, and shall be junior to all officers holding corresponding substantive rank.

49. Brevet rank shall not entitle an officer to seniority in his regiment or corps.

50. Honorary rank shall not entitle an officer to the exercise of any command, but an officer holding honorary rank shall be entitled to all other privileges of that rank which pertain to the corresponding substantive rank, except any privileges of promotion, retirement, or, subject to the Financial and Allowance Regulations, of pay and allowances.

51. The ranks of colonel-commandant and colonel on the staff shall be temporary only.

52. Officers holding the rank of colonel-commandant or colonel on the staff shall take precedence among themselves according to their permanent rank, and shall have precedence and command over all colonels.

53. (1) A departmental officer, whether a combatant officer or not, serving in his own department, and a quartermaster holding commissioned rank shall by virtue of their rank or, if a chaplain, of his classification be entitled to precedence and, subject to the Financial and Allowance Regulations, to other advantages attached to the corresponding rank of combatant officers; but the rank or classification shall not entitle the holder of it to claim the presidency of courts martial or courts of inquiry, or boards, or to military command of any kind except over officers and men specially placed under his command.

(2) Nothing in this regulation shall affect the power of an officer of combatant rank, holding the appointment of or acting as quartermaster, to exercise in the performance of any duty, not being a duty of the appointment of quartermaster, the command conferred by that rank.

54. An officer of the Australian Army Medical Corps shall not be entitled to the presidency of courts martial or courts of inquiry, or boards, nor to exercise any military command outside his corps except over officers and soldiers attached thereto for duty, or who are detailed for duty under his orders or specially placed under his command, and over all officers and soldiers who are patients in military hospitals or are on the sick list and under his professional care in quarters or elsewhere.

55. An officer of the Australian Army Veterinary Corps shall not be entitled to the presidency of courts martial or courts of inquiry, or boards, nor to exercise any military command outside his corps except over officers and soldiers attached thereto for duty, or specially placed under his command.
56. (1) Notwithstanding anything in those regulations, a Quartermaster who is not serving on the establishment of a unit or corps called out for war service may, when no officer entitled under these regulations to exercise command is present, exercise command as if his rank was the substantive rank of a combatant officer of the Military Forces.

(2) Nothing in this regulation shall entitle a quartermaster of the Permanent Forces belonging or attached to the Australian Army Medical Corps, the Australian Army Veterinary Corps, or a department to exercise any command which could not be exercised by an officer of corresponding substantive rank in the corps or department to which the quartermaster belongs or is attached.

57. Rank conferred or retained on retirement or discharge shall not confer any right to command, or any position in or membership of the Military Forces.

58. (1) During any period during which a formation, &c., commander is temporarily absent from his command, or is temporarily unable to perform the duties of his appointment, or the office of the formation, &c., commander is temporarily vacant, the senior officer present of the Permanent Forces on the head-quarter staff of the formation, &c., may, subject to any directions given by the Military Board, perform the administrative functions of the formation, &c., commander. This regulation shall not apply to a formation, &c., called out for war service.

(2) An officer performing administrative functions under sub-regulation (1) of this regulation may exercise the powers given to a formation, &c., commander by these regulations.

(3) A power under D.A. 80 (1) (a) and (b) or (c), (d) or (e) delegated to a formation, &c., commander may, in relation to a D.C.M., but not a O.C.M., be exercised by an officer performing administrative functions under sub-regulation (1) of this regulation.

(4) The Military Board may direct that, without the previous sanction of the Military Board, all or any one or more of the powers which, under sub-regulation (2) or (3) of this regulation may be exercised by an officer performing administrative functions shall not be exercised or shall not be exercised beyond the extent indicated in the direction; but if, in the opinion of the officer, it is necessary for the preservation of discipline, that he should, without previous sanction, exercise any such power or exercise it beyond the extent indicated in the direction, he may do so; and the exercise of the power shall be conclusive evidence of the existence of such opinion.

(5) Every exercise of a power in excess of a direction under sub-regulation (4) of this regulation shall be reported immediately to the Military Board. The omission of a report shall not invalidate the exercise of the power, but the officer will incur disciplinary responsibility for the omission.

59. The Inspector-General may assume command of any parade of the Military Forces not being a parade in time of war.

60. Officers, W.O.'s, and N.C.O.'s of the Military Forces shall at all times when doing duty with Senior Cadets be entitled to Command of Senior Cadets.
exercise command therein in all respects, as if they were officers, W.O.'s, and N.C.O.'s respectively of the Senior Cadets, but senior in their respective ranks, and shall be obeyed accordingly.

61. An officer of His Majesty's Regular Forces serving with the Military Forces, and whether or not he holds a rank in the Military Forces, shall be entitled to command and precedence in the Military Forces as if his appointment to his rank in His Majesty's Regular Forces had been an appointment to the same rank in the Active Military Forces: Provided that if he holds a rank in the Military Forces superior to his rank in His Majesty's Regular Forces, he shall be entitled to such command and precedence in the Military Forces as his rank therein confers.

62. The status of a W.O. shall be inferior to that of every commissioned officer, but superior to that of every N.C.O.

63. The appointment or promotion of a W.O. or N.C.O. shall take effect from the date notified in the order authorizing the appointment or promotion, or, if no date is so notified, from the date of that order.

64. (1) The ranks of soldiers in the Military Forces shall be as set out in the first column of the following table, and the grant under proper authority of any appointment shown in the second column of that table shall confer upon the soldier the rank specified opposite that appointment:

<table>
<thead>
<tr>
<th>Rank</th>
<th>Appointment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) W.O. (Class I.)</td>
<td>Conductor, A.A.O.C.</td>
</tr>
<tr>
<td>&quot;</td>
<td>Master gunner (1st class).</td>
</tr>
<tr>
<td>&quot;</td>
<td>Staff sergeant-major (1st class).</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;Draughtsman (1st class).</td>
</tr>
<tr>
<td>&quot;</td>
<td>Master gunner (2nd class).</td>
</tr>
<tr>
<td>&quot;</td>
<td>Garrison sergeant-major.</td>
</tr>
<tr>
<td>&quot;</td>
<td>Regimental sergeant-major.</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;Accountant sergeant-major.</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;Armament sergeant-major.</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;Armourer sergeant-major.</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;Benchmaster.</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;Experimental sergeant-major.</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;Foreman of works sergeant-major.</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;Foreman of signals sergeant-major.</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;Sergeant-major artificer, artillery.</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;Mechanist sergeant-major.</td>
</tr>
<tr>
<td>&quot;</td>
<td>Sergeant-major artillery clerk.</td>
</tr>
<tr>
<td>&quot;</td>
<td>Staff sergeant-major (2nd class).</td>
</tr>
<tr>
<td>&quot;</td>
<td>Sub-conductor, A.A.O.C.</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;Engineer clerk sergeant-major.</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;Engineer ledgerkeeper and storekeeper sergeant-major.</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;Superintending clerk sergeant-major.</td>
</tr>
<tr>
<td>&quot;</td>
<td>Sergeant-major</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;Master of steamer (1st class).</td>
</tr>
</tbody>
</table>
## Ranks and Appointments of Soldiers—continued.

<table>
<thead>
<tr>
<th>Rank.</th>
<th>Appointment.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) W.O. (Class I.)— continued.</td>
<td>Provost sergeant-major. Such other appointments as are directed from time to time by the Military Board, not inconsistently with this regulation, to confer the rank of W.O. (Class I.).</td>
</tr>
</tbody>
</table>
### Ranks and Appointments of Soldiers—continued.

<table>
<thead>
<tr>
<th>Rank</th>
<th>Appointment</th>
<th>When ranking as</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) Squadron, battery, or company quar-</td>
<td>Company quarter-master-sergeant</td>
<td>squadron quar-</td>
</tr>
<tr>
<td>termaster-sergeant</td>
<td>Master-sergeant</td>
<td>termaster - ser-</td>
</tr>
<tr>
<td>(except Infantry and Tank Corps),</td>
<td>Battery quartermaster-sergeant instructor in gunnery</td>
<td>geant or equi-</td>
</tr>
<tr>
<td>or</td>
<td>Orderly-room sergeant</td>
<td>valent rank.</td>
</tr>
<tr>
<td></td>
<td>Foreman of signals</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Company quartermaster-sergeant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Company quarter-master-sergeant (Infantry and Tank</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Corps only)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Orderly-room sergeant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Staff colour-sergeant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Company quartermaster-sergeant (technical)</td>
<td></td>
</tr>
<tr>
<td>Staff-sergeant</td>
<td>Accountant staff-sergeant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Armament staff-sergeant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Armorer staff-sergeant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Engineer clerk staff-sergeant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Engineer ledgerkeeper and storekeeper staff-sergeant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Farrier staff-sergeant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fitter staff-sergeant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Experimental staff-sergeant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Foreman of works staff-sergeant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Staff-sergeant artificer, artillery</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mechanist staff-sergeant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Staff-sergeant artillery clerk</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Staff-sergeant instructor</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Saddler staff-sergeant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Smith staff-sergeant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wheeler staff-sergeant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Master tailor</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Such other appointments as are directed</td>
<td></td>
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<tr>
<td></td>
<td>from time to time by the Military</td>
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</tr>
<tr>
<td></td>
<td>Board, not inconsistently with this regulation,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>to confer the rank of staff-sergeant</td>
<td></td>
</tr>
</tbody>
</table>

| (d) Sergeant                              | Accountant sergeant                                                        |                 |
|                                           | Armorer sergeant                                                            |                 |
|                                           | Engineer clerk sergeant                                                     |                 |
|                                           | Engineer ledgerkeeper and storekeeper sergeant                              |                 |
|                                           | Enginedriver sergeant                                                       |                 |
|                                           | Farrier sergeant                                                            |                 |
|                                           | Sergeant artificer, artillery                                               |                 |
### Ranks and Appointments of Soldiers—continued.

<table>
<thead>
<tr>
<th>Rank</th>
<th>Appointment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(d) Sergeant (continued)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mechanist sergeant.</td>
</tr>
<tr>
<td></td>
<td>Orderly-room sergeant (when below rank</td>
</tr>
<tr>
<td></td>
<td>of colour-sergeant or equivalent rank)</td>
</tr>
<tr>
<td></td>
<td>Pioneer sergeant</td>
</tr>
<tr>
<td></td>
<td>Sergeant artillery clerk</td>
</tr>
<tr>
<td></td>
<td>&quot; Saddlesergeant</td>
</tr>
<tr>
<td></td>
<td>Band sergeant</td>
</tr>
<tr>
<td></td>
<td>Sergeant bugler</td>
</tr>
<tr>
<td></td>
<td>Sergeant cook</td>
</tr>
<tr>
<td></td>
<td>Provost sergeant</td>
</tr>
<tr>
<td></td>
<td>Transport sergeant</td>
</tr>
<tr>
<td></td>
<td>Officers' mess sergeant</td>
</tr>
<tr>
<td></td>
<td>Sergeant drummer</td>
</tr>
<tr>
<td></td>
<td>Sergeant fitter</td>
</tr>
<tr>
<td></td>
<td>Sergeant tailor</td>
</tr>
<tr>
<td></td>
<td>Sergeant orderly-room clerk</td>
</tr>
<tr>
<td></td>
<td>Signalling sergeant</td>
</tr>
<tr>
<td></td>
<td>Sergeant pay clerk</td>
</tr>
<tr>
<td></td>
<td>Sergeant trumpeter</td>
</tr>
<tr>
<td></td>
<td>Smith sergeant</td>
</tr>
<tr>
<td></td>
<td>Wheeler sergeant</td>
</tr>
</tbody>
</table>

Such other appointments as are directed from time to time by the Military Board, not inconsistently with this regulation, to confer the rank of sergeant.

(e) Corporal or bombardier

<table>
<thead>
<tr>
<th>Rank</th>
<th>Appointment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Artificer corporal</td>
</tr>
<tr>
<td></td>
<td>Corporal orderly-room clerk</td>
</tr>
<tr>
<td></td>
<td>Lance-sergeant corporal</td>
</tr>
<tr>
<td></td>
<td>Lance-sergeant artillery clerk</td>
</tr>
<tr>
<td></td>
<td>Signalling corporal</td>
</tr>
<tr>
<td></td>
<td>Corporal pay clerk</td>
</tr>
<tr>
<td></td>
<td>Corporal engine-driver</td>
</tr>
<tr>
<td></td>
<td>Lance-sergeant</td>
</tr>
<tr>
<td></td>
<td>Band lance-sergeant</td>
</tr>
<tr>
<td></td>
<td>Transport corporal</td>
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<tr>
<td></td>
<td>Provost corporal</td>
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<tr>
<td></td>
<td>Band corporal</td>
</tr>
<tr>
<td></td>
<td>Fitter corporal</td>
</tr>
<tr>
<td></td>
<td>Saddle corporal</td>
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<tr>
<td></td>
<td>Farrier corporal</td>
</tr>
<tr>
<td></td>
<td>Smith corporal</td>
</tr>
<tr>
<td></td>
<td>Bombardier artificer, artillery</td>
</tr>
<tr>
<td></td>
<td>Engineer clerk corporal</td>
</tr>
<tr>
<td></td>
<td>Engineer ledgerkeeper and storekeeper corporal</td>
</tr>
</tbody>
</table>
### Ranks and Appointments of Soldiers—continued.

<table>
<thead>
<tr>
<th>Rank</th>
<th>Appointment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e) Corporal or bombardier (continued)</td>
<td>*Corporal cook</td>
</tr>
<tr>
<td></td>
<td>*Bombardier artillery clerk</td>
</tr>
<tr>
<td></td>
<td>*Bombardier storeman</td>
</tr>
<tr>
<td></td>
<td>*Bombardier cook</td>
</tr>
<tr>
<td></td>
<td>Bombardier signaller</td>
</tr>
<tr>
<td></td>
<td>Band bombardier</td>
</tr>
<tr>
<td></td>
<td>Such other appointments as are directed</td>
</tr>
<tr>
<td></td>
<td>from time to time by the Military</td>
</tr>
<tr>
<td></td>
<td>Board, not inconsistently with this regulation</td>
</tr>
<tr>
<td></td>
<td>to confer the rank of corporal or bombardier.</td>
</tr>
</tbody>
</table>

| (f) Trooper, gunner, sapper, signalman,  |
|     driver or private                    |
|                                           | Lance bombardier                                |
|                                           | *Lance bombardier artillery clerk              |
|                                           | *Engineer clerk lance-corporal                 |
|                                           | *Engineer ledgerkeeper and storekeeper         |
|                                           | lance-corporal                                  |
|                                           | Armament private                               |
|                                           | Armourer private                               |
|                                           | Artificer                                      |
|                                           | Artificer, artillery                            |
|                                           | Mechanist, artillery                            |
|                                           | Bandsman                                       |
|                                           | Bugler                                         |
|                                           | Cook                                           |
|                                           | Drummer                                        |
|                                           | Fitter                                         |
|                                           | Lance-corporal                                 |
|                                           | Musician                                       |
|                                           | Pioneer                                        |
|                                           | Saddler                                        |
|                                           | Farrier                                        |
|                                           | Smith                                          |
|                                           | Storeman                                       |
|                                           | Trumpeter                                      |
|                                           | Wheeler                                        |
|                                           | Engineer clerk                                 |
|                                           | Engineer ledgerkeeper and storekeeper          |
|                                           | Signaller (other than Australian Corps of      |
|                                           | Signals)                                       |
|                                           | Assistant armament artificer                   |
|                                           | Such other appointments as are directed        |
|                                           | from time to time by the Military              |
|                                           | Board, not inconsistently with this regulation  |
|                                           | to confer the rank of trooper, gunner, sapper, |
|                                           | signalman, driver, or private.                 |
(2) A soldier holding an appointment to the title of which an asterisk is prefixed in sub-regulation (1) of this regulation shall not be entitled to exercise any command on parade or on duty, except over soldiers specially placed under his orders, provided that whenever it is necessary for the preservation of discipline a soldier shall exercise the full authority of his rank or appointment.

(3) The allotment of a W.O. or N.C.O. of the Permanent Forces to a unit or corps of the Citizen Forces for duty in any appointment in that unit or corps shall not, under sub-regulation (1) of this regulation, confer any rank upon that W.O. or N.C.O.; but nothing in this sub-regulation shall prohibit the promotion of a W.O. or N.C.O. of the Permanent Forces allotted for duty in an appointment in a unit or corps of the Citizen Forces called out for and employed on war service.

65. (1) The following shall be the order of precedence of W.O.'s, N.C.O.'s and men in the Military Forces:

(a) W.O.'s (Class I.)—
   i. Conductor, Δ.A.O.C.
   Master gunner (1st class).
   Staff sergeant-major (1st class).
   Draughtsman (1st class).
   ii. Master gunner (2nd class).
   iii. Garrison sergeant-major.
   iv. All other W.O.'s (class I.).

W.O.'s mentioned in each group shall rank with one another in that group, according to the dates of their promotion or appointment, except that a regimental sergeant-major shall rank regimentally senior to the other members in his group and a bandmaster next after the regimental sergeant-major.

(b) W.O.'s (Class II.)—
   i. Master gunner (3rd class).
   ii. Staff sergeant-major (3rd class).
   iii. Regimental quartermaster-sergeant.
   iv. Squadron, battery, or company sergeant-major.

W.O.'s in each group shall rank with one another, according to the dates of their promotion or appointment, except that—

i. A garrison quartermaster-sergeant shall take precedence of all other quartermaster-sergeants, and

ii. A regimental quartermaster-sergeant shall rank regimentally above all other W.O.'s (class II.) holding the appointment of quartermaster-sergeant.

(c) N.C.O.'s and men—
   i. Squadron, battery, or company quartermaster-sergeant, colour-sergeant or staff-sergeant.
   ii. Sergeant.
   iii. Corporal or bombardier.
   iv. Trooper, gunner, sapper, signallers, driver or private.
A N.C.O. holding the appointment of farrier staff-sergeant shall rank regimentally below the company, &c., quartermaster-sergeant. A lance-sergeant or acting lance-sergeant shall take precedence of all corporals, and a lance-bombardier, a lance-corporal or an acting lance-corporal shall take precedence of all private soldiers.

(2) A W.O. of the Australian Instructional Corps shall take seniority among W.O.'s of his class in that corps according to the date of his appointment or promotion to that class; provided that a W.O. holding an appointment graded class 1A, for purposes of pay shall take seniority in the Australian Instructional Corps according to the date of that appointment, but above every W.O. not holding such an appointment.

66. (1) In this regulation the expression "C.O." means the C.O. for the purposes of the investigation of charges, of the award of summary and minor punishments and of the provisions of the D.A., the A.A., the A.M.R., and the R.P. relating to actions incidental to or consequent on any such investigation or award.

(2) The C.O. of officers of the Australian Staff Corps not serving on the establishment of a unit or corps called out for and employed on war service shall be:

(a) in respect of an officer serving under the command of an officer commanding any unit or corps of the Permanent Forces, other than the Staff Corps—the C.O. of that unit or corps;

(b) in respect of an officer allotted for duty with the Citizen Forces or Senior Cadets within a formation, &c.—the formation, &c., commander; or, in the case of an officer whose substantive rank is below the substantive rank held by the instructional group commander (if any) of the formation, &c.—the instructional group commander, if authorized for that purpose by the formation, &c., commander;

(c) in respect of an officer serving under the command of the Commandant of the Royal Military College—the Commandant of the Royal Military College;

(d) in respect of an officer serving under an officer specially appointed to command any particular portion of the Staff Corps—the officer so appointed to command; and

(e) in respect of any other officer—the Adjutant-General.

(3) The C.O. of officers and soldiers of the Australian Instructional Corps not serving on the establishment of a unit or corps called out for and employed on war service, shall be:

(a) in respect of an officer or soldier serving under the command of an officer commanding any unit or corps of the Permanent Forces—the C.O. of the unit or corps;

(b) in respect of an officer or soldier allotted for duty with the head-quarters of a formation, &c. (not being the head-quarters of a district base command), or with the staff of a unit of divisional troops not forming part of a cavalry or infantry brigade—the instructional group commander of the formation, &c.;
(c) in respect of an officer or soldier allotted for duty with the Citizen Forces or Senior Cadets within the command of a cavalry or infantry brigade—the brigade major of the brigade;

(d) in respect of an officer or soldier serving under the command of the Commandant of the Royal Military College or a District Base Commandant—the Commandant of the Royal Military College, or an officer authorized by him for that purpose, or the District Base Commandant, as the case may be;

(e) in respect of an officer or soldier allotted for duty or attending for instruction at the special school of instruction established under D.A. 21a or at an artillery school of instruction—the chief instructor of the school;

(f) in respect of an officer or soldier allotted for duty or attending for instruction at a school or course of instruction,—the chief instructor at the school or course, if authorized for that purpose by the Adjutant-General or a formation, &c., commander; and

(g) in respect of any other officer or soldier—the Adjutant General or an officer authorized by the Adjutant-General for the purpose.

(4) The C.O. of officers and soldiers of the Australian Army Service Corps (including the Australian Army Remount Service) of the Permanent Forces in a military district shall, when no C.O. has been appointed, be the senior officer of the Permanent Forces on the staff of the headquarters of the district base command who is responsible for the performance of the duties of the Adjutant-General's branch at those headquarters.

67. Notwithstanding anything contained in these regulations the Adjutant-General shall, in relation to any officer or soldier of the Permanent Forces, be entitled to exercise all or any of the powers and perform all or any of the functions of a C.O.

68. (1) The following shall be the order of precedence in the Military Forces of regiments, units, and corps:

The Australian Staff Corps,
The Corps of Staff Cadets,
The Australian Instructional Corps,
The Australian Light Horse,
The Royal Australian Artillery Regiment,
The Australian Field Artillery,
The Australian Garrison Artillery,
The Royal Australian Engineers,
The Corps of Australian Engineers,
The Australian Corps of Signals,
The Australian Infantry,
The Australian Tank Corps,
The Australian Army Service Corps,
The Australian Army Medical Corps,
The Australian Army Ordnance Corps,
The Australian Army Veterinary Corps,
The Australian Army Legal Department,
The Australian Engineer and Railway Staff Corps,
The Australian Army Chaplains' Department,
The Australian Army Pay Corps,
The Australian Army Nursing Service,
The Australian Reserve Forces.

Artillery.

(3) The Royal Australian Artillery Regiment, if mounted, and units of the Australian Field Artillery allotted to cavalry divisions, shall, when on ceremonial parade with their guns, take the right and march at the head of regiments of the Australian Light Horse.

(3) Units of the same arm or service shall take precedence within that arm or service according to the order of their numerical succession, or, if not included in a numerical succession, according to the numerical order of the military districts to which they belong; but a unit of the Permanent Forces shall take precedence of a unit of the same arm or service in the Citizen Forces.

Preface

60. (1) The ranks of officers of the Military Forces shall correspond with the ranks of officers in the Naval Forces and the Air Force respectively in accordance with the following table, and commissioned officers of the Naval Forces, the Military Forces, and the Air Force rank with one another according to seniority or date of appointment:

<table>
<thead>
<tr>
<th>Military Forces</th>
<th>Naval Forces</th>
<th>Air Force</th>
</tr>
</thead>
<tbody>
<tr>
<td>Field-Marshal</td>
<td>Admiral of the Fleet</td>
<td>Air Chief Marshal</td>
</tr>
<tr>
<td>General</td>
<td>Admiral</td>
<td>Air Marshal</td>
</tr>
<tr>
<td>Lieutenant-General</td>
<td>Vice-Admiral</td>
<td>Air Vice-Marshal</td>
</tr>
<tr>
<td>Major-General</td>
<td>Rear-Admiral</td>
<td>Air Commodore 1st and 2nd</td>
</tr>
<tr>
<td>Colonel Commandant</td>
<td>Commodore 1st and 2nd</td>
<td>Air Commodore</td>
</tr>
<tr>
<td>Colonel on the Staff</td>
<td>Commodore 3rd</td>
<td>Major General</td>
</tr>
<tr>
<td>Colonel</td>
<td>Commodore 2nd</td>
<td>Air Commodore</td>
</tr>
<tr>
<td>Lieutenant-Colonel</td>
<td>Commodore 1st</td>
<td>Air Vice-Marshal</td>
</tr>
<tr>
<td>Major</td>
<td>Rear-Admiral</td>
<td>Air Commodore 2nd</td>
</tr>
<tr>
<td>Captain</td>
<td>Rear-Admiral</td>
<td>Air Commodore 3rd</td>
</tr>
<tr>
<td>Lieutenant</td>
<td>Rear-Admiral</td>
<td>Air Commodore 4th</td>
</tr>
<tr>
<td>Second Lieutenant</td>
<td>Rear-Admiral</td>
<td>Air Commodore 5th</td>
</tr>
<tr>
<td></td>
<td>Commissioned Officer from warrant rank</td>
<td>Pilot Officer</td>
</tr>
</tbody>
</table>

Consular service.

(2) This regulation shall not entitle any officer of the Naval Forces or of the Air Force to the command of any of the Military Forces on shore, nor any officer of the Military Forces to the command of any of the Naval Forces or the Air Force.

70. Officers of the Consular Service rank with officers of the Military Forces as follows:

| Consular-General | with, but after, major-general. |
| Consul           | with, but after, colonel. |
| Vice-Consul      | with, but after, major. |
| Consular Agent   | with, but after, captain. |

Division 2.—Appointment and Promotion of Officers and Special Appointments.

71. (1) Except as provided in D.A. 8a, every appointment to commissioned rank or to the command of a regiment or battalion or to a superior command and every promotion of an officer shall be made by the Governor-General, and every transfer or appointment of
an officer to or from a regiment, battalion, or equivalent command, or a supernumerary list, a seconded list, the Unattached List, or the Reserve Forces, shall be made or approved by the Governor-General. Every resignation or retirement of an officer shall be approved by the Governor-General. Every such appointment, promotion, transfer, resignation, and retirement shall be notified in the Gazette.

(2) Every appointment of an officer of the Citizen Forces and every allotment of an officer of the Permanent Forces above the substantive rank of lieutenant-colonel to the staff of a formation superior to a regiment or battalion shall be made or approved by the Governor-General and notified in the Gazette.

(3) Every appointment, transfer, allotment, promotion, resignation, or retirement made or approved and notified in this Gazette under this regulation shall, unless otherwise stated in that Gazette, take effect from the date of the Gazette in which the notification is made.

72. Except where otherwise provided in these Regulations, first appointment to commissioned rank in the Military Forces shall usually be to the rank of lieutenant.

73. (1) No person who is not a British subject shall be appointed an officer of the Military Forces; but this regulation shall not prevent the grant, on the recommendation of the Military Board, to a distinguished personage of honorary rank in the Military Forces.

(2) Persons under eighteen years of age should not be recommended for appointment to commissioned rank in the Military Forces.

74. The syllabus and scope of the examinations for first appointment or promotion to commissioned rank shall be as approved by the Military Board.

75. (1) Every member of a unit of the Citizen Forces who is a W.O. or a N.C.O. of or above the rank or appointment of sergeant or lance-sergeant may present himself for examination for promotion to the rank of lieutenant in the unit to which he belongs, and, in addition, if his unit is a unit maintained at an educational establishment, in a unit or area in which he resides, or, with the approval of the formation, &c., commanders concerned, in any other unit of the Citizen Forces.

(2) Every member of the Citizen Forces who is a W.O. or a N.C.O. of or above the rank or appointment of sergeant or lance-sergeant may present himself for examination for promotion to the rank of lieutenant in a unit of the Corps of Australian Engineers or of the Australian Corps of Signals in the military district in which he is serving.

76. (1) When a vacancy in the rank of lieutenant in a unit of the Citizen Forces is to be filled under D.A., 11A, the vacancy shall be filled by the promotion of a member of that unit for the time being qualified by examination according to the order of merit attained, the more successful being preferred, or, in the case of equality, those who have served in the Defence Force for three years without a commission, or have served as officers in the Senior Cadets after appointment by way of promotion from the ranks in a manner similar to that prescribed in D.A., 11A.
Provided that a vacancy in a unit of the Corps of Australian Engineers or of the Australian Corps of Signals may be filled by the promotion of a member of the unit or of any other arm, service, or department, but otherwise in accordance with this sub-regulation.

(2) In time of war when the Military Board are of opinion that the holding of an examination for the purpose of D.A. 11a is impracticable, any vacancy which normally would be filled under D.A. 11a may be filled by the appointment or promotion of any person (but except in the case of an officer of the King’s Regular Military Forces), provisionally, to commissioned rank without his having passed the prescribed examination.

77. The time within which it shall be necessary for an officer provisionally appointed to pass the prescribed examination to qualify him to retain his commission under D.A. 15 shall be eighteen months from the day of his appointment, or, if a time of war exists when he is appointed, or comes into existence within eighteen months thereafter, eighteen months from the cessation of the time of war.

78. In time of war, notwithstanding anything in these Regulations, any person may be appointed or promoted to commissioned rank in any portion of the Citizen Forces called out for war service without being required to pass any examination.

79. The syllabus and scope of the examinations for the promotion of officers of the Military Forces shall be as approved by the Military Board.

80. The syllabus and scope of the courses of instruction under D.A. 21a (1) and (2) shall be as approved by the Military Board.

81. An officer who has been provisionally promoted under D.A. 21 to a rank without having passed the prescribed examination shall pass the prescribed examination within a period of eighteen months from the day of his promotion, or, if a time of war exists, when he is promoted, or comes into existence within eighteen months thereafter, within such period, not exceeding eighteen months from the cessation of the time of war, as the Military Board approves; and, if he omits or fails to pass, his provisional promotion to that rank shall be terminated.

82. In time of war when, in the opinion of the Military Board, it is impracticable to hold examinations for the purpose of D.A. 21, any officer of the Citizen Forces may be promoted to a higher rank provisionally or otherwise without having passed the prescribed examination. An officer appointed provisionally under this regulation may be required to pass the prescribed examination at any time during the time of war, and eighteen months thereafter, and, if he omits or fails to pass when so required, his provisional promotion may be terminated.

83. Promotion of officers of the Permanent Forces up to and including the rank of captain, shall usually be made according to seniority and to ranks above the rank of captain by selection.

84. (1) Promotion of officers of the Citizen Forces up to and including the rank of major shall usually be made according to seniority and to higher ranks by selection.

(2) Every vacancy for promotion in a unit of the Citizen Forces shall usually be filled in accordance with sub-regulation (1) of this
regulation from among qualified officers of the whole unit, except that, when a company, &c., is detached at such a distance as to render impracticable the attendance with that company, &c., of an officer not residing in the locality, each vacancy for promotion in that company, &c., to any rank below the rank of lieutenant-colonel shall usually be filled from among qualified officers of the detached company, &c.

(3) The expression unit shall, for the purpose of the last preceding units.

sub-regulation, mean—

A regiment of Australian Light Horse.
The part of the Australian Field Artillery in a military district.
Each branch of the Australian Garrison Artillery in a military district.
Each branch of the Corps of Australian Engineers in each military district.
The part of the Australian Corps of Signals in each military district.
Each battalion of the Australian Infantry.
The part of the Australian Tank Corps in a military district.
The part of the Australian Army Service Corps in a military district.
The part of the Australian Army Medical Corps in a military district.
The part of the Australian Army Medical Corps (Dental Service) in a military district.
The part of the Australian Army Medical Corps (Pharmaceutical Service) in a military district.
The part of the Australian Army Ordnance Corps in a military district.
The part of the Australian Army Veterinary Corps in a military district.

(4) There shall be kept a regimental seniority list of all officers in each unit.

85. An officer of the Permanent Forces shall not, except in circumstances regarded by the Military Board as exceptional, and on its recommendation, be promoted to the substantive rank of captain until he has served four years in the substantive rank of lieutenant in those Forces.

86. Graduation at the Staff College, Camberley, or the Staff College, Quetta, shall constitute the passing of the examination for promotion to the ranks of captain and major, and, except for a practical examination in the field, to the rank of lieutenant-colonel.

87. An officer who has passed a school of military equitation shall not further be required to qualify in riding before promotion.

88. (1) An officer of the Citizen Forces shall not be eligible to be examined for promotion to the rank of captain until he has served for eighteen months in the rank of lieutenant, or to the rank of major until he has served for eighteen months in the rank of captain.

(2) An officer of the Citizen Forces, other than a C.O., shall not be eligible to be examined for promotion unless his C.O. certifies in writing that the officer is in other respects fitted for promotion.
(3) Sub-regulation (1) of this regulation shall not apply to officers of the Australian Army Medical Corps, or of the Australian Army Veterinary Corps.

90. When a vacancy exists in a unit or corps in the rank of captain or a superior rank, an officer may be appointed or promoted to the next inferior rank in excess of the establishment of officers of the inferior rank in the unit or corps, but so that the total establishment of the two ranks shall not be exceeded.

91. An officer of the Permanent Forces may, on the recommendation of the Military Board, be rewarded for specially meritorious service by accelerated promotion. Accelerated promotion up to and including the rank of lieutenant-colonel shall usually be to brevet rank, and above that rank to the substantive rank of colonel.

92. A quartermaster and honorary lieutenant after five years' continuous commissioned service as a quartermaster with a unit or corps, and a quartermaster and honorary captain after ten years' continuous commissioned service as a quartermaster with a unit or corps, including five years' service in the rank of honorary captain, may, without being required to pass an examination, be promoted to be quartermaster and honorary captain, and quartermaster and honorary major respectively.

93. An officer shall not be entitled to be promoted as a right.

**Period of Appointment to a Command or to the Staff.**

94. An officer appointed to command a regiment, battalion, or corps, or to a superior command shall not, unless the period of his appointment is extended by the Governor-General, hold the appointment for a longer period than four years, or in the case of an officer appointed before 1st December, 1929, for a longer period than five years.

95. (1) Officers of the Military Forces, not exceeding ten in number at any one time, may be appointed 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.

(2) Each appointment under sub-regulation (1) of this regulation shall be for four years. In exceptional circumstances an officer may be re-appointed for an additional period of two years.

(3) An officer shall not be eligible to hold an appointment under this regulation whose substantive rank is inferior to that of major, or superior to that of colonel, or who has been retired.

**Aides-de-Camp to the Governor of a State.**

96. (1) An officer of the Active Military Forces who holds substantive rank inferior to that of lieutenant-colonel may, with the approval of the Governor-General, accept appointment as aide-de-camp on the personal staff of the Governor of a State.
(2) The number of officers permitted to accept appointment as aides-de-camp to a Governor of a State shall not exceed two in any one State, of whom one may be an officer of the Australian Staff Corps.

(3) The period for which an officer may be permitted under this regulation to accept appointment as aide-de-camp to the Governor of a State shall be four years, but may, with the approval of the Governor-General, be extended in a special case for an additional two years.

(4) An officer who, subsequent to his appointment as aide-de-camp to a Governor of a State, is promoted to a substantive rank superior to that of major may continue to hold the appointment during the period of its currency.

(5) An officer of the Citizen Forces appointed aide-de-camp to the Governor of a State may be placed "on command" in his regiment or corps on occasions when the performance of his duties as aide-de-camp prevents him from carrying out his military duties in the regiment or corps.

**Honorary Physician and Honorary Surgeon to the Governor-General.**

97. (1) For distinguished service in the field or for meritorious service in the interests of the Commonwealth an officer of the Australian Army Medical Corps may be appointed Honorary Physician or Honorary Surgeon to the Governor-General, but each appointment shall be held by not more than one officer at any one time.

(2) The regulations governing the ineligibility of an officer to hold an appointment as aide-de-camp to the Governor-General and the duration of that appointment shall apply to an appointment under sub-regulation (1) of this regulation.

**Honorary Colonels-in-Chief and Honorary Colonels.**

98. An Honorary Colonel-in-Chief may be appointed to the Australian Light Horse, the Australian Artillery, the Australian Engineers and the Australian Infantry.

99. (1) An Honorary Colonel may be appointed to any regiment, battalion, or corps of the Military Forces.

(2) Appointment as Honorary Colonel of a regiment, battalion, or corps shall be reserved for the Governor-General and Governors of States and officers of the Military Forces or Retired List or any other of His Majesty's Naval, Military, or Air Forces, of the rank of colonel or superior rank, or any corresponding rank, who have rendered valuable and distinguished service.

100. (1) Every appointment as Honorary Colonel of a regiment, battalion, or corps shall be tenable for a period of five years, and may be renewed from time to time upon the application of the formation, &c., commander.

(2) The appointment of Honorary Colonel of a regiment, battalion, or corps shall not be held by the same person in respect of more than two regiments, battalions, or corps.

101. (1) The tender of an appointment as Honorary Colonel-in-Chief may be made on the recommendation of the Military Board.

C.16101.—2
(2) The tender of an appointment as Honorary Colonel of a regiment, battalion, or corps shall not be made except with the approval of the Military Board.

FOREIGN CONSULAR SERVICE.

102. A member of the Citizen Forces shall not, without the approval of the Military Board, hold office in the consular service of any foreign country. A member of the Permanent Forces shall not in any circumstances hold such office.

ADJUTANTS AND QUARTERMASTERS.

103. (1) An officer of the Citizen Forces shall not usually be appointed adjutant of a unit unless his substantive rank is below that of major.

(2) An officer of the Citizen Forces who is promoted to the substantive rank of major while holding the appointment of adjutant shall not be permitted to retain his appointment as adjutant for a longer period than twelve months after that promotion.

104. The period of an appointment of an officer of the Citizen Forces as adjutant of a unit shall not exceed three years, but the period of the appointment may be extended for a period not exceeding two years.

105. A person whose age exceeds fifty years shall not be appointed a quartermaster with commissioned rank in the Citizen Forces.

DIVISION 3.—TRANSFER—SUPERNUMERARY, SECONDED AND UNATTACHED LISTS—RESERVE OF OFFICERS—RETIREMENT AND RESIGNATION OF OFFICERS.

TRANSFER.

106. (1) An officer may be transferred from one regiment or corps to another of the same army, service, or department, or from one arm, service, or department of the Military Forces to another, but shall usually remain in the regiment or corps to which he is first appointed.

(2) Inability of an officer of the Citizen Forces, owing to change of residence, to perform duty with his regiment or corps, shall usually be treated as a reason for his transfer to another regiment or corps of the same army, service, or department.

(3) The transfer of an officer shall usually be effected in such a way as not to supersede in any appointment or command any officer serving in the regiment or corps to which the transfer is made. After transfer an officer shall usually be appointed to the first vacancy for which he is qualified and, until such a vacancy occurs, shall be borne on the supernumerary list.

107. When an officer is transferred from one arm, service, or department of the Citizen Forces to another, or from one branch of the artillery or engineers of the Citizen Forces to another, he shall within eighteen months after his transfer pass such examination or additional examination as is necessary to qualify him for his rank in the arm, service, department, or branch to which he is transferred or, if he does not do so, shall be:

(a) transferred to his former regiment or corps, or branch, or
(b) transferred to the Reserve of Officers (if qualified for such a transfer), or
(c) retired.

**Supernumerary Regimental Officers.**

108. (1) An officer may be borne on the strength of his regiment or corps as supernumerary—

(a) after a reduction in the establishment of the regiment or corps; or
(b) while awaiting a vacancy in the regiment or corps to which he has been transferred; or
(c) pending absorption on reverting from the seconded list.

(2) Officers not exceeding one-fourth of the respective annual establishment may be appointed to the supernumerary lists of the Australian Army Medical Corps and the Engineer and Railway Staff Corps.

(3) Except as authorized by this regulation officers shall not be appointed to the supernumerary list of a regiment or corps.

**Seconded Officers.**

109. (1) An officer may, on the recommendation of the Military Board, be seconded in his regiment or corps—

(a) on appointment to the staff of any command superior to a regimental command;
(b) on attachment to the Intelligence Section of the General Staff or to the Army Legal Department;
(c) on embarkation for the purpose of employment or study or research out of the Commonwealth in a civil profession, when in the opinion of the Military Board such employment, study, or research will enhance his usefulness in his regiment or corps;
(d) on appointment to a civil office or public position the duties of which prevent the performance of his military duty;
(e) on attachment to the Naval Forces or the Air Force;
(f) on receipt of a military appointment out of the Commonwealth; or
(g) in the Permanent Forces, on appointment to a civil position in the service of the Commonwealth.

Pars. (a), (b), (c), and (d) shall not apply to officers of the Permanent Forces.

110. When a seconded officer reverts to his regiment or corps he shall retain his regimental seniority.

111. If, when a vacancy occurs in a regiment or corps, there is a seconded officer who will revert to the regiment or corps within three months, the vacancy may be retained for the absorption of that officer.

112. An officer may be seconded for any period not exceeding five years. In special cases the period for which an officer is originally seconded may, on the recommendation of the Military Board, be extended for a further period not exceeding five years.

113. (1) An officer who has served in a regiment or corps as an officer or as an officer and as a soldier under Part XII. of the Act for not less than five years, may be transferred to the Unattached List.
Staff Corps.

(2) An officer of the Australian Staff Corps may, on the termination of his appointment in that corps, be transferred to the Unattached List although not qualified under the last preceding sub-regulation.

Chaplains.

(3) A chaplain who has served for not less than one year on the authorized establishment of chaplains and is unable to discharge the duties of a chaplain on that establishment, or is temporarily unable to serve on that establishment, may be transferred to the Unattached List.

Officers liable to be trained.

114. (1) An officer while liable to be trained under Part XII. of the D.A., unless exempt under D.A. 138, shall not be transferred to the Unattached List.

(2) An officer of the Unattached List liable to be trained under Part XII. of the D.A., who ceases to be exempt under D.A. 138 shall be transferred to a regiment or corps.

Period of service on U.L. for five years.

115. (1) Except as authorized by this regulation an officer who has been for five years on the Unattached List shall, unless re-appointed to a regiment or corps, be transferred to the Reserve of Officers or retired.

Extended period of service.

(2) An officer, who has served on active service in the rank of brigadier-general, colonel commandant, or colonel on the staff, or in a superior rank, or who is employed for duty in accordance with D.A. 24 may be permitted to remain on the Unattached List until he reaches the age for his retirement.

Officers exempt under D.A. 138 (1)(f).

(3) Subject to the next succeeding regulation an officer who, having become exempt under D.A. 138 (1)(f), has been transferred to the Unattached List may, unless the exemption sooner ceases, be permitted to remain upon the Unattached List until the 30th day of June of the year in which he reaches the age of 26 years or until he completes five years' service on the Unattached List whichever last happens.

Training.

116. (1) Each officer on the Unattached List, if so, required by proper military authority, shall attend in each year ending on the 30th day of June training not exceeding the annual training for that year under Part XII. of the D.A. for the arm, service, or department to which he belongs. The training shall be attendance at a school of instruction, a camp of continuous training or isolated parades or all or any of those means as shall be directed by proper military authority.

(2) An officer on the Unattached List who does not, when required under sub-regulation (1) of this regulation, attend for training, may be removed from the Unattached List and may be transferred to the Reserve of Officers, if qualified for such a transfer, or may be retired.

(3) This regulation shall not apply to an officer mentioned in A.M.R. 115 (2) or to a chaplain.

Failure to attend.

117. An officer not qualified to remain on the Unattached List until he reaches the age of his retirement, who, having been transferred to a regiment or corps from the Unattached List, is retransferred to the Unattached List, may remain on the Unattached List—

(a) if his last period of service with a regiment or corps was not less than five years—for five years; or
(b) if his last period of service with a regiment or corps was
less than five years—for a period which, with his previous
service on the Unattached List, will amount to five years,
or for a period equal to that of his last service with a
regiment or corps, whichever is the longer.

But nothing in this regulation shall authorize the retention of an
officer on the Unattached List beyond the age for his retirement.

118. The Unattached List shall be divided into sections according to the several arms, services, and departments, and the name of each officer shall be shown in the section relating to the arm, service, or department to which he belongs.

119. When an officer on the Unattached List who is under the command of a formation, &c., commander changes his place of permanent residence to a military district, in which there is no portion of the formation, &c., to which he belongs, he shall be transferred to the command of a formation, &c., commander in that military district, having regard to the place of residence of the officer, and to his arm, service, or department.

Reserve of Officers.

120. (1) An officer who has not reached the age for retire-
ment from the Reserve of Officers of an officer of his rank, and—

(a) has served as an officer for five years on the Active List, and is favorably reported upon; or

(b) is an officer of the Permanent Forces, or of the Australian Army Medical Corps, the Australian Army Veterinary Corps, or the Australian Army Legal Department; or

(c) possesses civil professional qualifications which, in the opinion of the Military Board, render it desirable that his services should be available in time of war; or

(d) has served as an officer on active service in the Military Forces, or in any other of His Majesty’s Military Forces; or

(e) after the expiration of his liability under Part XII. of the D.A. to be trained, is employed in a civil capacity in the Department of Defence; or

(f) being an officer of the Citizen Forces, on the recommendation of the Military Board, at any time,

may be transferred to the Reserve of Officers.

(2) Any person who—

(a) has served on active service as an officer in the Military Forces, or in any other of His Majesty’s Military Forces; or

(b) possesses the professional qualifications required by the A.M.R. for appointment to commissioned rank in the Australian Army Medical Corps, the Australian Army Veterinary Corps, or the Australian Army Legal Depart-
ment; or
(c) possesses civil professional qualifications which, in the opinion of the Military Board, render it desirable that his services should be available in time of war—

may be appointed to commissioned rank in the Reserve of Officers.

(3) An officer, while liable to be trained under Part XII. of the D.A., unless exempt under D.A. 138, shall not be transferred to the Reserve of Officers. An officer in the Reserve of Officers liable to be trained under Part XII. of the D.A. who ceases to be exempt under D.A. 138 shall be appointed to a regiment or corps.

(4) Except as provided in sub-regulation (6) of this regulation, an officer shall not be permitted to remain in the Reserve of Officers for a longer period than five years, and, if not sooner appointed to the Active List, shall be retired on completion of that period.

(5) An officer not qualified to remain in the Reserve of Officers until he reaches the age for his retirement, who, having been appointed to the Active List, is retransferred to the Reserve of Officers, may remain in the Reserve of Officers—

(a) if his last period of service on the Active List was not less than five years—for five years; or

(b) if his last period of service on the Active List was less than five years—for a period which, with his previous service in the Reserve of Officers, will amount to five years, or for a period equal to that of his last service on the Active List, whichever is longer:

But nothing in this regulation shall authorize the retention of an officer in the Reserve of Officers beyond the age for his retirement.

(6) An officer transferred or appointed to the Reserve of Officers who—

(a) was so transferred before 1st July, 1912; or

(b) is transferred under paragraph (b), (c), or (d) of sub-regulation (1), or appointed under sub-regulation (2) of this regulation—

may be permitted to remain in the Reserve of Officers until he reaches the age for his retirement.

121. (1) The Reserve of Officers List shall be divided into sections according to the several arms, services, and departments, and the name of each officer shall be shown in the section relating to the arm, service, or department to which he belongs.

(2) The name of each officer who is appointed to the Reserve of Officers under A.M.R. 120 (3) (c) shall be shown in the section of the Reserve of Officers List applicable to the arm, service, or department for which his civil professional qualifications fit him.

122. An officer of the Reserve of Officers, notwithstanding that he has reached the age for retirement of an officer of his rank on the Active List may, in time of war, be appointed to the Active List.

123. An officer of the Reserve of Officers who has reached the age for his retirement from the Reserve of Officers shall be retired.
124. (1) Except as provided in this regulation, officers of the Military Forces shall be retired at the ages shown in the following table:

<table>
<thead>
<tr>
<th>Rank or Appointment</th>
<th>Age for Retirement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In the Citizen Forces</td>
</tr>
<tr>
<td>Generally—</td>
<td></td>
</tr>
<tr>
<td>Lieutenant-General</td>
<td>65</td>
</tr>
<tr>
<td>Major-General</td>
<td>62</td>
</tr>
<tr>
<td>Colonel</td>
<td>58</td>
</tr>
<tr>
<td>Lieutenant-Colonel</td>
<td>56</td>
</tr>
<tr>
<td>Major</td>
<td>55</td>
</tr>
<tr>
<td>Captain</td>
<td>50</td>
</tr>
<tr>
<td>Lieutenant</td>
<td>48</td>
</tr>
<tr>
<td>Quartermaster and Bandmaster holding a commission</td>
<td>60</td>
</tr>
<tr>
<td>Survey Section—Engineers (Permanent)—Captain</td>
<td>...</td>
</tr>
<tr>
<td>Ordnance Corps (or Department), Permanent—All ranks</td>
<td>...</td>
</tr>
<tr>
<td>Army Veterinary Corps—</td>
<td></td>
</tr>
<tr>
<td>Major and higher ranks</td>
<td>60</td>
</tr>
<tr>
<td>Captain</td>
<td>57</td>
</tr>
<tr>
<td>Lieutenant</td>
<td>55</td>
</tr>
<tr>
<td>Army Legal Department—</td>
<td></td>
</tr>
<tr>
<td>Major and higher ranks</td>
<td>60</td>
</tr>
<tr>
<td>Captain</td>
<td>67</td>
</tr>
<tr>
<td>Reserve of Officers—</td>
<td></td>
</tr>
<tr>
<td>Lieutenant-General</td>
<td>65</td>
</tr>
<tr>
<td>Major-General</td>
<td>62</td>
</tr>
<tr>
<td>Lower ranks</td>
<td>60</td>
</tr>
</tbody>
</table>

(2) An officer, who, during time of war, or three months immediately after the time of war has ceased, reaches the age for his retirement shown in sub-regulation (1) of this regulation, shall be retired on the expiration of those three months: Provided that any officer may sooner be retired at any time after he has reached that age.

(3) Brevet rank shall be counted, but local, temporary or honorary rank shall not, except in the case of an officer who does not hold any other rank, be counted for the purpose of this regulation.

(4) This regulation shall not apply to an officer of the Engineer and Railway Staff Corps, or to a chaplain.

125. (1) Subject to these Regulations, an officer who has reached the requisite qualifying service, and has reached the qualifying age for his rank, may be placed upon the Retired List, and may be granted one step in honorary rank above the substantive or brevet rank held immediately prior to retirement in accordance with the following table:

<table>
<thead>
<tr>
<th>Substantive or brevet rank on retirement</th>
<th>Qualifying service for retired list with grant of one step in honorary rank</th>
<th>Qualifying Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lieutenant-Colonel</td>
<td>Twenty years' commissioned service on the Active List in the Military Forces</td>
<td>50</td>
</tr>
<tr>
<td>Major</td>
<td>Fifteen years' commissioned service on the Active List in the Military Forces</td>
<td>50</td>
</tr>
<tr>
<td>Captain</td>
<td>Nineteen years' commissioned service on the Active List in the Military Forces</td>
<td>48</td>
</tr>
</tbody>
</table>
A quartermaster holding honorary commissioned rank, who has reached the qualifying age, and has the qualifying service required by this sub-regulation for an officer with corresponding substantive rank, may be placed upon the Retired List, and granted one step in honorary rank above the rank so held.

(3) An officer who has ten years' commissioned service in the Active Military Forces, and is not eligible for the grant of honorary rank on retirement under the last preceding sub-regulation may be placed upon the Retired List, and be permitted to retain the substantive, brevet, or honorary rank held immediately prior to retirement.

(4) An officer shall not be granted upon retirement a step in honorary rank higher than that of colonel.

(5) One-half of any service in the ranks in the Permanent Forces and one-fifth of any such service in the Active Citizen Forces may be counted for the purpose of this regulation as qualifying commissioned service.

(6) An officer holding temporary rank shall relinquish his temporary rank on retirement, and temporary rank shall not be counted for the purpose of this regulation.

(7) An officer not qualified under this regulation for the grant of a step in honorary rank, or for permission to retain his rank on retirement shall not be placed upon the Retired List.

126. Notwithstanding anything contained in A.M.R.

126:—

(a) An officer upon whom the local or temporary rank of major-general, lieutenant-general, or general has been conferred in time of war may, upon the recommendation of the Military Board, be placed upon the Retired List on his retirement, and be granted as honorary rank the rank so conferred; and

(b) An officer permanently medically unfit for service owing to wounds or sickness contracted on active service may, upon the recommendation of the Military Board, be placed upon the Retired List on his retirement, and be permitted to retain the substantive, brevet, or honorary rank held immediately before retirement.

127. (1) A chaplain who has served on the Active List for ten years with commissioned rank may, on retirement, be placed upon the Retired List, and be permitted to retain his rank and classification.

(2) Temporary classification shall not be counted for the purpose of this regulation.

128. An officer on the Retired List may, subject to A.M.R., wear the uniform of his corps with the letter "R" on each shoulder-strap.

129. The Governor-General at any time, for any reason that appears to him sufficient, may cancel any rank granted or retained on the retirement of an officer, and revoke any permission to wear uniform after retirement.

130. The commissioned service of an officer who resigns his commission before completing twelve years commissioned service may,
in special cases approved by the Military Board, be reckoned towards any service required of him under Part XII. of the Act: Provided that his total service is not less in duration than the total service required of him under that Part.

131. Subject to any liability under the D.A. to serve in the ranks, an officer whose resignation has been accepted, or who has been retired, shall cease to hold any position in the Military Forces.

**REPORTING ADDRESSES.**

132. (1) Each officer on the Unattached List shall report his address annually, in writing, during the month of January or February, and also, as it occurs, any change of his permanent address. The reports shall be made to the formation, &c., commander of the command in which he was last serving with a unit or, if he has been transferred to another command under A.M.R. 119, to the formation, &c., commander of that command.

(2) Each officer on the Reserve of Officers List shall report his address annually, in writing, during the month of January or February, and also, as it occurs, any change of his permanent address to the Base Commandant of the military district in which he is residing.

(3) An officer who fails to comply with this regulation may be retired.

133. Each officer on the Retired List shall report his address annually, in writing, during the month of January or February to the Base Commandant of the military district in which he resides. The name of an officer who fails to comply with this requirement may be removed from the Retired List.

**DIVISION 4.—ENLISTMENT AND RE-ENGAGEMENT.**

**ENLISTMENT.**

134. Persons liable to be trained under paragraphs (c) of D.A. 125 may be permitted to enlist voluntarily in the Citizen Forces in such circumstances as are authorized by the Military Board.

135. The period for which a person voluntarily enlisted shall engage to serve shall be—

(a) in the Permanent Forces, five years; or
(b) in the Active Citizen Forces, four years.

Provided that the Military Board may, in respect of any person or class, vary any period prescribed by this regulation, and that a person serving or in pay as a soldier but not duly enlisted, who does not claim his discharge under D.A. 49a (2), may be enlisted for the unexpired residue of the term for which he purported to engage.

136. Subject to D.A. 49, a soldier of the Permanent Forces shall be liable to serve in any corps or part of those Forces, and a soldier of the Active Citizen Forces shall be liable to serve in any corps or part of those Forces.

137. (1) Whenever a person objects to take an oath prescribed by the D.A., on the ground that he has no religious belief or that the taking of an oath is contrary to his religious belief, he shall be permitted to make an affirmation in lieu of an oath.
(2) When an oath has been taken the fact that the person by whom it was taken had no religious belief shall not impair the effect of the oath.

138. (1) This regulation shall apply only to voluntary enlistment in the Permanent Forces or Active Citizen Forces.

(2) Every person before being enlisted shall be informed by an officer of the term for which engagement will be required, and, if enlistment in the Permanent Forces is intended, that the service will be continuous, or, if enlistment in the Citizen Forces is intended, of the training which will be required, and, in either case, of the rate of pay to which the person, if enlisted, will become entitled.

(3) On appearance before an officer or a justice of the peace of a person offering to enlist, the officer or justice of the peace shall ask the person whether he understands the nature of the engagement created by enlistment, and whether he assents to be enlisted, and, if he assents, shall proceed in accordance with the next following sub-regulation.

(4) The officer or justice of the peace, after cautioning the person that if he makes any false answer to the questions about to be read to him, he will be liable to the punishment prescribed by D.A. 74, shall read, or cause to be read, to him the questions set forth in the form of attestation paper for the time being authorized by the Military Board, and shall take care that he understands the questions; and after ascertaining that the answer to each question has been recorded on the form opposite that question, shall require the person to sign the declaration, on the form, as to the truth of the answers. The officer or justice of the peace shall then administer the oath, or, in appropriate circumstances, the affirmation set forth in the third schedule to the D.A., and shall attest it by his signature.

(5) When the form of attestation paper mentioned in the last preceding sub-regulation is directed by the Military Board to be completed in duplicate, the directions contained in that sub-regulation shall be observed with reference to both of the duplicates.

(6) Omission to comply with or defect in compliance with the requirements of this regulation shall not make ineffective any oath or affirmation taken in accordance with the requirements of the D.A.; but nothing in this sub-regulation shall exonerate an officer from disciplinary responsibility for any such omission or defect.

139. (1) An attestation paper shall not be altered after it is completed.

(2) If a C.O. is satisfied that, in an attestation paper, the name of a soldier or an answer to a question is incorrect, and discharge of the soldier is not considered necessary, the C.O., with the consent of the soldier, may make a correcting entry in the margin, and such entry shall be signed by the C.O. and the soldier.

(3) When an attestation paper is in duplicate, the correcting entry shall be made and signed in both duplicates at the same time, if they are in the possession of the C.O.; but if only one is in the possession of the C.O., he shall inform the officer in whose custody the other is, and that officer shall annex to the attestation paper in his custody a note of the correcting entry made by the C.O.
140. (1) A voluntarily-enlisted soldier may before he is discharged, but not more than three months after the expiration of his original engagement or subsequent re-engagement, elect to re-engage, and, if he so elects, and his C.O. approves, the soldier shall, if medically fit, with all convenient speed after the expiration of his engagement or re-engagement, be re-engaged to serve, if a soldier of the Permanent Forces, for a further period of three years, or, if a soldier of the Active Citizen Forces, for a further period of four years.

(2) A soldier who re-engages shall sign before his C.O. an agreement to re-engage in the form for the time being authorized by the Military Board, and the agreement shall be endorsed upon or attached to the original attestation paper of the soldier.

(3) The re-engagement of any soldier may, before the expiration of three months after the day of his re-engagement, be vetoed by the Minister, the Adjutant-General, or a formation, &c., commander; and a soldier whose re-engagement has been so vetoed shall be discharged with all convenient speed.

(4) The discharge of a soldier shall not be delayed for the purpose of allowing him time to consider whether he will elect to re-engage.

Service under Part IV. of the D.A.

141. Every civil court and court martial before which a person, alleged to be liable to serve in time of war under D.A. 59, is charged with an offence against the D.A. or these Regulations or the A.A., may decide any question which arises as to whether the person is exempt from service in the Defence Force, and which has not previously been decided by a court of competent jurisdiction.

Division 5.—W.O.'s and N.C.O.'s.—Appointment, Promotion, Reduction, Reversion, and Resignation.

142. The appointment or promotion of a person to the rank of W.O. (Class I.) or W.O. (Class II.) may be made—

(a) when not on active service and not forming part of a body of the Military Forces mobilized for active service—

(i) in the Permanent Forces—by the Adjutant-General, and

(ii) in the Citizen Forces—by a Formation, &c., Commander; and

(b) when on active service or forming part of a body of the Military Forces mobilized for active service by—

(i) the Adjutant-General, or

(ii) the General Officer in chief command of the body of Military Forces to which the soldier belongs, or

(iii) any officer appointed for the purpose by the Military Board or by a General Officer mentioned in paragraph (b) (ii) of this regulation.
143. The appointment or promotion of a person to the rank of N.C.O., including acting or lance appointments with pay, may be made—

(a) when not on active service and not forming part of a body of the Military Forces mobilized for active service—

(i) in the Permanent Forces—by the Adjutant-General, and

(ii) in the Citizen Forces—by the C.O. of the unit to which the soldier belongs; and

(b) when on active service or forming part of a body of the Military Forces mobilized for active service—

(i) by the Adjutant-General, or

(ii) by the General Officer in chief command of the body of Military Forces to which the soldier belongs, or

(iii) by any officer appointed for the purpose by an authority mentioned in paragraph (b) (i) or (ii) of this regulation, or

(iv) subject to any restrictions imposed by an authority mentioned in paragraph (b) (i) or (ii) of this regulation, by the C.O. of the unit to which the soldier belongs.

144. Appointment or promotion to acting or lance non-commissioned appointments, without pay, in the Military Forces may be made by the C.O. of the unit to which the soldier belongs.

145. (1) The establishment of paid lance appointments shall be as authorized by the Military Board.

(2) Unpaid lance appointments may be made in the following proportion—

Lance-sergeants—50 per cent. of the establishment of sergeants;
Lance-corporals and lance-bombardiers—100 per cent. of the establishment of corporals and bombardiers, respectively;

Provided that a formation, &c., commander may, when he considers it necessary in the interests of the Service, authorize appointments to be made in excess of those proportions.

146. (1) When Citizen Forces are called out for and employed on war service, the rank of every W.O. or N.C.O. of the Forces so called out and employed, conferred before his employment on war service, shall be subject to this regulation until confirmed by an officer authorized to confer the rank on active service.

(2) A W.O. or N.C.O. holding a rank which is subject to this regulation may be reverted to any lower rank or grade or to the ranks by an authority authorized to make, on active service, an appointment to the rank from which the W.O. or N.C.O. is so reverted.

147. (1) Except as provided by D.A. 21 and by sub-regulations (3) and (4) of this regulation, no person shall be appointed or promoted to any warrant rank or non-commissioned rank in the Permanent Forces until he has fulfilled the requirements for qualification for that rank.
(2) The requirements for qualification for appointment or promotion to each warrant rank or non-commissioned rank in the Permanent Forces shall be as approved by the Military Board.

(3) In special cases a person may be appointed or promoted in the Permanent Forces to a warrant or non-commissioned rank provisionally for a period of six months without having fulfilled the requirements for qualification for that rank; and, if he omits or fails to fulfill those requirements within that period, his provisional appointment or promotion may be terminated.

(4) In time of war, when the Military Board are of the opinion that appointment or promotion to any warrant rank or non-commissioned rank in the Permanent Forces should be made without the fulfillment of the requirements mentioned in sub-regulations (1) and (2) of this regulation, appointment and promotion to any warrant rank or non-commissioned rank may be made without the fulfillment of those qualifications.

148. The course of training at a special school of instruction under D.A. 21a for the training of an instructional staff of W.O.'s and N.C.O.'s of the Permanent Forces shall be held at a central training depot and shall, subject to any variation by the Military Board, be for a period of six months; and the syllabus and scope of the course and of the examination of candidates for admission to the school, and the requirements for the eligibility of those candidates shall be as approved by the Military Board.

149. (1) The syllabus and scope of the examinations for appointment and promotion to warrant rank and non-commissioned rank in the Citizen Forces shall be as approved by the Military Board.

(2) Every examination mentioned in sub-regulation (1) of this regulation shall be conducted by a Board of officers in the manner approved by the Military Board and shall be practical and oral and may include written work of the nature required in the duties of the rank for which the candidate is being examined.

150. (1) The examinations held under D.A. 11a for first promotion to non-commissioned rank in a unit of the Citizen Forces shall be qualifying and competitive, and every person serving in the ranks in that unit shall be eligible to compete.

(2) Every first promotion under D.A. 11a to non-commissioned rank in a unit of the Citizen Forces shall be made from qualified candidates in that unit according to the order of merit attained in the competitive examination, the more successful being preferred.

151. First promotion under D.A. 11a to non-commissioned rank in the Citizen Forces shall be to the rank of corporal or bombardier.

152. A candidate qualified at a competitive examination for first promotion to non-commissioned rank under D.A. 11a for whom no vacancy exists, may, according to the order of merit attained in that examination, be appointed without further examination to a vacancy for that appointment in his unit which occurs before the holding of the next competitive examination or before the expiration of twelve months after the former examination, whichever is the sooner.
153. A person who has served on active service in the Military Forces, or in any other part of His Majesty's Military Forces, as a W.O. or N.C.O. and who enlists in the Citizen Forces may, without being required to pass any examination or qualify in any test, be appointed or promoted to any warrant rank or non-commissioned rank in the Citizen Forces not being a rank superior to the highest rank in which he so served.

154. The examinations for promotion of N.C.O.'s to superior non-commissioned rank and to warrant rank in the Citizen Forces shall be qualifying only.

155. (1) Qualification by examination for first promotion to non-commissioned rank in the Citizen Forces shall qualify for promotion to the rank of corporal or bombardier.

(2) Qualification by examination for the rank of sergeant in the Citizen Forces shall qualify for promotion to any rank below the rank of W.O.

(3) Qualification by examination for the rank of W.O. (Class II.) in the Citizen Forces shall qualify for promotion to W.O. (Class I.).

156. A N.C.O. below the rank of sergeant shall not be eligible to be examined for promotion to the rank of W.O. in the Citizen Forces.

157. In time of war, when the Military Board are of the opinion that the holding of an examination for the purposes of D.A. 11a or otherwise for the appointment or promotion to any warrant rank or non-commissioned rank in the Citizen Forces is impracticable, any person may be appointed or promoted to any warrant rank or non-commissioned rank in those Forces who has qualified in any test approved by an authority having power to make the appointment or promotion.

158. In time of war, notwithstanding anything in these Regulations, any person may be appointed or promoted to any warrant rank or non-commissioned rank in any part of the Citizen Forces called out for war service without his being required to qualify in any examination or test.

159. Except as provided in the D.A. and these Regulations, no person shall be appointed or promoted to any warrant rank or non-commissioned rank in the Military Forces unless he is qualified for the rank in accordance with these Regulations.

160. (1) No rank or appointment under A.M.R. 64 (1) should be granted in any unit or corps in excess of the authorized establishment for the time being in force of that unit or corps; and any rank conferred under that sub-regulation so in excess without proper authority shall be terminated.

(2) An appointment, the grant of which under A.M.R. 64 (1) confers upon a soldier any rank superior to that which he holds, may be authorized by the authority having power to authorize the appointment or promotion of a soldier to that rank.

REDUCTION, REVERSION, AND RESIGNATION.

161. (1) The Military Board and any general officer or colonel commandant the Military Board may appoint for the purpose
may, subject to D.A. 108 (2), for any reason, reduce any W.O. or N.C.O. to any inferior rank or grade or to the ranks or in seniority of rank.

(2) For the purpose of its application to the Military Forces, A.A. 183 shall be read as if in sub-section (2), after the words "Army Council" where they occur in two places, there were inserted the words "or the Military Board of the Commonwealth of Australia", and after the words "commanding in chief" there were inserted the words "or commanding a body of the Military Forces of Australia".

162. (1) For inefficiency or for failure to qualify in accordance with A.M.R. 173 (3) a W.O. or N.C.O. of the Citizen Forces not on war service may be reduced by a formation, &c., commander, on the recommendation of a C.O., to any inferior rank or grade or to the ranks.

(2) Before being reduced under sub-regulation (1) of this regulation a W.O. or N.C.O. shall be notified in writing of the grounds for the proposed reduction and be given an opportunity of showing cause against it.

163. A W.O. or N.C.O. may, on his conviction by a civil court of an offence, be reduced to any inferior rank or grade, or to the ranks or in seniority of his rank, by an authority who would have power to order the reduction in rank of the W.O. or N.C.O. for an offence or otherwise.

164. (1) A N.C.O. holding any appointment, including any acting or lance appointment, may, by order of his C.O., be reverted to his permanent rank or to any intermediate acting or lance appointment.

(2) A N.C.O., whose permanent rank is superior to that of corporal should not be reverted under sub-regulation (1) of this regulation for inefficiency or unsuitability for his appointment without the previous approval of a formation, &c., commander.

165. (1) A W.O. reduced to the ranks shall not be required to serve in the ranks as a private soldier—

(a) in the Citizen Forces, unless he is serving or immediately liable to serve under Part IV. of the D.A., or is liable to serve under Part XII. of the D.A., or

(b) in the Permanent Forces.

(2) A.A. 182 (3) shall not apply to the Military Forces.

166. Except with the consent of his C.O., a W.O. or N.C.O. shall not be entitled to resign his rank or appointment or to revert to any rank which he previously held.

167. Every reduction of a W.O. or N.C.O. to an inferior rank or in seniority of rank by order or summary award of an authority authorized by or under the D.A. or these regulations, or, when applicable, the A.A., shall take effect from the day on which the order or award is communicated to the W.O. or N.C.O. or from any subsequent day directed in the order or award.

DIVISION 6.—TRANSFER OF W.O.'S, N.C.O.'S, AND MEN.

168. (1) This Division, except A.M.R. 169, shall not apply to the transfer of a soldier of the Military Forces on active service or when forming part of a body of the Military Forces mobilized for active service.
169. The transfer of a soldier of the Military Forces on active service, or when forming part of a body of the Military Forces mobilized for active service, shall be under such conditions as are approved by the Military Board or the general officer commanding in chief the body of the Military Forces of which the soldier forms part.

170. (1) A W.O., N.C.O., or man of the Permanent Forces shall not be transferred from one arm, service, department, or corps to another except in special cases approved by the Adjutant-General.

(2) Subject to the next following sub-regulation, a W.O. or N.C.O. shall not be transferred under sub-regulation (1) of this regulation to another arm, service, department, or corps unless he has qualified for his rank or appointment in that arm, service, department, or corps.

(3) A W.O. or N.C.O. who is not qualified in accordance with the last preceding sub-regulation may be transferred under sub-regulation (1) of this regulation on probation for a period not exceeding six months.

(4) A W.O. or N.C.O. transferred on probation who fails so to qualify within six months after his transfer may, if not sooner discharged, be re-transferred to his previous unit or corps; and, if no vacancy then exists in that unit or corps, shall be borne supernumerary to the establishment until a vacancy occurs.

171. (1) This regulation shall not apply to the transfer of a soldier of the Citizen Forces by reason of a change of his residence which renders impracticable the performance of his duty in his unit.

(2) Every soldier of the Citizen Forces shall usually remain in the unit or corps to which he is first allotted.

(3) In special cases a W.O. or N.C.O. of the Citizen Forces may, with the approval of the formation, &c., commander, and, if the transfer is to a unit in another formation, &c., with the approval of the commander of that formation, &c., be transferred to another arm, branch of an arm, service, or department; provided that he is qualified for his rank in that arm, branch, service, or department.

(4) In special cases a private soldier of the Citizen Forces who fulfils the standard of physical fitness for that arm, branch of an arm, service, or department, may, at his own request and with the consent of each C.O. concerned, be transferred to a unit or corps of another arm, branch, service, or department.

172. (1) When by reason of change of his residence a soldier of the Citizen Forces is unable to perform his duty with his unit or corps, the soldier—

(a) if not liable, or, though liable, not required to be trained under Part XII. of the Act, may, unless sooner discharged or exempted, as the case may be, be transferred to a unit or corps, in the area to which his residence is changed; or

(b) if liable to be trained under that Part and not exempt under D.A. 138 (1) (f), he shall be transferred to a unit or corps in the area to which his residence is changed.

(2) Transfer under this regulation shall usually be to a unit of the arm, branch of the arm, service, or department to which the soldier belongs, and shall be subject to the fulfilment of the standard of physical fitness for the arm, branch, service, or department to which he is transferred.
(3) A W.O. or N.C.O. on transfer under this regulation shall retain his rank or be granted equivalent rank in lieu; and, if his transfer is to a unit or corps of another arm, branch of an arm, service, or department, shall within twelve months after his transfer qualify for his rank in that unit or corps to the extent to which he is not already qualified.

(4) Unless sooner discharged or transferred to a unit or corps of his original arm, branch of an arm, service, or department, a W.O. or N.C.O. of the Citizen Forces who fails to qualify in accordance with the last preceding sub-regulation shall be reduced under A.M.R. 162 to the next inferior rank for which he is qualified, and, if not so qualified, to the ranks.

173. A W.O. or N.C.O. of the Citizen Forces who is transferred to another arm or corps, or, after having been exempt under D.A. 138, returns to duty with his unit or corps, shall not supersede the holder of any appointment in that unit or corps, but shall be absorbed into the first appropriate vacancy, and until so absorbed shall be borne supernumerary to the establishment.

174. A soldier of the Citizen Forces liable to be trained under Part XII. of the D.A. who, on joining, has been allotted to a unit or corps other than in the Infantry may, if he is unsuitable for his duties in that unit or corps, be transferred to an infantry unit under such conditions as are from time to time approved by the Military Board.

DIVISION 7.—DISCHARGE AND RANK ON DISCHARGE.

175. In this Division, unless the contrary intention appears—

(a) When discharge by sentence or summary award is referred to, dismissal by a sentence or summary award is included; and
(b) when voluntary enlistment is referred to, appointment as a W.O. or N.C.O. under D.A. 218 is included.

176. Unless discharged by the Governor-General, or otherwise authorized by the D.A., or elsewhere in these Regulations, a soldier shall not be discharged except as authorized in this Division.

177. Unless the payment is waived by a prescribed authority, the sum to be paid by a soldier of the Militia Forces, on discharge under D.A. 40 shall be, if the discharge is effected—

(i) in the first year of his service—£2, or
(ii) in the second year of his service—£1, or
(iii) in any subsequent year of his service—10s.

178. (1) A soldier discharged by sentence of court martial or by summary award under A.M.R. 258 shall forfeit to the extent of any pay due to him, the amount, if any, which he could have been required to pay on discharge as mentioned in A.M.R. 177 or 180.

(2) A formation, &c., commander may remit the whole or any part of a forfeiture under this regulation.
179. In reckoning the service of a voluntarily-enlisted soldier for the purpose of discharge—

(a) the service shall be reckoned to begin on the day of attestation, and

(b) except with the approval of the Military Board, no period exceeding 21 days of continuous absence without leave or after desertion shall be reckoned as part of the period for which a soldier of the Permanent Forces was engaged.

180. (1) When not on war service, a soldier of the Permanent Forces, at his own request, and on the recommendation of his C.O., and with the approval of his formation, &c., commander, may be discharged on payment of the amount prescribed by the Financial and Allowance Regulations in respect of uniform and other clothing and necessaries issued to him at the public expense, and of any allowance paid to him in lieu thereof, and—

(a) if the request is made within three months after his appointment or enlistment—without any additional payment; or

(b) if the request is made more than three months after his appointment or enlistment, on payment in addition, unless waived under A.M.R. 183, if the request is made—

   in the first year of his service, of £20;
   in the second year of his service, of £16;
   in the third year of his service, of £12;
   in the fourth year of his service, of £8;
   in the fifth year of his service, of £4.

(2) A soldier serving at Thursday Island, or at any station declared by the Military Board to be an isolated station for the purpose of this sub-regulation, shall not be discharged under this regulation unless it appears to the authority who authorizes the discharge that there exist special circumstances which justify the discharge, and on payment, in addition to the sums mentioned in sub-regulation (1) of this regulation, of a sum to be named by the Adjutant-General as the estimated cost of the transport to Thursday Island of a soldier to take the place of the soldier discharged.

181. (1) A list of all applications for discharge under A.M.R. 180 shall be kept by the C.O.

(2) The C.O., at the expiration of 30 days after such application is received, or sooner if he shall think fit, shall send the application to the formation, &c., commander or other the proper military authority.

(3) When a corps or draft is ordered to move from a military district, all such applications by soldiers of the corps or draft, received before or after the order, shall be sent forthwith to the formation, &c., commander, or other the proper military authority.

182. When not on war service a soldier of the Permanent Forces who enlisted under the age of eighteen years for service as a musician, trumpeter, or bugler, shall be entitled to be discharged without payment at any time within three months after he reaches the age of eighteen years, upon giving one month's notice in writing to his C.O. of his intention to claim to be discharged under this regulation.
183. A formation, &c., commander or a superior authority empowered to authorize a discharge may for any reason which appears to him or them sufficient—
(a) authorize the discharge of a soldier of the Military Forces under D.A. 39, or of the Militia Forces under D.A. 40, or from the Reserve Forces under D.A. 41, before the expiration of the prescribed notice; and
(b) in addition or alternatively waive the payment of the sum or part of the sum mentioned in A.M.R. 177 or 180 (1) (b).

184. (1) A voluntarily-enlisted soldier may be discharged under this regulation from the Military Forces for any of the following reasons, that is to say—
(i) if he has made a false answer on attestation; or
(ii) if, being under the age of 21 years, at the request of his father or mother or guardian, or if an apprentice, of his master; or
(iii) in the first six months of his service, if considered unlikely to become an efficient soldier; or
(iv) if considered unfit for the duties of his corps; or
(v) if classified as non-efficient for any year of training; or
(vi) when medically unfit for service; or
(vii) when he has reached the age for retirement; or
(viii) on reduction in the establishment of his regiment or corps; or
(ix) when it is considered that his services are no longer required; or
(x) for absence without leave; or
(xi) if he has been guilty of misconduct; or
(xii) if he has, before appointment or enlistment, been convicted by a civil court; or
(xiii) if he is sentenced during his service to penal servitude or imprisonment by a civil court or court martial.

(2) A soldier of the Corps of Staff Cadets may be discharged under this regulation for any reason mentioned in the last preceding sub-regulation, or as authorized by any regulation relating to the Royal Military College of Australia.

185. (1) The discharge of a soldier, except by the Governor-General or by sentence or summary award, or in pursuance of D.A. 39 (1) (e), or in consequence of a finding under D.A. 141, shall be authorized and confirmed.

(2) The discharge of a soldier may be authorized—
(a) from the Permanent Forces, other than the Corps of Staff Cadets, or from the Citizen Forces, and whether on war service or not, and in or out of the Commonwealth, by—
(i) The Military Board, or
(ii) the Adjutant-General, or
(iii) a formation, &c., commander, or
(iv) any officer empowered by the Military Board, or
(b) from the Military Forces, out of the Commonwealth, whether on war service or not, by the officer in chief command of the Military Forces where the soldier is, or

(c) from the Citizen Forces, when in the Commonwealth and not on war service, by the C.O. of the soldier, or

(d) from the Corps of Staff Cadets—

(i) for a breach of discipline or moral unfitness, by the Commandant of the Royal Military College of Australia, with the approval of the Military Board, or

(ii) for any other reason, by the Minister.

(3) When a soldier has been dealt with summarily by his C.O. for an offence for which discharge could have been, but has not been awarded, discharge in consequence of that offence shall not be authorized by the C.O.

(4) The discharge of a soldier may be confirmed—

(a) except from the Corps of Staff Cadets, and whether on war service or not, and in or out of the Commonwealth, by—

(i) the Adjutant-General, or

(ii) any officer authorized by the Adjutant-General, or

(iii) a formation, &c., commander, or

(iv) any officer empowered by a formation, &c., commander, or

(v) the C.O. of the soldier; or alternatively,

(b) out of the Commonwealth, whether on war service or not, by—

(i) the officer in chief command of the Military Forces where the discharge is effected, or

(ii) any officer empowered by him; or

(c) from the Corps of Staff Cadets, by the Commandant of the Royal Military College of Australia.

186. (1) Subject to sub-regulation (7) of this regulation when a soldier has completed the service required by Part XII. of the D.A., the officer authorized by these regulations to make the entry in the soldier's record book and in the prescribed form of the copy of the entries in that book shall certify therein that the soldier has completed the military service required of him under that Part and that his service has been satisfactory or unsatisfactory. The signature of a certificate under this sub-regulation shall operate as a discharge of the soldier from service under Part XII. of the D.A.

(2) An entry that the service of the soldier has been satisfactory shall be made, when during his service in the Citizen Forces under D.A. 125 (c), he—

(a) has not been classified as non-efficient on more than one occasion, and

(b) has not suffered more than six punishments which should be entered in Table XI. or XII. of his record book or alternatively, has not suffered any such punishment during the last three years in which he has performed the training prescribed by D.A. 127.
(3) For purpose of the last preceding sub-regulation—

(a) a classification as non-efficient shall be counted, notwithstanding a subsequent classification as efficient in consequence of attendance at additional training, and

(b) the number of punishments mentioned in par. (b) of the last preceding sub-regulation shall be reduced by one for each year during the whole of which the soldier has been exempted from training, or the training has been suspended or not required of him.

(4) When a soldier, who has served on active service either in an expeditionary force or in the Citizen Forces in Australia, and has been discharged therefrom or ceased to be employed on war service otherwise than for a disciplinary reason or for medical unfitness due to his own default, has completed the service required by Part XII. of the D.A. his service shall be entered as satisfactory notwithstanding anything in sub-regulations (2) and (3) of this regulation.

(5) Except as prescribed in sub-regulations (2), (3), and (4) of this regulation, the service of a soldier under Part XII. of the D.A. shall be entered as unsatisfactory.

(6) When a soldier is to be discharged in consequence of a finding under D.A. 141, the following entry shall be substituted for the certificate mentioned in sub-regulation (1) of this regulation:

"This is to certify that ............. is not permitted to serve in the Defence Force of the Commonwealth of Australia by order of the .......... Court, at ............. dated .......... 10 ....

Signature of Authorized Officer."

The signature of that entry by an officer mentioned in sub-regulation (1) of this regulation shall operate as a discharge.

(7) When the period during which a soldier is required under Part XII. of the D.A. to serve, expires in time of war, the certificate mentioned in sub-regulation (1) of this regulation shall be entered and signed after the time of war has ceased and then with all convenient speed.

187. A discharge by summary award shall take effect—

(a) on the day of the award, if confirmation is not necessary,

(b) on the day of promulgation, if confirmation is necessary.

188. A discharge of which confirmation is required by A.M.R. 185 shall take effect on the day for which it is confirmed.

189. (1) When a soldier of the Permanent Forces or the Citizen Forces, whether serving under Part XII. of the D.A. or not, is found under D.A. 141 to have been convicted of a disgraceful or infamous crime, or to be of notoriously bad character he shall be discharged immediately.

(2) When a voluntarily-enlisted soldier is to be discharged in consequence of a finding under D.A. 141, the discharge shall be authorized and confirmed by his C.O.

190. When a voluntarily-enlisted soldier is discharged for any reason there shall be prepared, unless the soldier cannot be found, a certificate of discharge containing such particulars as are directed by the Military Board. The certificate shall be signed by the C.O. of the soldier, and as soon as possible delivered or sent to him.
AGE FOR DISCHARGE AND RANK ON DISCHARGE.

191. (1) Except as provided in this regulation, every W.O. and N.C.O. shall be discharged on reaching the age of 60 years; and every soldier not being a W.O. or a N.C.O. shall be discharged, if a member of the Permanent Forces and not serving in the Ordnance Corps or Ordnance Department, on reaching the age of 55 years; and, if a member of the Citizen Forces or a member of the Permanent Forces serving in the Ordnance Corps or Ordnance Department, on reaching the age of 60 years.

(2) Every soldier who, during time of war, or three months immediately after the time of war has ceased, reaches the age for his discharge shown in sub-regulation (1) of this regulation, shall be discharged on the expiration of those three months, provided that any soldier may sooner be discharged at any time after he has reached that age.

RANK ON DISCHARGE.

192. (1) A W.O. or N.C.O. who has completed twenty years' service, has held the rank of W.O. or N.C.O. for not less than ten years, and has been awarded the long service medal appropriate to his branch of the Military Forces, may, on discharge, be granted rank in accordance with this regulation, with permission to wear the uniform of his corps with the letter "R" on each shoulder-strap.

(2) On the recommendation of his formation, &c., commander, and of the Military Board, and subject to sub-regulation (1) of this regulation—

A W.O. (Class I.), after five years' service in that class may, on discharge, be granted the honorary rank of Lieutenant.

(3) On the recommendation of his formation, &c., commander, and the approval of the Military Board, and subject to sub-regulation (1) of this regulation—

(a) A W.O. (Class II.), of the Permanent Forces, after five years' service in that class, may, on discharge, be granted the honorary rank of Warrant Officer (Class I.);

(b) A W.O. of the Permanent Forces with less than five years' service in Class I. or II., may, on discharge, be permitted to retain his rank; and

(c) A N.C.O. of the Permanent Forces of or above the rank of sergeant, after five years' service in a rank of or above the rank of sergeant, may, on discharge, be granted the honorary rank of W.O. (Class II.).

(4) On the recommendation of his C.O. and the approval of his formation, &c., commander—

(a) A W.O. (Class II.) of the Citizen Forces, after five years' service in that class, may, on discharge, be granted the honorary rank of W.O. (Class I.); and

(b) A W.O. of the Citizen Forces with less than five years' service in Class I. or II. may, on discharge, be permitted to retain his rank; and
(c) A N.C.O. of the Citizen Forces of or above the rank of sergeant, with five years' service in a rank of or above the rank of sergeant, may, on discharge, be granted the honorary rank of W.O. (Class II); and

(d) Any other N.C.O. of the Permanent Forces or Citizen Forces may be permitted to retain his rank.

(5) A private soldier who has completed twenty years' service, and has been awarded the long service medal appropriate to his branch of the Military Forces, may, on discharge, be granted permission by his C.O. to wear the uniform of his corps with the letter "R" on each shoulder-strap.

193. The Military Board, or, when the honorary rank of lieutenant has been granted, the Governor-General, at any time, for any reason that appears to them or him sufficient, may cancel any rank granted or retained on the discharge of a soldier and revoke any permission to wear uniform after discharge.

PART IV.—DISCIPLINE.
DIVISION I.—REDRESS OF WRONGS.

194. (1) If an officer thinks himself wronged, he may complain in succession to—

(a) his C.O., if any;
(b) his brigade commander, if any;
(c) his formation, &c., commander, if any;
(d) if out of the Commonwealth, or on war service in the Commonwealth, the officer, if any, in chief command of the force to which he belongs; and
(e) the Military Board.

(2) If a soldier considers himself wronged, he may complain, in succession to—

(a) his company, &c., commander, if any;
(b) his C.O., if any;
(c) his brigade commander, if any;
(d) his formation, &c., commander, if any;
(e) if out of the Commonwealth, or on war service in the Commonwealth, the officer, if any, in chief command of the force to which he belongs; and
(f) the Military Board.

(3) Each authority mentioned in the last two preceding sub-regulations to whom complaint is made shall, so far as 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 soldier 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.

(4) If an officer or soldier is dissatisfied with the decision of the Military Board he may require that his complaint be referred to the Governor-General as Commander-in-chief.
(6) No authority to whom a complaint is made or referred under this regulation shall attempt to prevent or dissuade any officer or soldier from carrying his complaint to a superior authority in accordance with this regulation.

A.A. 42 and 43 not to apply.

195. A.A. 42 and 43 shall not apply to the Military Forces.

DIVISION 2.—GENERAL

196. For the purpose of the application of the A.A. and R.P. to the Military Forces, when not otherwise indicated in these Regulations—

(a) References to a Secretary of State shall be read as including the Minister; and

(b) References to the Army Council shall be read as including the Military Board.

197. (1) In the circumstances mentioned in this regulation, when not subject to the A.A., the persons mentioned in this regulation shall be subject to military law within the meaning of these Regulations:

(a) Every member of the Permanent Forces, at all times;

(b) Every member of the Citizen Forces, when on duty or in uniform;

(c) Every person, not being a member of the Military Forces, during arrest or attempted arrest, or custody or temporary detention, under a warrant issued under D.A. 114 or 115; and

(d) Every person during any term of detention, imprisonment, or penal servitude imposed for an offence against the A.A. or the D.A., or any regulation made under the D.A. or the A.A., and who, at the time of the imposition of the sentence or at the time of the commission of the offence, was a member of the Military Forces.

Meaning of "on duty."

(2) For the purpose of this regulation a member of the Citizen Forces shall be "on duty"—

(a) during the whole period of any continuous training which he attends; and

(b) when on parade; and

(c) in respect of every act done or omitted to be done by him in his military capacity, or with intended reference to his military capacity; and

(d) while lawfully in military custody within the meaning of A.M.R. 291; and

(e) during any term of detention, imprisonment, or penal servitude, for an offence against the A.A. or the D.A. or any regulation made under the D.A., imposed while he was a member, or in respect of an offence committed while he was a member; and

(f) during arrest or attempted arrest or custody or temporary detention under a warrant issued under D.A. 114 or 115; and

(g) while detained in a prescribed institution or place, or in the custody of a prescribed authority under D.A. 133 or 135A.
(3) For the purpose of this regulation a person who has ceased to be a member shall be subject to military law as if he still held the rank or grade which he held when he ceased to be a member.

198. These Regulations shall apply to a person subject to A.A. by virtue of D.A. 111A, as an officer, in like manner as nearly as circumstances admit, as if he were an officer; and to a person so subject as a soldier, in like manner as nearly as circumstances admit, as if he were a soldier; subject nevertheless to the restrictions contained in the A.A., and to any restrictions contained in the D.A. and any regulations made under the D.A., 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.

199. Intoxicating or spirituous liquor may be kept in a military camp, fort, or post during such time as training of persons as prescribed in paragraphs (a), (b), and (c) of D.A. 125 is proceeding, only when the liquor is the property of the Commonwealth and is in the charge of the officer commanding a military hospital, or, if there is no military hospital, of the senior medical officer of the camp, fort, or post. Such officer shall make and certify to the proper military authority, monthly, or at the sooner termination of each camp, a return showing the quantity and nature of all such liquor received and issued, and the disposal of the balance.

200. Intoxicating or spirituous liquor, ordered by a medical authority to be issued to troops in bad weather, or on other special occasions, shall be consumed in the presence of officers commanding companies, &c., and the issue and consumption of the liquor shall be carried out in such a manner that no one who refuses the issue shall be subjected to ridicule, and no issue shall be made to persons under 21 years of age whose parents have notified the C.O. in writing that they desire that no such issue shall be made.

(2) Ordinarily, in cases of severe weather or excessive fatigue, an extra issue of coffee, tea, or cocoa, and sugar should be made to the troops, rather than liquor.

**DIVISION 3.—OFFENCES**

201. A member of the Military Forces shall not be required under or by reason of any law of a State—

(a) to obtain or have any licence or permission for doing any act or thing in performance of his duties as a member of the Military Forces; or

(b) to register any animal, vehicle, vessel, or article belonging to the Commonwealth, and appropriated to the use of the Military Forces.

202. For the purpose of their application to the Military Forces, the sections of the A.A. mentioned in this regulation shall be read with the modifications and adaptations mentioned in this regulation, that is to say—

(a) A.A. 4, as if at the end there were inserted the following a.a. 4. proviso, that is to say:

"Provided that a member of the Military Forces of the Commonwealth of Australia shall not be sentenced to death under this section except for an offence against—

(i) paragraph (1), which amounts to traitorously delivering up to the enemy a garrison, fortress, post, or guard; or
(ii) paragraph (3), which amounts to traitorous correspondence with the enemy; and

(b) A.A. 6, as if for the word "death" there were substituted the words "penal servitude"; and

(c) A.A. 7, as if at the end there were inserted the following proviso, that is to say—

"Provided that a member of the Military Forces of the Commonwealth of Australia shall not be sentenced to death under this section, except for the offence of joining in such a mutiny as is mentioned in paragraph (3)"; and

(d) A.A. 8, as if for the word "death" there were substituted the words "penal servitude"; and

(e) A.A. 9, as if for the word "death" there were substituted the words "penal servitude"; and

(f) A.A. 11, as if at the end of the proviso there were inserted the words "or the Military Forces of the Commonwealth of Australia"; and

(g) A.A. 12 (1), as if at the end there were inserted the following proviso, that is to say:—

"Provided that a member of the Military Forces of the Commonwealth of Australia shall not be sentenced to death under this section, except for an offence against paragraph (1) (a), which amounts to desertion to the enemy"; and

(h) A.A. 41, as if for the word "death" wherever it occurs, there were substituted the words "penal servitude".

203. (1) Every person subject to military law under these regulations, but not under the A.A., who commits any of the following offences, that is to say:—

(i) Without orders from his superior officer, leaves his guard, picket, patrol or post; or

(ii) Forces a safeguard; or

(iii) Forces or strikes a sentinel; or

(iv) Being a soldier acting as sentinel (a) sleeps or is drunk on his post; or (b) leaves his post before he is regularly relieved; or

(v) Makes known the parole, watchword, or countersign to any person not entitled to receive it; or without good and sufficient cause gives a parole, watchword, or countersign different from what he received; or

(vi) Impedes the provost-marshal or assistant provost-marshal, or any officer, W.O., or N.C.O., or other person lawfully exercising authority under or on behalf of the provost-marshal, or, when called on, refuses to assist in the execution of his duty the provost-marshal, assistant provost-marshal, or any such officer, W.O., N.C.O., or other person; or

(vii) Does violence to any person bringing provisions or supplies to the forces, or commits any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving; or
(viii) Irregularly detains or appropriates to his own corps, battalion, or detachment, any provisions or supplies proceeding to the forces, contrary to any orders issued in that respect; or
(ix) Causes or conspires with any other persons to cause any mutiny or sedition in any of His Majesty's military naval, or air forces; or
(x) Endeavours to seduce any person in any of His Majesty's military, naval, or air forces from allegiance to His Majesty, or to persuade any person in any of His Majesty's military, naval, or air forces to join in any mutiny or sedition; or
(xi) Joins in, or being present, does not use his utmost endeavours to suppress, any mutiny or sedition in any forces belonging to any of His Majesty's military, naval, or air forces; or
(xii) Coming to the knowledge of any actual or intended mutiny or sedition in any forces belonging to any of His Majesty's military, naval, or air forces does not without delay inform his C.O. of the same; or
(xiii) Strikes, or uses, or offers any violence to his superior officer, or uses threatening or insubordinate language to his superior officer; or
(xiv) Disobeys any lawful command given by his superior officer, or
(xv) 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
(xvi) 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
(xvii) Resists an escort whose duty it is to apprehend him or to have him in charge; or
(xviii) Being a soldier, breaks out of barracks, camp, or quarters; or
(xix) Neglects to obey any general or garrison or other orders; provided that the expression "general orders" in this paragraph shall not include any order published in conjunction with these Regulations for the general information and guidance of the Military Forces; or
(xx) Deserts, or attempts to desert, His Majesty's service; or
(xxi) Persuades, endeavours to persuade, procures, or attempts to procure, any person subject to military law under the Α.Α., not being a member of the Defence Force, to desert from His Majesty's service; or
(xxii) Assists any person subject to military law under the Α.Α., not being a member of the Defence Force, to desert His Majesty's service; or
(xxiii) Being cognizant of any desertion or intended desertion of a person subject to military law under the Α.Α. or these Regulations, does not forthwith give notice to his C.O., or take any steps in his power to cause the deserter, or intending deserter, to be apprehended; or
(xxiv) Absents himself without leave; or

(xxv) Fails to appear at the place of parade or rendezvous appointed by his C.O., or goes from thence without leave before he is relieved, or without urgent necessity quits the ranks; or

(xxvi) Being a soldier, when in camp or garrison, or elsewhere, is found beyond any limits fixed, or in any place prohibited by any general, garrison or other order, without a pass or written leave from his C.O.; or

(xxvii) Being an officer, behaves in a scandalous manner unbecoming the character of an officer and a gentleman; or

(xxviii) 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

(xxix) Malingers, or feigns or produces disease or infirmity; or

(XXX) Wilfully maims or injures himself, or any other person, subject to military law, under the A.A. or these regulations, whether at the instance of that person or not, with intent thereby to render himself or that person unfit for service; or causes himself to be maimed or injured by any person, with intent thereby to render himself unfit for service; or

(xxvi) 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

(xxvii) Steals, embezzles, or fraudulently misapplies or receives, knowing them to be stolen or embezzled, any money or goods the property of a person subject to military law, or any money or goods belonging to any regimental mess or band, or to any regimental institution, or any public money or goods; or

(xxviii) Is guilty of any other offence of a fraudulent nature, not before in this regulation, or in the D.A. particularly specified, or of any other disgraceful conduct of a criminal, indecent, or unnatural kind; or

(xxiv) Drunkenness, whether on duty or not on duty; or

(xxv) When in command of a guard, piequet, patrol, or post releases without proper authority, whether wilfully or otherwise, any person committed to his charge; or

(xxvi) 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

(xxvii) Unnecessary 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

(xxviii) Having committed a person to the custody of any officer, W.O., N.C.O., 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, W.O., N.C.O., 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

(xxxix) 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 twenty-four hours after a person is committed to his charge, give, in writing, to the officer to whom he may be ordered to report, that person's name and offence, so far as is 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 in the last preceding paragraph mentioned, by that account; or

(xl) Being in arrest or confinement, or in prison, or otherwise in lawful custody, escapes, or attempts to escape; or

(xli) Connives at the exaction of any exorbitant price for a house or stall let to a sutler; or

(xlii) Lays any duty upon, or takes any fee or advantage in respect of, or is in any way interested in the sale of provisions or merchandise brought into any garrison, camp, station, barrack, or place in which he has any command or authority, or the sale or purchase of any provisions or stores for the use of any of His Majesty's forces; or

(xliii) Loses by neglect his arms, ammunition, equipments, instruments, clothing, regimental necessaries, or any horse or mule, or any beast of whatever description used for burden or draught, or for carrying persons, of which he has charge, or any public property issued to him for his use or entrusted to his care for military purposes, or

(xliv) Wilfully injures anything in the last preceding paragraph mentioned, 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

(xlv) Ill-treats any horse or other animal used in the public service; or

(xlvi) Subject to the exceptions in sub-regulation (3) of this regulation mentioned, 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

(xlvii) 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

(xlviii) Where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration; or

(xlix) When signing any document relating to pay, arms, ammunition, equipments, clothing, regimental necessaries, provisions, furniture, bedding, blankets, sheets, utensils,
forage, or stores, leaves in blank any material part for which his signature is a voucher; or
(l) Refuses, or, by culpable neglect, omits to make or send a report or return which it is his duty to make or send; or
(li) Being an officer or soldier makes a false accusation against any other officer or soldier, knowing such accusation to be false; or
(lii) Being an officer or soldier, 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
(liii) Wilfully demands any vehicle, horse, mule, bullock, aerial machine, boat, or vessel, or any goods which are not actually required for naval or military purposes; or
(liv) Does not discharge as speedily as practicable any vehicle, horse, mule, bullock, boat, or vessel, furnished in pursuance of the D.A., or any regulations made under the D.A.; or
(lv) Uses traitorous or disloyal words regarding the Sovereign; or
(lvi) Being an officer, W.O., or N.C.O.—
(a) strikes or otherwise ill-treats any soldier; or
(b) subject to the exceptions mentioned in sub-regulation (3) of this regulation having received the pay of any officer or soldier, unlawfully detains or unlawfully refuses to pay the same when due; or
(lvii) Fights, or promotes, or is concerned in or connives at, fighting a duel; or
(lviii) Attempts to commit suicide; or
(ix) 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
(ix) Is guilty of any act, conduct, disorder, or neglect to the prejudice of good order and military discipline——
shall on conviction be liable to penalties as prescribed by A.M.R. 215.

(2) This regulation shall not apply to offences against D.A. 135.

(3) Paragraph (xlvi) of sub-regulation (1) of this regulation shall not apply to offences against D.A. 73 (1) (c) or 73 B (a) or (b), and paragraph (lvi) (b) of sub-regulation (1) of this regulation shall not apply to offences against D.A. 73 (3) (b).

(4) No person shall be charged under paragraph (lx) of sub-regulation (1) of this regulation in respect of any offence for which special provision is made in any other part of these regulations, or in the D.A.; nevertheless the conviction of a person so charged shall not be invalid by reason only of the charge being a contravention of this sub-regulation, unless it appears that injustice has been done to the person charged by reason of such contravention; but the responsibility of any officer for that contravention shall not be removed by the validity of the conviction; and nothing in this regulation shall authorize, for any offence against paragraph (lx) of sub-regulation
(1) of this regulation, which is also an offence against the D.A., the
infliction of any penalty which could not be inflicted under the D.A.
for the offence against that Act.

204. Any officer or soldier, whether subject to military law
or on war service or not, who, when examined on oath or solemn declara-
tion before a court martial or before any court, board, or officer author-
ized by the D.A. or any regulations made under the D.A. to administer
an oath, wilfully gives false evidence, shall be guilty of an offence, and
shall be liable to penalties as prescribed by A.M.R. 216.

205. (1) Any person who—

(a) having been discharged or dismissed with disgrace from
any part of His Majesty’s naval, military, or air forces
voluntarily enlists or enrolls in or voluntarily enters the
Military Forces without declaring the circumstances of
his discharge or dismissal; or

(b) when belonging to any part of the Active Defence Force, or
to any part of a force raised in the United Kingdom or
in any British Possession for permanent naval, military,
or air service, without having obtained a regular discharge
therefrom, or otherwise fulfilled the conditions enabling
him voluntarily to enlist or enrol in or enter the Military
Forces, voluntarily enlists or enrolls in or voluntarily
enters the Military Forces; or

(c) when belonging to the Active Military Forces, without
having fulfiled the conditions enabling him voluntarily to
enlist or enrol in or enter either the Naval Forces or
the Air Force, voluntarily enlists or enrols in or volun-
tarily enters the Naval Forces or the Air Force,

shall be guilty of an offence, and shall be liable to penalties as prescribed
by A.M.R. 215.

(2) For the purpose of sub-regulation 1 (a) of this regulation, the
expression “discharged or dismissed with disgrace” means cashiered,
discharged with ignominy, dismissed or discharged by sentence of court
martial, dismissed with disgrace, discharged as incorrigible and worth-
less, discharged for misconduct, or discharged on account of conviction
by a civil court, or of a sentence of penal servitude or imprisonment.

(3) When an officer has committed an offence against sub-regulation
(1) (b) or (c) of this regulation, he may for the purposes of this
regulation be deemed to belong to any of the corps, or any part of the
Defence Force in which he has enlisted or enrolled, or which he has
entered, or to which he has been transferred, as well as that to which
he properly belongeth, and it shall be lawful to charge an offender with
any number of offences against that sub-regulation.

206. Any officer or soldier, whether subject to military
law or on war service or not, who is concerned in the voluntary enlist-
ment or enrolment in the Military Forces of any man, when he knows
or has reasonable cause to believe such man to be so circumstanced that
by enlisting or enrolling in the Military Forces he commits an offence,
shall be guilty of an offence, and shall be liable to penalties as prescribed
by A.M.R. 215.
207. Any member of the Military Forces or of the Senior Cadets who, when on duty within the meaning of A.M.R. 197 or in uniform—

(a) uses blasphemous or obscene language; or
(b) speaks or acts indecently; or
(c) engages in immoral conversation—
shall be guilty of an offence, and shall be liable, if a member of the Military Forces, to penalties as prescribed by A.M.R. 215, or, if a member of the Senior Cadets, to a penalty not exceeding Ten pounds.

208. Every person who, in any military premises in which training of persons as prescribed in paragraphs (a), (b), and (c) of D.A. 125 is not proceeding, supplies, except by direction of a medical officer, to any person liable to be trained under paragraphs (a), (b), or (c) of D.A. 125, any intoxicating or spirituous liquor shall be guilty of an offence, and on conviction shall be liable to a penalty not exceeding Twenty pounds.

209. Every person who—

(a) for any unlawful or immoral purpose enters military premises; or
(b) whether he is licensed as a hawker or pedlar or not, without the written consent of the senior officer there—
   (i) sells in; or
   (ii) enters for the purpose of selling in military premises any goods—
shall be guilty of an offence, and shall, on conviction, be liable to a penalty not exceeding Twenty pounds, or imprisonment not exceeding three months.

210. (1) No officer or soldier shall in any military premises, or when in uniform, institute or attend any meeting, demonstration, or procession for any religious or political purpose.

(2) This regulation extends to military bands.

(3) This regulation does not apply to—

(a) attendance at religious or funeral services; or
(b) attendance at charity gatherings for which authority has been obtained from proper military authority.

(4) Any officer or soldier who contravenes any provision of this regulation shall be guilty of an offence, and shall be liable to penalties as prescribed by A.M.R. 215.

211. (1) No officer or soldier of the Permanent Forces, except with the express consent of the Military Board, shall—

(a) accept or continue to hold an office in or under the Government of any State or in or under any public or municipal corporation; or
(b) accept or continue to hold or discharge the duties of, or be employed in a paid office in connection with, any banking, insurance, mining, mercantile, or other commercial business, whether carried on by any corporation, company, firm, or individual; or
(c) engage in or undertake any such business, whether as principal or agent; or
(d) engage or continue in the private practice of any profession or trade; or
(e) accept or engage or continue in any paid employment other than in connexion with the duties of his office or offices under the Commonwealth; or
(f) attend any course of instruction at any university or other educational establishment for the purpose of obtaining a degree, diploma, or similar qualification for any civil occupation or profession.

(2) This regulation shall not prevent an officer or soldier of the Permanent Forces from becoming or continuing to be a member or shareholder only of any incorporated company, or of any company or society of persons registered under any Act in any State or elsewhere; but an officer or soldier of the Permanent Forces shall not take any part in the conduct of the business of the company or society otherwise than by the exercise of his right to attend meetings and to vote as a member or shareholder.

(3) Any officer or soldier of the Permanent Forces who contravenes any provision of this regulation shall be guilty of an offence and liable to penalties as prescribed by A.M.R. 215.

212. Any officer or soldier of the Permanent Forces who, without the consent of the Military Board, under any circumstances, and any officer or soldier of the Citizen Forces, whether subject to military law or on war service or not, who, without such consent, and in relation to any transaction in which he is concerned in a military capacity, demands, requests, or receives, or offers, or consents, or agrees to receive, for his own benefit, or for the benefit of any other person, any payment, reward, gift, or loan from any person—

(a) in connexion with the sale or disposal or prospective sale or disposal of any public property, or of any property belonging to any military mess, band, or institution; or
(b) in connexion with the acquisition or prospective acquisition of any property for the use of any part of His Majesty's Military Forces, or of any military mess, band, or institution; or
(c) in connexion with the performance or prospective performance by any person, other than the officer or soldier, of any service in relation to any part of His Majesty's Military Forces or any military mess, band, or institution—

shall be guilty of an offence, and shall be liable to penalties as prescribed by A.M.R. 215.

213. Any member of the Citizen Forces who, having been required to serve pursuant to a proclamation made under Part III. of the D.A., and any person who, having been required to serve pursuant to Part IV. of the D.A., fails, without lawful excuse, for a period of less than seven days, to join his corps, or to attend at the time and place at which he should be present, shall be guilty of an offence, and shall be liable to penalties as prescribed by A.M.R. 215.

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214. Any person who, having been required to serve pursuant to Part IV. of the D.A., refuses to undergo medical examination, shall be guilty of an offence, and shall be liable to a penalty of twenty pounds, or imprisonment not exceeding three months, or both.

DIVISION 4.—PENALTIES.

215. (1) For a contravention of any provision of those regulations which can be committed only by an officer or soldier, or by a person subject to the D.A., as if he were an officer or soldier, and for which no other penalty is provided by those regulations, penalties may be inflicted by a civil court or a court martial:

(a) In the case of an officer or a person subject to the D.A., as if he were an officer, according to the scale following, that is to say:

(i) Imprisonment, with or without hard labour, for a term not exceeding three months.
(ii) Dismissal from the Defence Force.
(iii) Reduction of rank either in the Military Forces, or in the corps to which the offender belongs, or in both.
(iv) Forfeiture in the manner prescribed in the R.P. of seniority of rank either in the Military Forces, or in the corps to which the offender belongs, or in both, or in the case of an officer whose promotion depends upon length of service, forfeiture of all or any part of his service for the purposes of promotion.
(v) A fine not exceeding twenty pounds.
(vi) Reprimand or severe reprimand.
(vii) Payment of such amount as is sufficient to make good any loss of or damage to any article vested in the Commonwealth, or in the C.O. of the offender's corps, occasioned by his wilful default or neglect, and any expenses occasioned by the offence.

(b) In the case of a soldier or a person subject to the D.A., as if he were a soldier, according to the scale following, that is to say:

(i) Imprisonment with or without hard labour, for a term not exceeding three months.
(ii) Detention for a term not exceeding three months.
(iii) Discharge from the Defence Force.
(iv) In the case of a N.C.O., reduction to a lower grade or to the ranks.
(v) In the case of a N.C.O., forfeiture in the manner prescribed by the R.P. of seniority of rank.
(vi) A fine not exceeding twenty pounds.
(vii) In the case of a N.C.O., reprimand or severe reprimand.
(viii) Payment of such amount as is sufficient to make good any loss or damage to any article vested in the Commonwealth, or in the C.O. of the
offender's corps occasioned by his wilful default or neglect, and any expenses occasioned by the offence.

Provided that—

(i) Two or more penalties shall not be inflicted together except as hereafter in this sub-regulation authorized.

(ii) The penalty of such dismissal or discharge, or reduction in rank or grade or forfeiture of seniority of rank or service as is before in this sub-regulation mentioned, may be inflicted, but only by court martial, either alone as a punishment provided for the offence in respect of which it is inflicted or in addition to any other penalty or to other penalties by this sub-regulation authorized to be inflicted together.

(iii) The penalty of such payment to make good loss or damage or expenses as is before in this regulation mentioned may be inflicted either alone, as a penalty provided for the offence in respect of which it is inflicted or in addition to any other penalty or to other penalties by this sub-regulation authorized to be inflicted together, but only by court martial.

(iv) An officer of the Citizen Forces not liable to be trained under Part XII. of the D.A. or an officer of the Permanent Forces shall not be reduced below commissioned rank.

(v) The punishment for the offence of drunkenness committed by a soldier not on duty shall not exceed detention with or without a fine not exceeding Five pounds.

(vi) The penalty for the offence of behaving in a scandalous manner unbecoming the character of an officer or a gentleman shall be dismissal.

(vii) For the purposes of commutation and revision of punishment, each punishment contained in the scales in this sub-regulation shall be less than the punishment which precedes it in the scale in which it occurs, except that detention shall not be a less punishment than imprisonment, if the term of detention is longer than the term of imprisonment.

(viii) An officer of the Citizen Forces not liable to be trained under Part XII. of the D.A. or an officer of the Permanent Forces shall be sentenced to dismissal before he is sentenced to imprisonment.
(ix) An officer of the Citizen Forces liable to be trained under Part XII. of the D.A. shall be sentenced to reduction to the ranks before he is sentenced to imprisonment.

(x) An officer, W.O., or N.C.O., when sentenced to forfeiture of seniority of rank, may also be sentenced to reprimand or severe reprimand.

(2) Sub-regulation (1) of this regulation shall apply to a W.O. not holding an honorary commission in like manner as if he were a N.C.O., but subject to the following modifications:

(a) He may not be sentenced by a D.C.M. except to one or, in accordance with sub-regulation (1) of this regulation, more than one of the following penalties, that is to say:

(i) Dismissal from the Defence Force.
(ii) Reduction to an inferior class of W.O. or to a lower grade existing in the corps to which he belongs, or (if he is a member of the Citizen Forces but not liable to be trained under Part XII. of the D.A., or of the Permanent Forces, and was originally enlisted as a private soldier and belongs to a corps which comprises private soldiers, or if he is a member of the Citizen Forces and is liable to be trained under Part XII. of the D.A., or if he is serving or immediately liable to serve under Part IV. of the D.A. but not otherwise) to the ranks.
(iii) Forfeiture of seniority of rank by being reduced to the bottom or any other place in the list of the rank which he holds.
(iv) A fine not exceeding Twenty pounds.
(v) Reprimand or severe reprimand.
(vi) Payment of such amount as is sufficient to make good any loss or damage to any article vested in the Commonwealth or in the C.O. of the offender's corps occasioned by his wilful default or neglect and any expenses occasioned by the offence.

(b) He may be sentenced by any court martial having power to try him, other than a D.C.M., to any penalty or penalties which under this sub-regulation a D.C.M. has power to inflict, and to any other penalty or penalties to which he is liable as a soldier under sub-regulation (1) of this regulation.

(c) He may be sentenced by a civil court to any penalties which, under sub-regulation (1) of this regulation, a civil court has power to inflict on a soldier.

(3) If a W.O. liable under this regulation to reduction to the ranks, or a N.C.O., is sentenced under this regulation to imprisonment or detention or to a fine of or exceeding Five pounds, he shall be deemed to be reduced to the ranks.
216. For the purpose of its application to the Military Forces, A.A. 44 shall be read with the modifications and adaptations in this regulation mentioned, that is to say—

(a) The scale of punishments applicable to officers shall be read—

(i) As if next after paragraph (e) there were inserted the following paragraph:

"(ee) Reduction of rank either in the Military Forces of the Commonwealth of Australia or in the corps of those forces to which the offender belongs or in both"; and

(ii) As if in paragraph (f) next after the word "army" there were inserted the words "which expression shall include the Military Forces of the Commonwealth of Australia"; and

(iii) As if there were inserted next after paragraph (f) the following paragraph:

"(ff) a fine not exceeding Twenty pounds."

(b) The scale of punishments applicable to soldiers shall be read—

(i) As if next after paragraph (l) there were inserted the following paragraph:

"(ll) Discharge from the Defence Force of the Commonwealth of Australia"; and

(ii) As if there were inserted next after paragraph (mm) the following paragraph:

"(mmm) A fine not exceeding Twenty pounds"; and

(iii) As if at the end of paragraph (n) there were inserted the words "prescribed or authorized by this Act".

(c) The proviso shall be read—

(i) As if in paragraph (1n) there were inserted at the end the words "except under section 106 of the Defence Act of the Commonwealth of Australia”.

(ii) As if in paragraph (2n) next after the words "Army Council", where they occur in two places, there were inserted the words "or the Military Board of the Commonwealth of Australia”.

(iii) As if in paragraph (4) there were inserted at the end the words "or discharged from the Defence Force of the Commonwealth of Australia”; and

(iv) As if in paragraph (11) all words after the word "provided" were omitted and there were inserted in their place the words "by regulations made under the Defence Act of the Commonwealth of Australia, or, in the alternative, with
reference to military decorations or military rewards, by Royal Warrant or otherwise by competent authority"; and

(v) As if there were inserted at the end the following paragraphs:

"(14) No member of the Military Forces of the Commonwealth of Australia shall be sentenced to death except for mutiny, desertion to the enemy or traitorously delivering up to the enemy any garrison, fortress, post, guard or ship, vessel or boat, or traitorous correspondence with the enemy."

"(15) A court martial may order an offender to pay such amount, if any, as is sufficient to make good any loss of or damage to any article vested in the Commonwealth of Australia or in the commanding officer of his corps occasioned by his wilful default or neglect, and any expenses occasioned by the offence."

"(16) A sentence of dismissal or discharge from the Defence Forces of the Commonwealth of Australia or of forfeiture of seniority of rank or reduction in grade or rank, or an order under the paragraph (15) of this proviso, may be imposed in addition to any punishment provided by this Act for the offence."

"(17) A court martial may, under section 106 of the Defence Act of the Commonwealth of Australia, in lieu of sentencing an offenders to penal servitude, sentence him to imprisonment, with or without hard labour, for the same period as that for which he might have been sentenced to penal servitude or for any less period."

"(18) Subject to the exceptions in this paragraph mentioned, a fine shall not be inflicted for an offence against any of the following sections of this Act, that is to say: Sections 4, 5, 6 (except when not on active service), 7, 8 (except threatening and insubordinate language under sub-section (2) when not on active service), 9 (1), 9 (2) (except when not on active service), 10 (1), 12, 14 (1), 16, 18 (2), (4), and (5), 20 (except when the act is wilful), 23 (2), 25, 26, 27, 28, 29, 30, and 37 (2)."

217. For the purpose of its application to the Military Forces, A.A. 182 (2) (a) shall be read with the following modifications, that is to say:

as if—

(a) next after the words "this Act" there were inserted the words "or the Defence Act of the Commonwealth of Australia or any regulations made thereunder"; and
(b) next after the words "as a soldier" there were inserted the words "or he is serving or immediately liable to serve under Part IV. of the Defence Act of the Commonwealth of Australia, or being a member of the Citizen Forces under that Act, he is liable to be trained under Part XII. thereof."

**DIVISION 5.—ARREST AND SUSPENSION.**

218. For the purpose of its application to the Military Forces, A.A. 45 shall be read with the following adaptation, that is to say, as if next after the words "under this Act" there were inserted the words, "or under the Defence Act of the Commonwealth of Australia or any regulations made under that Act."

219. The power of ordering the arrest of a member of the Military Forces under D.A. 113 shall be exercisable by any person on whom the power is conferred by these regulations.

220. For the purposes of D.A. 113, a member of the Military Forces is "on duty"—

(a) in the case of the Permanent Forces, at all times; and  
(b) in the case of the Citizen Forces—

(i) during the whole period of any continuous training which he attends; and
(ii) when on parade; and
(iii) when performing any military function in or out of uniform.

221. In this division, unless the contrary intention appears—

(a) "Liable to arrest" means on duty within the meaning of A.M.R. 280 or in uniform, or on war service; and
(b) "Military custody" means arrest without confinement, or confinement, and includes arrest and detention under D.A. 113.

222. (1) Any officer liable to arrest charged with an offence triable by court martial may be ordered into military custody—

(a) by the Military Board; or
(b) by any military member thereof; or
(c) if he is under the command of a formation, &c., commander, by that commander, whether of superior rank or not.

(2) (a) An officer may order into military custody an officer of inferior rank liable to arrest charged with an offence triable by court martial, or any officer liable to arrest charged with an offence triable by court martial; and
(b) Any W.O. or N.C.O. may order into military custody any soldier of inferior rank liable to arrest charged with an offence triable by court martial; and
(c) An officer may order into military custody any officer liable to arrest (though he is of superior rank) engaged in a quarrel, fray, or disorder; and any such order shall be obeyed, notwithstanding the person 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 Military Forces.
223. An officer, W.O., or N.C.O. commanding a guard, or a provost-marshal or assistant provost-marshal shall not refuse to receive or keep any person liable to arrest who is committed to his custody by any officer, W.O., or N.C.O.; but it shall be the duty of the officer, W.O., or N.C.O. who commits any person into custody to deliver at the time of such committal, or as soon as practicable, and in every case within 24 hours thereafter, to the officer, W.O., N.C.O., 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.

224. (1) 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 or his being brought before a civil court, a special report of the necessity for further delay shall be made by his C.O. in the manner prescribed by sub-regulation (2) of this regulation, and a similar report shall be forwarded every eight days until a court martial is assembled or the officer or soldier is brought before a civil court or is released from custody. The report is to be made whether the person in custody is a patient in hospital, or for whatever cause the case is not proceeded with, and even though the cause of the delay lies with the officer to whom the report is to be made.

(2) The special report for the necessity of further delay required under sub-regulation (1) of this regulation shall be made by means of a letter from the C.O. of the officer or soldier in military custody, reporting the necessity to the officer to whom application would be made to convene a court martial for the trial of the officer or soldier.

(3) On the receipt of every such report, the officer to whom application for trial would be submitted should satisfy himself as to the necessity for the continuance of such person in military custody.

225. (1) Military custody of an officer, W.O., or N.C.O. liable to arrest is usually arrest without confinement, but an officer, W.O., or N.C.O. may, if circumstances appear so to require, be placed for custody under the charge of a guard, picket, patrol, or sentry, or of a provost-marshal or assistant provost-marshal.

(2) Arrest without confinement of an officer, W.O., or N.C.O. is either close arrest or open arrest. An officer, W.O., or N.C.O. ordered into arrest shall be in close arrest, unless open arrest is expressly indicated.

(3) An officer, W.O., or N.C.O. under close arrest may not leave his quarters or tent except to take such exercise under supervision as a medical officer considers necessary.

(4) An officer, W.O., or N.C.O. under open arrest—

(a) may take exercise at stated periods within defined limits, which will usually be the precincts of the barracks or camp of his unit; but those limits may be enlarged at the discretion of the officer commanding on the spot; and

(b) 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; but
(c) shall not use his own or any other mess premises, or appear
in any place of public amusement or entertainment, or at
public assemblies, or appear outside his quarters or tent
otherwise than in uniform.

(6) A W.O. or N.C.O. under arrest may not enter a liquor bar or
corporal's room.

226. (1) Military custody in the case of a private soldier
liable to arrest will be open or close arrest.

(2) A private soldier under open arrest—

(a) will not quit barracks or camp until his case has been
disposed of; and
(b) will attend parades; but
(c) except in the circumstances mentioned in A.M.R. 227, should
not be detailed for duty.

(3) A private soldier on being placed under close arrest will be—

(a) placed in confinement under the charge of a guard, piquet,
patrol, sentry, or provost-marshal or assistant-provost-
marshal; and
(b) searched and deprived of knives and other weapons.

227. (1) An officer or soldier while under arrest should
not be required to perform any duty, except as mentioned in A.M.R. 226, or such as is necessary to relieve him from the charge of any cash,
stores, accounts, or office of which he has charge or for which he is
responsible: Provided that on active service he may be ordered to bear
arms, attend parades, and perform all his ordinary duties, but so that
he shall not be called upon to perform any duty not performed by
soldiers not in arrest and not undergoing punishment.

(2) An offender while under arrest shall not bear arms, except—

(a) as mentioned in sub-regulation (1) of this regulation; or
(b) by order of his C.O. in an emergency or on the line of
march; or
(c) in detention barracks or barrack detention rooms by order of
the commandant, for the purpose of instruction, exercise,
or practice.

(3) If an offender while under arrest is ordered to bear arms or
perform any duty, he shall not thereby be absolved from liability to
be proceeded against for his offence.

228. A person whose arrest is discontinued under D.A. 113 shall
be deemed to be suspended until his case is disposed of or the
suspension is removed.

229. When a soldier makes a confession of desertion or of having committed an offence in relation to enlistment, and the investigation cannot immediately be completed, he need not be placed
under arrest or under suspension pending inquiry; but if at the time
of the confession or subsequently he is charged with an offence triable
by court martial, he may be placed under suspension, or, if liable to
arrest, under arrest, and trial for that offence may proceed
independently of the confession.
230. (1) An officer or soldier of the Citizen Forces, whether liable to arrest or not, charged with an offence triable by court martial, in this regulation called a military offence, may be suspended.

(2) An officer or soldier of the Permanent Forces or the Citizen Forces, whether liable to arrest or not, by whom a military offence is alleged or suspected to have been committed, may be suspended while inquiry into the matter is made, and until, in consequence of the inquiry or on other information relating to the matter, he is charged with such an offence and (if liable to arrest) placed under arrest or the suspension is removed.

(3) If an officer or soldier, while suspended under this regulation, is placed under arrest in consequence of a charge not connected with the matter in respect of which he was suspended, his suspension shall nevertheless be deemed to continue until disposed of as provided in sub-regulation (2) of this regulation.

(4) Whether liable to arrest or not, an officer or soldier against whom, for a military offence or any other offence, a prosecution is commenced in a civil court, or who is charged as mentioned in sub-regulation (2) of this regulation, but is not placed under arrest, may be suspended or may be left under suspension until the prosecution or charge is finally disposed of.

(5) Suspension shall commence on the day on which it is communicated to the person suspended.

(6) An officer or soldier under suspension shall be deemed to have been suspended in respect of every military offence which, before the suspension is removed, he is alleged or suspected to have committed before or after the suspension began, and in respect of every prosecution against him which is commenced in a civil court before his suspension is removed.

(7) An officer or soldier while under suspension—

(a) shall not be entitled to receive any pay or allowance in respect of the period of suspension; and,

(b) when liable to arrest, shall be under the same disabilities as if he were under open arrest, except that, being an officer, he may wear plain clothes.

(8) An officer or soldier of the Citizen Forces shall not by suspension be relieved from any liability imposed on him by the D.A., but he shall be subject to the following provisions of this sub-regulation:

(a) He shall attend drills, but if an officer, W.O., or N.C.O., he shall do so in plain clothes. An officer, W.O., or N.C.O. so attending shall report himself to the proper person to record his attendance, and the attendance shall be recorded.

(b) He shall assemble for continuous training, or if called out for war service, as if he was not under suspension, and having assembled shall remain in attendance under suspension.

(c) When not liable to arrest, he shall not wear uniform except in accordance with this regulation, or unless ordered by his superior officer, and he shall not take part in any military meeting of any nature or any rifle match.
(9) If a charge is not made and a civil prosecution is not commenced against an officer or soldier in relation to a matter in respect of which he has been suspended, or if all charges made and prosecutions commenced are respectively abandoned, dismissed, or result in acquittal, the suspension shall be removed and the officer or soldier shall become entitled to receive pay and allowances as if there had been no suspension; but if the officer or soldier is convicted on any such charge or prosecution he shall forfeit all pay and allowances for the period during which he was under suspension.

(10) Suspension under this regulation may be ordered or removed by the Adjutant-General or a formation, &c., commander, or the C.O. of the person suspended.

231. (1) A member of the Citizen Forces, whose trial by court martial has been ordered, may be arrested as authorized by D.A. 114 and detained in military custody, or under a warrant issued under D.A. 115 until disposal of his case.

(2) A person liable to be tried by court martial, who has ceased to be a member of the Military Forces, may be arrested and detained as described in sub-regulation (1) of this regulation.

232. (1) Warrants for arrest under D.A. 114 may be issued by—
(a) any military member of the Military Board; or
(b) a formation, &c., commander; or
(c) a brigade commander; or
(d) an assistant adjutant-general or other officer filling the like office; or
(e) a brigade major or other officer filling the like office; or
(f) the C.O. of the person to be arrested.

(2) Warrants for temporary detention under D.A. 115 (1) may be issued by—
(a) any officer mentioned in paragraphs (a), (b), (c), (d), or (e) of sub-regulation (1) of this regulation; or
(b) the C.O. of the person to be detained; or
(c) any officer having or being responsible for the custody or control of the person to be detained.

(3) Temporary detention under a warrant issued by a C.O. or an officer having or being responsible for the custody or control of the person to be detained shall not exceed seven days.

(4) Places of imprisonment, places of detention, police stations, and lock-ups shall be authorized places for the purposes of D.A. 115.

(5) In this regulation with reference to a person charged with having, out of the Commonwealth or on war service, committed an offence triable by court martial—
(a) the expression "places of imprisonment" shall include every place in which the person could be confined permanently or temporarily if he were a military prisoner under sentence of a court martial for the offence charged; and
(b) the expression "places of detention" shall include every place in which the person could be confined permanently or temporarily if he were a soldier undergoing detention under sentence of a court martial for the offence charged.
(6) Any of the officers mentioned in sub-regulations (1) and (2) of this regulation or the person nominated as president of the court martial by whom a person is to be tried may order the delivery into military custody of a person in temporary detention under D.A. 115.

233. The mere release of a person from arrest or the removal of a suspension shall not operate to condone any offence.

DIVISION 6.—PROVOST STAFF.

234. Provost-marshal and assistant provost-marshal may be appointed by—
   (a) the Military Board; or
   (b) a formation, &c., commander, if authorized by the Military Board; or
   (c) a general officer in command of a body of the Military Forces out of the Commonwealth or on war service in the Commonwealth.

235. (1) A provost-marshal, or an assistant provost-marshal, or any person authorized by a provost-marshal or assistant provost-marshal, either generally or with reference to any particular person or class of persons, may arrest and detain for trial any officer or soldier liable to arrest under A.M.R. 221 committing an offence against the D.A., or any regulation made under the D.A. or against the A.A.; and may also carry into execution any punishment imposed on any officer or soldier by sentence of court martial or a civil court, or by order of a C.O.

   (2) A provost-marshal or assistant provost-marshal shall not inflict any punishment of his own authority, except as mentioned in the proviso to A.A. 74 (2), or as expressly authorized by those regulations.

236. (1) A provost-marshal or an assistant provost-marshal may authorize members of the military police to give such orders to soldiers as the provost-marshal or assistant provost-marshal shall consider necessary for the maintenance of discipline and good order.

   (2) Soldiers, notwithstanding that they are of superior rank, shall obey orders so given by the military police.

   (3) Officers of whatever rank shall comply with the directions of a provost-marshal or assistant provost-marshal.

   (4) A breach of this regulation should be dealt with under A.M.R. 203 (1) (l) or A.A. 40, or if the circumstances are such as to constitute an offence against another provision of the A.M.R. or A.A., under that provision.

DIVISION 7.—INVESTIGATION OF CHARGES AND POWER OF COMMANDING OFFICER AND SUPERIOR AUTHORITY.

237. (1) The expression "commanding officer" in the provisions of these regulations relating to investigation of charges and power of commanding officer, whether contained in this division or elsewhere, unless the contrary intention appears, means the officer commanding a corps within the meaning of this regulation.

   (2) For the purposes of the provisions, mentioned in the last preceding sub-regulation, an officer whose duty it is under the D.A. or these regulations, or the A.A. or the R.P., or, in the absence of
provision, under the custom of the service, to deal with a charge against a person 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 under his command constitute a corps.

(3) For the purposes of this regulation a detachment constitutes a corps.

(4) For the purposes of this regulation, any body of the Military Forces forming a part of a unit and for the time being separated from the head-quarters of the unit under such circumstances that it is impracticable for the C.O. of the unit, in the ordinary routine, personally to deal with offences committed by members of the body so separated, is a detachment.

(5) A formation, &c., commander or other authority having command of two or more detachments may associate them or any of them for the purpose of discipline, and place the associated detachments under the command of one officer, and the associated detachments shall constitute a corps of which the officer commanding shall be the C.O.

(6) To the extent of the powers conferred by these regulations on a company, &c., commander, he is a C.O., and the persons under his command constitute a corps.

238. For the purpose of the application to the Military Forces of the provisions of the A.A. and R.P. relating to investigation of charges and power of commanding officer and of proper superior military authority, references in those provisions to His Majesty's Regulations shall be read as references to regulations made under the D.A.

239. (1) In relation to charges against officers or soldiers of having committed, whether on war service or not, offences against the D.A., or regulations made under the D.A., and against officers or soldiers who have ceased to be on war service of having committed, when on war service, offences against the A.A.—

(a) investigation by C.O.'s shall be made in the manner directed by, and
(b) the powers (except as to the extent of punishment for offences committed when not on war service) and duties of C.O.'s and the rights and liabilities (except as to the extent of punishment for offences committed when not on war service) of persons charged, shall be the same as are provided by—

the A.A. and R.P. in force at the time of making these Regulations, but with such modifications and adaptations as are prescribed by the D.A. or any regulations made under the D.A.

(2) For the purpose of this regulation—

(a) references in the A.A. and R.P. to the A.A. shall be read as including references to the D.A. and any regulations made under the D.A.; and
(b) references in the A.A. and R.P. to His Majesty's Regulations shall be read as references to regulations made under the D.A.; and
(c) A.A. 46 shall be read as if—

(i) in sub-section (1) next after the words "court martial" there were inserted the words "or a civil court having jurisdiction"; and

(ii) in sub-section (3) for the words "this section" there were substituted the words "regulations made under the Defence Act of the Commonwealth of Australia."

240. (1) If a C.O. is under the rank of field officer, then in the case of a detachment the officer commanding the unit of which the detachment forms part (if the detachment is serving in the same command), or, in any case, a formation, &c., commander, or the officer commanding the garrison or station, or other authority under whose command the detachment or other corps is, may (having regard to the rank and experience of the C.O.) direct that, without the previous sanction of a superior authority, the powers of a C.O. shall not be exercised beyond the extent indicated in the direction.

(3) Notwithstanding any direction under this regulation, if in a C.O.'s opinion it is necessary for the preservation of discipline that, without reference to superior authority, he should exercise a power beyond the extent indicated in the direction, he may (subject to A.M.R. 249) do so to any extent not exceeding the power of a C.O., and the exercise of the power shall be conclusive evidence of the existence of such opinion.

(4) Every exercise of a power under the last preceding sub-regulation shall be reported immediately to the authority by whom the direction was given. The omission of a report shall not invalidate the exercise of the power, but the C.O. will incur disciplinary responsibility for the omission.

(4) The officer commanding a company, &c., forming part of a larger unit of which there is a C.O., may investigate charges and dismiss them or award punishments to the extent mentioned in A.M.R. 249, but shall not further exercise the powers of a C.O. The C.O. of any such larger unit may prevent the officer commanding any such company, &c., from exercising all or any of his powers of investigation, dismissal, and punishment, or limit him in the exercise of any of those powers. Nothing in this sub-regulation shall limit the power of the C.O. of a detachment.

241. Every C.O. 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 is reported to him, without the charge being investigated, unless investigation within that period seems to him impracticable, having 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 C.O. to the general or other officer to whom application would be made to convene a court martial for the trial of the person charged.

242. (1) When a member of the Citizen Forces is not on war service, and not attending continuous training, he may, by writing, signed by any proper military authority, and delivered to the member, or sent by post prepaid, addressed to him at, or left at his last known place of abode, be informed of a charge against him, and of the time and place appointed for the investigation of the charge; and,
if the member does not attend at the time and place appointed, the investigation may take place, and all powers in relation to the charge may be exercised in his absence, and the evidence may be reduced to writing without any preceding hearing.

(2) When such a case is adjourned, the adjourned hearing and any remand, reference, or re-hearing may take place in the absence of the accused, and the procedure prescribed by R.P. 4 and 5 shall be modified accordingly.

(3) When a charge is investigated in the absence of the accused under this regulation, and is dealt with summarily, the evidence shall be taken down in writing, and, with the award, shall be submitted to a formation, &c., commander, who may disallow the award, or confirm it with or without mitigation or remission of punishment, or commutation for any less punishment which might have been awarded, and the award shall not take effect until so confirmed.

(4) A soldier dealt with summarily in his absence under this regulation shall be deemed to have elected to be dealt with summarily, and R.P. 7 (A) shall not apply.

(5) Notwithstanding anything in this regulation, a charge against a member of the Citizen Forces may at any time be investigated, and all powers in relation thereto exercised at any time in his presence without previous notice; provided that a member of the Citizen Forces shall not be discharged or reduced without having been notified, in writing, of the charge against him.

(6) When the investigation of a charge is commenced in the presence of a member of the Citizen Forces, and is adjourned, and the member not being on war service, is informed, by writing, in the manner mentioned in sub-regulation (1) of this regulation, or orally, of the time and place to which the adjournment is made, and he does not attend at the time and place appointed, the investigation may be completed, and all powers in relation to the charge may be exercised in his absence; and the evidence may be reduced to writing without any preceding hearing, and sub-regulations (2) and (4) of this regulation shall apply.

243. When an offence (for which a person who has ceased to be a member of the Military Forces is liable to trial by court martial) is alleged to have been committed, the provisions of this regulation shall apply—

(a) If the person has been arrested, and the investigation has not been made or completed, the investigation shall be made and completed, as nearly as possible, in the same manner as if he had remained a member, and was on duty within the meaning of A.M.R. 197.

(b) If the person has not been arrested, the procedure prescribed by sub-regulations (1) and (2) of A.M.R. 243 shall be adopted.

(c) The case may not be dealt with summarily.

(d) The investigation may be made by any officer by whom it could have been made if the person had remained a member, or by any officer appointed or approved of for that purpose by a formation, &c., commander.

(e) The evidence may be reduced to writing without any preceding hearing.
244. (1) An investigation of a charge against an officer, or against a W.O. or N.C.O. of the Permanent Forces, whether the person charged requires it or not, may be made at the discretion of any of the authorities mentioned in this sub-regulation, that is to say:—

(a) The Adjutant-General.
(b) A formation, &c., commander.
(c) An authority having power to dispose of the case summarily; or
(d) The officer commanding the corps to which the person charged, for the time being, belongs or is attached.

(2) When a charge against an officer, or against a W.O. or N.C.O. of the Permanent Forces is investigated, the investigation may take place in the presence of any authority mentioned in the last preceding sub-regulation, or of such officer as any such authority directs, and the investigation and the taking down of the evidence may be carried out in one operation.

245. (1) If, on the investigation of a charge, sufficient evidence is not, in the opinion of the C.O., forthcoming as to whether the accused has, or has not, committed the offence; and there is, in the opinion of the C.O., no opportunity of carrying the investigation further at the time; and the offence charged, in the opinion of the C.O., is serious; or in the circumstances mentioned in A.M.R. 247, the accused may be released from arrest, and ordered to do duty, without prejudicing his liability to re-arrest when further evidence is forthcoming, and the matter can be further investigated. If, however, in the opinion of the C.O., the offence is not serious, and there is no probability of sufficient evidence being available within a reasonable time, the charge should be dismissed.

(2) When an accused person is released, as mentioned in the last preceding sub-regulation, such release shall be conclusive evidence of the existence of the opinions of the C.O. justifying the release.

(3) When a person is released from arrest under this regulation, he ceases to be under a charge, within the meaning of D.A. 119, of having committed the alleged offence in respect of which he is released; and if any further proceeding is taken with reference to that alleged offence, D.A. 119 and this regulation shall not operate to cause a forfeiture in respect of any period during which he has been so released, or preceding the release.

246. When a soldier elects to be tried by court martial, the C.O. may, if he thinks the circumstances of the case justify it, release the accused from arrest pending trial.

247. If, when a soldier is charged with an offence, another is disclosed which, in the opinion of the C.O., cannot immediately be completed or proceeded with, the investigation and trial in respect of the original offence may proceed independently, and the accused may be released in respect of the other charge under A.M.R. 245.

248. (1) Subject to the restrictions and modifications applicable to W.O.'s and N.C.O.'s, a C.O. may deal summarily with any offence against the A.A., the D.A., or any regulations made under the D.A., committed by a soldier.
(2) Where the charge is against a soldier for drunkenness, the C.O. shall dispose of the case summarily, unless the offence was committed on active service or on duty, or, unless by reason of the drunkenness, the offender was found unfit for a duty for which he had been warned; or unless the soldier has been guilty of drunkenness on not less than four occasions in the preceding twelve months; but nothing in this sub-regulation shall affect the jurisdiction of any court martial, or the right of the soldier to be tried by court martial. The obligation to deal summarily with a soldier imposed by this sub-regulation shall not apply to a N.C.O. charged with drunkenness.

(3) The expression “on duty” in this regulation includes on parade and on the line of march, including in the expression “line of march” the whole period between departure and arrival at destination. The definitions of the expression “on duty” in A.M.R. 197 and 220 shall not be applied in construing this regulation.

249. (1) A C.O., without reference to superior authority, shall not dispose summarily of a charge, except under one or more of the following provisions, that is to say—

(a) The following sections of the A.A.:—6 (except on active service); 6 (2) (threatening or insubordinate language only, and except on active service); 9 (2) (except on active service); 10 (except sub-section (1)); 11, 14, 15, 18 (1), and (3), 19, 20 (except when the act is wilful), 21, 22, 24, and 40.

(b) The following sections of the D.A.:—74, 79, 81, 135 (1A) (a), and (b), and 145 (1).

(c) Paragraphs (i), (ii), (iii), (iv), (xi), (xii), (xiii) (threatening or insubordinate language only); (xiv), (xvi), (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv), (xxv), and (xxvi) (except when the act is wilful); (xxvii), (xxviii), (xxix), (xxx), (xxxi), (xxxii), (xxxiii), (xxxiv), (xxxv), and (xxxvi) (except when the act is wilful); (xxxvii), (xxxviii), (xxxix), (xli), (xlii), (xliii), (xiv), (xlv), (xlvi), (xlvii), (xlviii), (lix), and (x) of A.M.R. 203 (1) and A.M.R. 205 (1) and 207:

Provided that a breach of this sub-regulation shall not invalidate a summary award of a C.O., but the disciplinary responsibility of any officer for such a breach shall not be removed by the validity of the award.

(2) A C.O. may refer a charge with which he might deal summarily under this regulation to the proper superior military authority for a direction, or with an application for trial by court martial.

(3) First offences and offences not of a serious nature of the classes mentioned in sub-regulation (1) of this regulation, and minor neglects and omissions, not arising from deliberate disregard of authority, should usually be dealt with summarily. A charge of an offence not mentioned in sub-regulation (1) of this regulation, which a C.O. desires to dispose of summarily, should be referred to the proper superior military authority by letter, stating the circumstances, and accompanied by the soldier’s conduct sheet.

(4) Subject to the restrictions and modifications applicable to W.O.’s and N.C.O.’s, and unless the soldier, having a right to trial by
court martial, claims such trial, a C.O. may, if authorized by, and shall, if directed by proper superior military authority, deal summarily with any offence against the A.A., the D.A., or any regulation made under the D.A.

250. A person shall not be liable to be tried by court martial where the charge has been dismissed, or the offence has been dealt with summarily by his C.O., and shall not be liable to be punished by his C.O. for any offence of which he has been acquitted or convicted by a competent civil court, or by a court martial.

251. Except as mentioned in D.A. 108 (2), A.A. 46 (8), and R.P. 7 (A), a soldier shall have no right to trial by court martial instead of being dealt with summarily by his C.O.

252. (1) When a C.O. has finally awarded punishment for an offence, he shall not afterwards increase the punishment for that offence.

(2) The award of a C.O. not subject to confirmation shall be final when the soldier has been removed from the presence of the C.O. by whom the award was made.

253. (1) It shall be the duty of the superior C.O., if any, to consider the award of a company, etc., commander on the day on which the award is made, and, if the superior C.O. thinks fit, to mitigate or remit any punishment, or to commute it for any less punishment which might have been awarded by the company, etc., commander; provided that the duty imposed by this sub-regulation shall not apply to the award of the C.O. of a detachment.

(2) Omission by a superior C.O. to consider an award of the company, etc., commander shall not invalidate the award, but the superior C.O. will incur disciplinary responsibility for the omission.

254. For the purpose of the commutation of punishments summarily inflicted, each punishment in each list contained in this regulation shall be less than the punishment which precedes it in that list; provided that a fine or deduction, exceeding in amount the total of a forfeiture or fine which has been awarded, shall not be substituted for that forfeiture or fine.

(a) List applicable to Citizen Forces not on war service—
- Discharge.
- Reduction in rank.
- Fine under A.M.R. 256 (2) (e), exceeding 10s.
- Fine under A.M.R. 256 (2) (f).
- Fine under A.M.R. 256 (5) (b).
- Severe reprimand.
- Reprimand.
- Extra guards or pickets (continuous training only).
- Admonition.

(b) List applicable to Citizen Forces on war service and Permanent Forces—
- Detention.
- Field punishment (on active service only).
- Forfeiture of pay or fine under A.M.R. 256 (2) (e).
- Fine under A.M.R. 256 (2) (f), or deduction from pay under A.M.R. 256 (2) (g).
Confinement to barracks.
Severe reprimand.
Reprimand.
Extra guards and picquets.
Admonition.

255. A proper superior military authority to whom a case is referred may—
(a) refer the case to a higher proper superior military authority; or
(b) direct the disposal of the case summarily; or
(c) if he has power to do so, convene a D.C.M. to try the case; or
(d) if he has power to do so, convene a G.C.M. to try the case; or
(e) if he has power to do so, dispose of the case summarily.

DIVISION 8.—SUMMARY AND MINOR PUNISHMENT OF SOLDIERS.

256. (1) In this regulation, unless the contrary intention appears, the word “offence” means—
(a) in relation to soldiers on war service, an offence against the A.A., an offence against the D.A., or an offence against a regulation made under the D.A., which can be committed on war service; and
(b) in relation to soldiers not on war service, an offence against the D.A., or a regulation made under the D.A., committed when subject to military law under these regulations.

(2) Subject to the soldier’s right to elect, before the award, to be tried by court martial, a C.O. may inflict summary punishments as mentioned in this sub-regulation, that is to say—
(a) (i) For an offence committed on war service by a private soldier of the Permanent Forces or Citizen Forces—
Detention not exceeding 28 days—under A.A. 46 (2) and D.A. 108 (3).
(ii) For an offence committed, when not on war service, by a private soldier of the Permanent Forces—
Detention not exceeding seven days.
(b) For an offence committed on active service by a private soldier of the Permanent Forces or Citizen Forces—under A.A. 46 (2) and D.A. 108 (3)—
(i) Field punishment not exceeding 28 days; and
(ii) Forfeiture of all ordinary pay for a period commencing on the day of the award, and not exceeding 28 days.
(c) For an offence committed, when not on war service, by a N.C.O. or private soldier of the Citizen Forces, not serving under Part XII. of the D.A., and not liable to be trained under that part, and being in the Commonwealth, but subject to sub-regulations (3) and (4) of this regulation:
Discharge.
(d) For an offence committed, when not on war service, by a W.O. or N.C.O. of the Citizen Forces, but subject to sub-regulations (3) and (4) of this regulation:
Reduction in permanent rank, or to the ranks.

(c) For an offence committed by a N.C.O. of the Citizen Forces, when not on war service, or by a private soldier of the Permanent Forces or the Citizen Forces, whether on war service or not:
A fine not exceeding in any case five pounds, but, in the Citizen Forces not on war service, exceeding ten shillings.

(f) Subject to sub-regulation (10) of this regulation, for an offence committed, when not on war service, by a N.C.O. or private soldier of the Permanent Forces or Citizen Forces:
A fine sufficient to make good any expenses caused by him, or any loss of, or damage, or destruction done by him to any arms, ammunition, equipment, clothing, or regimental necessaries, or military decoration, or to any buildings or property.

(g) For an offence committed on war service by a N.C.O. or private soldier of the Permanent Forces or Citizen Forces:
Any deduction from ordinary pay allowed to be made by a C.O. by A.A. 128 (4).

(3) Before awarding discharge or reduction of rank under paragraph (c) or (d) of sub-regulation (2) of this regulation, if the soldier has not already been notified, in writing, of the charge against him, the C.O. shall cause written particulars of the charge to be delivered to the soldier, or sent to him in the manner mentioned in A.M.R. 242, and if the soldier so requests, shall adjourn the case to enable him to show cause.

(4) An award of reduction or discharge of a W.O. or N.C.O. under paragraph (c) or (d) of sub-regulation (2) of this regulation shall not take effect unless it is confirmed under this sub-regulation.
Before any such award is made, the evidence shall be taken down in writing. Every such award and the evidence shall be submitted without delay to a formation, &c., commander, who—

(a) shall direct the dismissal of every undismissed charge which he thinks ought not to have been proceeded with, and

(b) if any charge is not dismissed, shall confirm the award, or direct that it be varied by the substitution of some less punishment that could have been awarded, or if the punishment is not in accordance with these regulations, by the substitution of a punishment in accordance with these regulations.
The C.O. shall give effect to the direction of the formation, &c.,
commander. Every award by which, under this sub-regulation, the
punishment of reduction or discharge is substituted, shall be submitted
to and dealt with by a formation, &c., commander, in the same manner
as an original award. An award confirmed under this sub-regulation
should be promulgated in the same manner as the sentence of a court
martial.

(5) Without the soldier having any right to claim trial by court
martial, a C.O. may inflict minor punishments, as mentioned in this
sub-regulation, that is to say:—

(a) For an offence committed, whether on war service or not, by a private soldier of the Permanent Forces, or on war service by a private soldier of the Citizen Forces:—

Confinement to barracks not exceeding fourteen days.

(b) For an offence committed, when not on war service, by a private soldier of the Citizen Forces:—

A fine not exceeding ten shillings.

(c) For an offence by a private soldier of the Permanent Forces or, on war service, or during continuous training, by a private soldier of the Citizen Forces:—

Extra guards or picquets: provided that this punish-
ment shall not be awarded except for minor
irregularities when on or parading for a guard or
picquet.

(d) For an offence committed, whether on war service or not, by a N.C.O. of the Permanent Forces or Citizen Forces:—

Reprimand or severe reprimand.

(e) For an offence committed, whether on war service or not, by a N.C.O. or private soldier of the Permanent Forces or Citizen Forces:—

Admonition.

(6) Field punishment and forfeiture of ordinary pay may be
awarded separately or conjointly, but a conjoint award should not be
made unless it is intended that the period of forfeiture of pay shall
extend beyond the period of field punishment, or that pay shall be for-
feited for days during the period of field punishment during which the
soldier is not in custody.

(7) Subject to the following provisions of this regulation:—

(a) A fine under paragraph (f) of sub-regulation (2) of this
regulation, when not on war service, or deduction from
ordinary pay when on war service, may be awarded alone
or with any other punishment or punishments authorized
by this regulation; and
(b) all or any one or more of the punishments mentioned in any one of the lists contained in this sub-regulation may be awarded conjointly or separately:

(i) On war service—
Detention.
Forfeiture of ordinary pay (on active service only).
Fine under sub-regulation (2) (e) of this regulation.
Deduction from ordinary pay.
Confinement to barracks.
Extra guards or picquets.

(ii) In the Permanent Forces not on war service—
Detention.
Fine under sub-regulation (2) (e) of this regulation.
Confinement to barracks.
Extra guards or picquets; and

(iii) In the Citizen Forces not on war service—
Fine under sub-regulation (2) (e), or (5) (b) of this regulation.
Extra guard or picquets (during continuous training only).

(8) When detention exceeding seven days is awarded, a minor punishment shall not be added.

(9) When an award includes detention and a minor punishment, the minor punishment shall take effect at the termination of the detention.

(10) The total of fines in any award shall not exceed five pounds.

(11) Except as authorized by these regulations, a C.O. shall not in one award include more than one punishment.

257. (1) The term of detention, when awarded by a C.O. in days, shall begin on the day of the award, and, when awarded in hours, shall begin at the hour when the soldier is received at the place of detention to which he is committed, or, if he has not sooner been received into a place of detention, shall begin on the day after the day of the award at the hour fixed for the commitment of soldiers under sentence.

(2) The term of field punishment awarded by a C.O. shall begin on the day of the award.

258. When a soldier undergoing detention or confinement to barracks is, for a fresh offence, awarded further detention or a minor punishment, or both, the further punishment, if mentioned in the table contained in this regulation, shall begin at the time specified in that table, provided that under awards of a C.O.:

(a) No soldier shall be kept in detention for more than seven consecutive days when not on war service, or more than 28 days when on war service; and

(b) A continuous punishment of detention and confinement to barracks shall not exceed 21 days when not on war service, or 43 days when on war service.
<table>
<thead>
<tr>
<th>Nature of Further Award</th>
<th>Nature of Punishment being Undergone</th>
<th>Time of Commencement of Further Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Detention</td>
<td>Confinement to Barracks</td>
<td>If awarded in days, on the day of the further award. If awarded in hours, at the hour at which the soldier is received into detention or, if not sooner received into detention, on the day after the day of the further award at the hour fixed for the commitment of soldiers under sentence.</td>
</tr>
<tr>
<td>(ii) Detention</td>
<td>Detention</td>
<td>If awarded in days, on the day of the further award. If awarded in hours, at the hour fixed for the commitment of soldiers under sentence, on the day after the day of the further award, if the soldier is re-committed that day, but if not re-committed that day, then on the day after the day of the further award at the hour fixed for the commitment of soldiers under sentence.</td>
</tr>
<tr>
<td>(iii) Detention and Confinement to barracks</td>
<td>Confinement to barracks</td>
<td>The detention as in (i) above. The confinement to barracks at the termination of the previous award of confinement to barracks or the termination of detention whichever last occurs.</td>
</tr>
<tr>
<td>(iv) Confinement to barracks</td>
<td>Confinement to barracks</td>
<td>At the termination of the previous award.</td>
</tr>
</tbody>
</table>

**259.** An award of detention should be made, if not exceeding seven days, in hours; if exceeding seven days, in days.

**260.** (1) A company, &c., commander may exercise the power conferred by A.M.R. 258 only by inflicting minor punishments and fines for drunkenness, as mentioned in this regulation, that is to say:

(a) On a N.C.O. below the rank of sergeant, or the appointment of lance-sergeant of the Permanent Forces or the Citizen Forces, **whether on war service or not:**
   (i) Reprimand, but not severe reprimand.
   (ii) Admonition.

(b) On a private soldier of the Permanent Forces **at any time,** or of the Citizen Forces **on war service:**
   (i) A fine for drunkenness according to the scale contained in A.M.R. 275.
   (ii) Confinement to barracks not exceeding seven days.
   (iii) Admonition.

(c) On a private soldier of the Permanent Forces **at any time** or of the Citizen Forces **on war service or during continuous training—**
   Extra guards or pickets.

(d) On a private soldier of the Citizen Forces **not on war service—**
   (i) A fine not exceeding five shillings.
   (ii) Admonition.
261. For the purpose of its application to the Military Forces, A.A. 46 (9) shall be read as if for the words “the King's Regulations” there were substituted the words “regulations made under the Defence Act of the Commonwealth of Australia.”

262. (1) A W.O. shall not be summarily punished by a C.O. except as authorized by A.M.R. 256 (2) (d).

(2) A N.C.O., except as expressly authorized by these Regulations, shall not be subjected to a summary or minor punishment, nor punished by his C.O. by being placed in a lower position on the list of his rank.

(3) An acting or lance N.C.O. of the Permanent Forces or the Citizen Forces may be ordered, under A.M.R. 184, by his C.O. to revert to his permanent rank, but, when an order is made in consequence of an offence, a summary or minor punishment, except under paragraph (f) or (g) of A.M.R. 256 (2), shall not be awarded for that offence.

263. (1) Defaulters should be required to answer to their names at uncertain hours throughout the day, and should be employed on fatigue duties to the utmost 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 are not, in the opinion of the C.O., sufficient to keep the defaulters fully employed, the C.O. may order that they attend punishment drill, but they should not be required to attend punishment drill after the expiration of ten days after the commencement of the award of confinement to barracks. Soldiers of the Australian Army Medical Corps undergoing confinement to barracks should not be required to attend punishment drill when actually doing duty in hospital.

(2) Punishment drill should not exceed one hour at a time, and should consist of marching in quick time and not of instructional drill. It should not be carried out on Sundays. In very cold weather the double time may be used for short periods. Punishment drill should be carried out in marching order. In the cavalry and other mounted arms, it should not exceed two hours on any one day. In the infantry and other dismounted arms, it should not exceed four hours on any one day. Punishment drill should be carried out in the barrack yard or drill ground. When troops are in billets defaulters should, if practicable, be marched out under a N.C.O. on a road, but should not be drilled in the streets of a town. Punishment drill should not be carried out after retreat unless an authority superior to the
C.O. considers that, owing to climatic or other reasons, it is expedient, in which event the superior authority may sanction the exception.

(3) A soldier is not to be required to undergo confinement to barracks in lieu of any award or part of an award of confinement to barracks, which has expired while he was absent with or without leave, or in hospital, or in confinement, or under sentence or doing duty, or under any other circumstances by which he has avoided the usual incidents of confinement to barracks; but in making an award for absence without leave a C.O. should take into consideration the fact that the offender during his absence should have been undergoing punishment.

264. (1) A C.O. may remit the whole or any part of a summary or minor punishment of a private soldier which has not been completed, provided that the power conferred by this regulation shall not be exercisable by a company, &c., commander unless he is the C.O. of a detachment.

(2) For the purpose of this regulation a fine shall be regarded as completed when it has been deducted from the pay of the soldier or has been paid.

265. (1) If any punishment awarded by a C.O. appears illegal or excessive, the Military Board, or the Adjutant-General, or a superior officer, as defined by this regulation, to be wholly illegal, the Military Board, or the Adjutant-General, or the superior officer, shall direct that the award be cancelled, and the entry in the records of the person concerned expunged.

(2) If the punishment awarded by a C.O. appears to the Military Board or the Adjutant-General or a superior officer, as defined in this regulation, to be in excess of the punishment authorized by law for the offence, the Military Board or the Adjutant-General or the superior officer may vary the punishment so that it shall not be in excess of the punishment authorized by law, and the entry in the records of the person concerned shall be varied accordingly.

(3) If the punishment awarded by a C.O. appears to the Military Board or the Adjutant-General or a superior officer, as defined in this regulation, to be too severe, having regard to all the circumstances of the case, the Military Board or the Adjutant-General or the superior officer may remit the whole or a part of the punishment awarded, and the remission shall be entered in the records of the person concerned.

(4) In this regulation the expression "superior officer" means an officer not below the rank of colonel-commandant who is also superior in rank to the C.O. who awarded the punishment.

DIVISION 9—SUMMARY PUNISHMENT OF OFFICERS, W.O.'S, AND N.C.O.'S.

266. (1) For the purpose of its application to the Military Forces, the power conferred by the A.A. to deal summarily with a charge against an officer or a W.O. shall be subject to the modifications prescribed by this regulation, that is to say:—

(a) In respect of an offence committed when on war service, out of the Commonwealth, the power may be exercised by—

(i) any authority mentioned in A.A. 47; or
(ii) the general officer in chief command of the body of the Military Forces to which the officer or W.O. charged, for the time being, belongs; or

(iii) any officer not under the rank of major-general appointed for the purpose by the Military Board or by the general officer mentioned in paragraph (a) (ii) of this sub-regulation.

(b) In respect of offences committed when on active service in the Commonwealth or by a person forming part of a body of the Military Forces in the Commonwealth and mobilized for active service, the power may be exercised only by—

(i) any general officer or colonel-commandant authorized to convene a G.C.M.; or

(ii) the general officer in chief command of the body of the Military Forces to which the officer or W.O. for the time being belongs; or

(iii) any officer, not under the rank of major-general, appointed for the purpose by the Military Board or by the general officer mentioned in paragraph (b) (ii) of this sub-regulation.

(c) In respect of offences committed when on war service in the Commonwealth by officers or W.O.’s, not being on active service and not forming part of a body of the Military Forces mobilized for active service only by—

(i) any general officer or colonel-commandant authorized to convene a G.C.M.; or

(ii) any general officer, not under the rank of major-general, appointed for the purpose by the Military Board; or

(iii) any authority prescribed by these regulations for dealing summarily with a charge against an officer or W.O. of having committed an offence when not on war service.

267. A charge against an officer or W.O. who has ceased to be on war service of having committed an offence when on war service may be summarily disposed of—

(a) as if the officer or W.O. was still on war service; or

(b) in the manner and by an authority prescribed by these regulations for dealing summarily with a charge against an officer or W.O. of having committed an offence when not on war service; provided that no punishment shall be imposed which could not have been imposed on war service.
288. (1) In respect of offences committed when not on war service any of the following authorities, that is to say:

(a) the Adjutant-General; or
(b) any general officer appointed for the purpose by the Adjutant-General; or
(c) a formation, &c., commander—

shall have power to deal summarily with a charge against an officer of the Military Forces below the rank of field officer, or against a W.O. or N.C.O. of the Permanent Forces of having committed, when subject to military law under these regulations, an offence against the D.A. or a regulation made under the D.A.

(2) The procedure preliminary to dealing with a charge against an officer, W.O., or N.C.O. under this regulation shall, subject to this regulation, be the same as if the officer, W.O., or N.C.O. were to be tried by court martial.

(3) The procedure applicable to the investigation of a charge by a C.O., with such variations as are necessary to adapt it to the provisions of this regulation, shall be followed at the hearing (if any) of evidence under this regulation.

(4) An authority mentioned in sub-regulation (1) of this regulation may, after or without hearing the evidence, dismiss the charge if he in his discretion thinks that it ought not to be proceeded with; or may, if he thinks that it ought to be proceeded with, take steps for bringing the accused to trial by court martial, or

(a) after hearing the evidence, or,
(b) if the accused consents in writing to dispense with that hearing, on reading a summary of evidence and hearing the accused, if he so desires,

deal summarily with the case by awarding one or more of the following punishments, that is to say:

in the case of an officer—

(i) forfeiture of seniority of rank in the Military Forces or in the corps to which the offender belongs, or in both; or, in the case of an officer whose promotion depends upon length of service, forfeiture of all or any part of his service for the purposes of promotion;
(ii) sevrae reprimand or reprimand; and,

in the case of a W.O. or N.C.O.—

(iii) such reduction of rank or forfeiture of seniority of rank as could be imposed by D.C.M.;
(iv) severe reprimand or reprimand; and,

in the case of an officer, W.O., or N.C.O.—

(v) fines and payment of sums of money (not exceeding £20 in all) which could be imposed for the offence by a G.C.M.

(5) An award of forfeiture of seniority of rank of an officer under this regulation may be to take rank and precedence in his corps or the Military Forces, or in both, as if his appointment to the rank or ranks held by him and specified in the award bore the date of some day or days specified in the award and later than the actual date of his said appointment, or to take precedence in the rank hold by him in...
his corps or in the Military Forces, or in both, as if his name had appeared a specified number of places lower in the list of his corps or of the Military Forces, or in both. In the case of a W.O. or N.C.O., the award shall be to take rank and precedence as if his appointment to the rank held by him and specified in the award bore the date of some day specified in the award, and later than the actual date of his said appointment.

(6) When it appears to an authority mentioned in this regulation that a charge should be summarily dealt with under this regulation, the authority shall, unless he awards only a severe reprimand or a reprimand, in every case ask the accused whether he desires to be dealt with summarily or to be tried by court martial; and if he elects to be tried by court martial, shall take steps for bringing him to trial by a court martial, but otherwise shall proceed to deal with the case summarily. If the authority deals summarily with the case, having omitted to ask the accused, as required by this sub-regulation, the accused may, at any time within 24 hours after the award, claim to be tried by court martial; but, if such claim be not made, the award shall not be invalidated by reason of the omission of the authority.

(7) In respect of any offence committed, when not on war service, by a W.O. or N.C.O. of the Permanent Forces an authority mentioned in sub-regulation (1) of this regulation may authorize the brigade major of a cavalry brigade or of an infantry brigade or an officer of the Permanent Forces, not below the rank of field officer, to exercise on his behalf the powers conferred upon that authority by this regulation; provided that an officer so authorized shall not award any punishment other than severe reprimand or reprimand.

265. An authority having power to deal summarily with a charge against an officer, W.O., or N.C.O., should not, without the previous sanction of a superior military authority, exercise the power, except when the offence is against one or more of the following provisions, that is to say—

(a) The following sections of the A.A.: 6 (except on active service), 8 (2) (threatening or inordinate language only and except on active service), 9 (2) (except on active service), 10, 11, 14, 15, 19, 20 (except when the act is wilful), 21, 22, 26, 28 (1), 30 (1), 31 (2) and (4), 34, 39, and 40.

(b) The following sections of the D.A.: 74, 79, 81, 95, 135 (1a) (a) and (b), and 145 (1).

(c) Paragraphs (1), (ii), (iii), (vii), (viii), (xiiii) (threatening or inordinate language only), (xiv), (xv), (xxvi), (xxvii), (xxviii), (xxix), (xxx), (xxxii), (xxxiii), (xxxiv), (xxxv), (xxxvi), (xxxvii), (xxxviii) and (xxxix) (except when the act is wilful), (xxxx), (xxxxii), (xxxxiii), (xl), (xlii), (xliv), (xl), (l), (liv), (lix), and (lx) of A.M.R. 203 (1) and A.M.R. 207.

270. An officer, W.O., or N.C.O. shall not be liable to be tried by court martial where the charge has been dismissed or the offence has been dealt with summarily, and shall not be liable to be punished summarily for any offence of which he has been acquitted or convicted by a competent civil court or by a court martial.
271. (1) The provisions of A.M.R. 265 shall apply to summary punishments of officers, W.O.'s, and N.C.O.'s for offences committed when not on war service in the same manner as they do to summary punishments of soldiers awarded by C.O.'s.

(2) For the purpose of its application to the Military Forces, R.P. 10 shall be read as if—

(a) after the words "Army Council" wherever they occur there were inserted the words "or the Military Board of the Commonwealth of Australia or the Adjutant-General of the Military Forces of the Commonwealth of Australia";

and

(b) after the words "Commanding-in-Chief in the field" there were inserted the words "or the officer in chief command of a body of Australian Military Forces in the field."

DIVISION 10.—DRUNKENNESS.

273. In this division simple drunkenness means an act of drunkenness not committed on active service nor on duty within the meaning of A.M.R. 248, nor after having been warned for such duty, nor under such circumstances that by reason of the drunkenness the offender was found unfit for a duty for which he had been warned.

274. When a private soldier is guilty of simple drunkenness, and, in connexion therewith, is charged with a more serious offence for which he is tried by court martial, he should not be charged with drunkenness before the court martial unless he is liable to trial for it under A.M.R. 248 or A.A. 46, and the C.O. considers that he should be tried for drunkenness; but as a record of the drunkenness, when a charge for it is not preferred before the court martial, the C.O. should make an entry in the guard report of the drunkenness, either imposing a fine, if appropriate, or making a note in the punishment column to the following effect: "No punishment; awaiting trial on another charge." If an entry of a conviction by a court martial is subsequently made, it should be bracketed with the note, which will not then be considered to be a separate entry.

275. In dealing with the offence of simple drunkenness committed by soldiers of the Citizen Forces on war service or of the Permanent Forces the directions contained in this regulation as to the imposition of fines should be observed.

(a) For the first offence during a soldier's service, no fine should be imposed.

(b) For the second offence, a fine of Ten shillings should be imposed.

(c) For the third and every subsequent offence, a fine of One pound should be imposed.
(d) If the third or subsequent offence occurs within six months of the last preceding offence, a fine of Thirty shillings should be imposed.

(e) If the third or subsequent offence is within three months of the last preceding offence, a fine of Two pounds should be imposed.

(f) Time during which a soldier is absent from duty without leave, or by reason of undergoing a sentence, should not be reckoned in the periods mentioned in this regulation.

(g) As directed by A.M.R. 278, a soldier should not be punished for drunkenness by a fine when his unpaid fines amount to Two pounds or more.

(h) For the purpose of this regulation, the service of a soldier of the Citizen Forces shall be reckoned to have commenced on the day on which he entered on the period of war service which he is performing when the offence is committed.

DIVISION 11.—DEsertion AND offences relating to enLISTMENT.

276. (1) When any soldier of the Citizen Forces on war service or of the Permanent Forces has been absent without leave from his duty for a period of 21 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 C.O. of the absent soldier, if required to do so by any regulation made under the D.A. or by the order of a proper military authority, shall enter in the regimental books a record of the declaration of such court.

(2) If the absent soldier does not afterwards surrender or is not apprehended, such declaration or record shall have the legal effect of a conviction by court martial for desertion.

(3) A court of inquiry under this regulation shall, when assembled, require the attendance of such witnesses as they think sufficient to prove the absence and other facts specified in this regulation as matters of inquiry.

(4) They will take down the evidence in writing, and at the end of the proceedings shall make a declaration of the conclusions at which they have arrived in respect of the facts they are assembled to inquire into.

(5) The proceedings of the court of inquiry shall be preserved whether a record of the declaration is entered in the regimental books or not.

(6) The court of inquiry shall examine all witnesses who may be desirous of coming forward on behalf of the absentee, and shall 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, shall give due weight to the evidence of all such witnesses.
(7) A court of inquiry under this regulation shall administer the same oath or solemn declaration to the witnesses as if the court were a court martial, but the members of such court shall not themselves be sworn.

277. (1) For the purpose of its application to the Military Forces, A.A. 73 shall be read with the following modifications and adaptations, that is to say—

(a) Sub-section (1) as if next after the words “absent soldier” there were inserted the words “if required to do so by any regulation made under the Defence Act of the Commonwealth of Australia or by the order of a proper military authority.”

(b) Sub-section (2) as if next before the word “record” there were inserted the words “declaration or.”

(2) For the purpose of its application to the Military Forces, R.P. 125 shall be read as if in the place of sub-rule (c) the following were substituted:

“(c) The proceedings of the court of inquiry will be preserved whether a record of the declaration is entered in the regimental books or not.”

278. (1) A court of inquiry under A.M.R. 276 or A.A. 72 shall be assembled by the C.O. of the absent soldier.

(2) The court may be composed of any number of officers of any rank and of any part of His Majesty’s Military Forces.

(3) The court may be re-assembled as often as the C.O. may direct, for the purpose of examining additional witnesses or further examining witnesses or recording further information.

(4) The proceedings of the court shall be forwarded to the C.O.

(5) A soldier who is tried by a civil court or a court martial in respect of any thing to which the declaration of a court of inquiry under A.M.R. 276 or A.A. 72 relates shall be entitled to a copy of the proceedings, including the declaration of the court, if in the opinion of his C.O., the copy can be procured within a reasonable time, and on payment of Three pence for every folio of 25 words.

279. (1) Where a soldier signs a confession that he has been guilty of desertion or of fraudulent enlistment, a competent military authority may make an order dispensing with his trial by court martial, and by that or 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.

(2) If upon any such confession, evidence of the truth or falsehood cannot then be conveniently obtained, the record of such confession, countersigned by the C.O. 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 is discharged or until legal proof can be obtained of the truth or falsehood of such confession.

(3) The competent military authority for the purpose of this regulation means the Military Board, the Adjutant-General, or a formation, &c., commander, or the officer in chief command of a body of the Military Forces out of the Commonwealth.
280. For the purpose of the application to the Military Forces of A.A. 73 the authorities mentioned in A.M.R. 279 (3) shall be competent military authorities.

281. (1) Before a soldier signs a form of confession of desertion or fraudulent enlistment, the C.O. should explain to him that if his trial is dispensed with he will be liable to suffer the same forfeitures and deductions from pay as if convicted by a court martial; and, in the case of desertion, the C.O. should satisfy himself that the soldier understands thoroughly that he is confessing to desertion and not merely to absence without leave.

(2) A confession of desertion or fraudulent enlistment should be in or to the effect of such one of the following forms as is appropriate:

FORM OF CONFESION OF DESERTION.

I, [here insert name] do hereby confess that I am No. of the corps and that I deserted from that corps on [enlisted in particulars should be added].

Signed this day of 19

(Signature of soldier).

I have explained to the above-named soldier the effect of this confession, and I am satisfied that he understands thoroughly the nature and consequences of the same, and that he is not immune from trial under D.A. 103 or A.M.R. 299.

Signed this day of 19

(Signature of C.O.)

NOTE.—When the soldier confesses more than one offence of desertion, the form should be appropriately varied.

*Strike out what is inapplicable.

FORM OF CONFESION OF FRAUDULENT ENLISTMENT.

I, [here insert name] now being No. of the corps, do hereby confess that I was No. in the corps, and that I absented myself from that corps on and that I fraudulently enlisted in the Australian Military Forces on the day of at

Signed this day of 19

(Signature of soldier).

I have explained to the above-named soldier the effect of this confession, and I am satisfied that he understands thoroughly the nature and consequences of the same, and that he is not immune from trial under D.A. 103 or A.M.R. 299.

Signed this day of 19

(Signature of C.O.)

NOTE.—When the soldier confesses to more than one offence of fraudulent enlistment, the form should be appropriately varied. If the confession includes both desertion and fraudulent enlistment, both the above forms should be combined in one form of confession.

282. (1) When a soldier has signed a confession of desertion or fraudulent enlistment and it is not considered desirable that he should be tried for his offence, application should be made to a com-
petent military authority under A.M.R. 279 or, on war service, under A.A. 73, as adapted by A.M.R. 280, for an order dispensing with trial and for appropriate forfeitures and deductions.

(2) An order should not be made when any fact stated by the soldier in his confession is inconsistent with his having committed the full offence of desertion or fraudulent enlistment, as the case may be.

(3) If the application is approved, an order should be made by the competent military authority under A.M.R. 279 or, on war service, under A.A. 73 as adapted by A.M.R. 280, in or to the effect of the following form:—

**FORM OF ORDER DISPENSING WITH TRIAL.**

As it appears from the annexed confession that No. has signed a confession that he has been guilty of *[desertion] [fraudulent enlistment]. I being a competent military authority under *[A.M.R. 279] [A.A. 73] hereby dispense with trial of the said soldier, to take effect *[this day] [on the day of 19], and award the same forfeitures and the same deductions from pay (if any) as would have been consequential upon conviction by a court martial for the said offence except (here set out the forfeitures and deductions, if any, which the soldier is not to suffer).

**And I further order that the said soldier shall suffer deductions from his pay until he has paid or otherwise made good the value of the free kit obtained by him on his re-enlistment.**

Signed this day of 19

(Signature of competent military authority.)

NOTE.—When the confession includes both desertion and fraudulent enlistment, the form should be varied accordingly.

*Strike out what is inapplicable.

**May be omitted wholly or in part in accordance with the intention of the authority making the order.

(4) The actual period of absence and the amount necessary to satisfy the deductions ordered shall be ascertained by the C.O., and the deductions shall be in accordance with the period and amounts so ascertained.

283. (1) When a person within the Commonwealth or Territory is arrested by or surrenders himself to a member of the police force of the Commonwealth or of a State or of a Territory as an absconder or deserter from the Military Forces, or as a person liable to be tried by court martial for an offence, the officer of police in charge of the police station to which the person is brought or at which he surrenders himself, shall forthwith inquire into the case; and if satisfied by the admission of the person of his identity with a person for whose arrest a warrant under D.A. 114 has been issued, the officer of police shall detain the person, and with all convenient speed cause him to be delivered into military custody.

(2) When a person arrested within the Commonwealth or a Territory by a member of the police force of the Commonwealth or of a State or of a Territory, as an absconder or deserter or as a person liable to be tried by court martial for an offence, does not admit his identity with a person named in a warrant issued under D.A. 114, he
shall be brought before a court of summary jurisdiction charged with
being a person for whose arrest a warrant under D.A. 114 has been
issued; and the court, if satisfied either by evidence on oath, or by the
admission of the person that he is a person for whose arrest a warrant
under D.A. 114 has been issued, shall cause him to be delivered into
military custody, and, until he can be so delivered, shall cause him to
be detained in some prison, police station, or other place in which
persons in custody may lawfully be confined.

(3) The court may from time to time remand the person for a
period not exceeding eight days, and not exceeding in the whole such
period as appears to the court to be reasonable, for the purpose of
obtaining evidence whether the person is a person for whose arrest
a warrant under D.A. 114 has been issued.

(4) If within such period as appears to the court to be reasonable
the court is not satisfied that the person is a person for whose arrest
a warrant under D.A. 114 has been issued, the court shall discharge
the person.

(5) A discharge under sub-regulation (4) of this regulation shall
not operate as a bar to a subsequent arrest or entitle the person to be
discharged if again brought before a court under this regulation.

(6) The officer of police by whom a person is detained under this
regulation for delivery into military custody or to be brought before a
court, shall with all convenient speed inform the proper military
authority of the detention for delivery into military custody, or, if the
person is to be brought before a court, of the time and place at which
he is to be brought before the court.

(7) An officer of police, who, under this regulation, delivers a
person into military custody, shall sign and give to the officer, W.O.,
or N.C.O., into whose custody the person is delivered, a certificate in
or to the effect of the following form:—

FORM OF CERTIFICATE.

I, (name) (rank) of Police of the [Commonwealth of Australia]
[State of.....................] [Territory..................] certify that
.....................(Regiment, Corps) [was
arrested by] [surrendered himself to] (name and
police rank) at.....................(place of arrest or surrender) as
[an absconder] [a deserter] [from the Military Forces] [a person liable
to be tried by court martial for an offence] and that I have this day
delivered him into military custody.

Signed this __ day of __, 19

Note.—Strike out the words in brackets which are inapplicable.

284. When, pursuant to a warrant under D.A. 114, a
member of the Military Forces, whether after surrendering himself or
otherwise, is arrested by a member of the Defence Force, the person
arrested shall be delivered into military custody with all convenient
speed.

285. When, subject to the A.A., and within the United
Kingdom or a British Possession, other than the Commonwealth or a
Territory, a person who—

(a) is apprehended by a member of the civil police on suspicion
of being a deserter or absentee without leave from the
Military Forces; or
(b) surrenders himself to the civil police as being a deserter or absence without leave from the Military Forces—shall be dealt with as prescribed by A.A. 154.

286. (1) When a person who has been required to serve pursuant to Part IV. of the D.A., absents himself without leave for a longer period than seven days from the place at which he should be present, a warrant for his arrest as a deserter may be issued.

(2) Arrest on any such warrant may be effectuated by a member of the Defence Force, or by a member of the police force of the Commonwealth, or of a State, or of a Territory.

(3) When a person mentioned in sub-regulation (1) of this regulation is arrested or surrenders himself, he shall be brought before a court of summary jurisdiction, or delivered directly into military custody as if he were an officer or soldier.

(4) When any such person is received into military custody, he shall be required to undergo medical examination, and, unless he is reported by the prescribed medical authority as unfit for any military service whatever, or proves in the prescribed manner that he is exempt from service, he shall be required to take the prescribed oath or affirmation, and to serve; and the charge against him will be investigated and disposed of in the same manner as if he, being a soldier present with his corps, had absented himself.

287. (1) Except as mentioned in sub-regulation (2) of this regulation, when a deserter is not claimed for service, a protecting certificate should be issued by the formation, &c., commander to whose command the unit of the deserter belongs.

(2) If a person in civil custody as a deserter or person liable to trial by court martial cannot conveniently be taken into military custody by reason of the distance of the place at which he is from a military station, or by reason of the delay which would necessarily take place in procuring evidence necessary for his trial, a formation, &c., commander may cause him to be discharged from custody without a protecting certificate, and such discharge shall not prevent his subsequent apprehension or trial.

288. A protecting certificate shall be in or to the effect of the form contained in this regulation, and when delivered to the person to whom it relates shall operate as a condonation of the offence in respect of which it is issued.

Protecting Certificate.

To all whom it may concern—

The person to whom this certificate has been issued, who has been committed as being No. , Rank , Name a deserter from the (Regiment) or (Corps). Age . Height . Eyes . Hair . Complexion .

IS NOT CLAIMED FOR SERVICE IN THE AUSTRALIAN MILITARY FORCES.

He is therefore not liable hereafter to arrest on suspicion of being a deserter whose present description is given above.

Signed at this day of 19

(Signature)
289. When a soldier has served continuously in an exemplary manner for not less than three years in the Citizen Forces on war service, or in the Permanent Forces, he should not be tried for any offence of desertion not committed on active service, or of fraudulent enlistment committed before the commencement of those three years. For the purpose of this regulation a soldier shall be considered as having served in an exemplary manner, if for a continuous period of three years he has had no entry in his regimental conduct sheet.

290. When a soldier who has fraudulently enlisted is held to serve, he shall serve on his last attestation, and no previous service shall count towards discharge.

DIVISION 12.—STOPPAGES OF PAY AND RECOVERY AND REMISSION OF FINES AND OTHER PECUNIARY PENALTIES AND RESTORATION OF FORFEITURE OF SENIORITY OR SERVICE.

291. For the purpose of their application to the Military Forces on war service—

(a) A.A. 136 shall be read as if for the words "His Majesty's regular forces" there were substituted the words "the Military Forces of the Commonwealth of Australia"; and

(b) A.A. 137 shall be read—

(i) as if for the words "regular forces" there were substituted the words "Military Forces of the Commonwealth of Australia"; and

(ii) as if sub-section (1) were omitted; and

(iii) as if in sub-section (4) next after the words "Army Council", there were inserted the words "or the Military Board of the Commonwealth of Australia"; and

(c) A.A. 138 shall be read—

(i) as if for the words "regular forces" there were substituted the words "Military Forces of the Commonwealth of Australia"; and

(ii) as if sub-section (4A) were omitted; and

(iii) as if in proviso (a) for the words "one penny" there were substituted the words "one-tenth of his ordinary pay"; and

(d) A.A. 139 shall be read—

(i) as if for the words "Royal Warrant" there were substituted the words, "regulations made under the Defence Act of the Commonwealth of Australia; and

(ii) as if for the words "such warrant", there were substituted the words "such regulations"; and

(iii) as if for the words "Army Council" there were substituted the words "any authority empowered by such regulations"; and
(e) A.A. 140 shall be read—

(i) as if in sub-section (1) next after the words “this Act” there were inserted the words “or the Defence Act of the Commonwealth of Australia, or any regulations made under that Act”; and

(ii) as if from sub-section (1) the words “and when deducted or recovered may be appropriated in such manner”, were omitted, and for the words “or order of the Army Council” there were substituted the words “made under the Defence Act of the Commonwealth of Australia”; and

(iii) as if from sub-section (2) the words “or order” were omitted; and

(iv) as if in sub-section (2) next after the words “this Act” there were inserted the words “or the Defence Act of the Commonwealth of Australia”; and

(v) as if in sub-section (3) next after the words “His Majesty’s order,” there were inserted the words, “or the order of the Governor-General of the Commonwealth of Australia”, and next after the words “a Secretary of State,” there were inserted the words, “or the Minister for Defence of the Commonwealth of Australia.”

292. Subject to A.M.R. 295, a soldier shall forfeit all pay and allowances in respect of every day during which, or any part of which, he is in confinement in consequence of his having confessed to having been guilty of desertion or fraudulent enlistment, if an order dispensing with his trial is made.

293. Subject to A.M.R. 295, a member of the Permanent Forces at all times, and a member of the Citizen Forces on war service, or during continuous training, shall forfeit all pay and allowances for every day during which, or any part of which, he is absent from duty, whether in hospital or elsewhere, on account of sickness or injury, certified by the medical authority attending him to have been caused by an offence against the D.A., or these regulations, or the A.A. of which he has been convicted.

294. (1) With the approval of a formation, &c., commander, there may be deducted from the pay (due or to become due) of a soldier of the Military Forces, the share he is required to contribute as belonging to a unit towards compensation for barrack damage, which appears to have been occasioned by the wilful act or negligence of a person or persons (who cannot be identified) belonging to the unit during the period while the unit was in occupation.

(2) For the purposes of this regulation the expression “barrack damage” means damage to, or loss or destruction of, any premises, including huts and tents, in which soldiers are quartered or billeted, or any appurtenances, fixtures, furniture, or effects therein, or appertaining thereto; and the expression unit includes any part of a unit.
(3) The share shall be proportionate to the number of persons from whom the compensation is to be recovered, and shall not exceed five shillings.

295. (1) An officer or soldier shall not be disentitled to receive pay or allowances—

(a) by reason of being under a charge—

(i) until the first day on which the charge is investigated by a proper military authority, or before a court martial, whichever first occurs; or

(ii) in respect of any day between the signature by the president of a court martial of the original sentence and promulgation, unless after confirmation the sentence is, or includes, penal servitude, imprisonment, or detention.

(b) in respect of any day on which he is under a charge, but is not, being an officer, W.O. or N.C.O., in arrest, or under suspension, or being a private soldier, in close arrest; or

(c) in respect of any day on which he is under a charge, but on which, in the ordinary course, or by the direction, or with the consent of a proper military authority, he performs any military duty, other than such as is performed in consequence of the charge; or

(d) in respect of any time under arrest from which he is released under A.M.R. 245, or any time under a suspension which is removed under A.M.R. 230 (8); or

(e) in respect of any period while under a charge, if only a minor punishment is imposed for the offence charged; or

(f) in respect of any period of less than six consecutive hours during which he is under a charge or under a sentence of imprisonment or detention or field punishment or absent from duty without leave or absent from duty on account of sickness or injury caused by an offence against the D.A. or these regulations or the A.A., provided that this paragraph shall not apply—

(i) to a soldier on the day on which he is released from imprisonment; or

(ii) to a W.O. or N.C.O. on the day on which he is reduced, if then in arrest or under suspension; or

(iii) to any period, however short, during which an officer or soldier is under a charge or absent from duty without leave, if by reason of the charge or absence, he was prevented from fulfilling any military duty which was thereby thrown on any other person; or

(g) in respect of any day during which or part of which a soldier undergoing field punishment is not in custody, unless he has been ordered to forfeit pay for that day under A.A. 44 or 49; or
(A) in respect of absence as a prisoner of war unless a court of inquiry, and the authority who assembled it or his successor have recorded their opinions that the officer or soldier concerned was taken prisoner through neglect or misconduct on his part, and he is not subsequently tried by a court martial on a charge arising out of the facts investigated by the court of inquiry, and acquitted, or unless he is convicted by a court martial of an offence against A.A. 4 (5) or 5 (3); or

(i) in respect of any other involuntary absence certified by his C.O. not to have been occasioned by the neglect or improper conduct of the officer or soldier.

(2) When anything, which by the D.A. or any regulation made under the D.A. disentitles an officer or soldier to receive pay or allowances—

(a) does not continue longer than for a period of twenty-four consecutive hours, whether wholly in one day or not, the period shall not be counted as more than one day; or

(b) commences before and ends after midnight and exceeds six consecutive hours, but does not exceed twenty-four hours, the period shall be counted as one day.

(3) An officer or soldier shall not be required to refund any of his pay or allowances issued while he was a prisoner of war.

296. (1) When, under power conferred by the A.A. or any regulations made under the D.A., a fine is inflicted on or a sum of money is ordered or awarded to be paid by or stopped from the pay of an officer or soldier, the fine or sum, to the extent to which it for the time being remains unpaid, shall be stopped from his pay, if any, due or to become due, and as soon as available; but nothing in this sub-regulation shall prevent the recovery of the fine or sum, or such part thereof as for the time being remains unpaid, by any other lawful method.

(2) No such fine or sum of money as is mentioned in this regulation shall be recovered, otherwise than by stoppages of pay, from any person while he is a member of the Citizen Forces on war service or of the Permanent Forces.

(3) The total of stoppages, under this regulation, to which a person may be subjected shall not, while he is a member of the Citizen Forces on war service, or of the Permanent Forces, be more than will leave to him, after paying for his messing and washing, if any, one-tenth of his ordinary pay, but the limit provided by this regulation shall not apply to any pay owing when the person ceases to be a member of the Permanent Forces or ceases to be on war service.

297. (1) Subject to A.M.R. 296 (2) any fine inflicted on or sum of money ordered or awarded by a court martial or summarily by proper military authority to be paid by a member of the Military Forces, under any power conferred by the A.A. or the D.A. or any regulations made under the D.A. or any part of such fine or sum for the time being unpaid, may be recovered with costs, in the name of His Majesty, in any court of summary jurisdiction constituted as required by the Judiciary Act 1920.
(2) A complaint, for the purpose of this regulation, may be made in the name of His Majesty, by the C.O. or adjutant of the corps to which the person liable to pay belongs or last belonged, or by an area officer or any officer authorized by a formation, &c., commander.

298. (1) Any pay or allowances which by the D.A. or any regulations made under the D.A. or by the A.A., any member of the Military Forces is disentitled to receive may be paid by the authority of—

(a) the Minister, or
(b) any officer in chief command of a body of the Military Forces out of the Commonwealth, or
(c) any officer authorized by the Minister.

(2) The Military Board may restore the whole or any part of any seniority or service lost by any sentence or award in the case of an officer, W.O. or N.C.O. who performs good or faithful service or who is otherwise deemed by the Military Board to merit such restoration.

DIVISION 13.—COURTS MARTIAL—CONVENING, CONSTITUTION, AND PROCEDURE.

299. For the purpose of its application to the Military Forces, A.A. 48 (10) shall be read as if—

(a) next after the words “this act” where they first occur, there were inserted the words “or the Defence Act of the Commonwealth of Australia”; and
(b) next after the words “Army Council” there were inserted the words “or Military Board of the Commonwealth of Australia”; and
(c) next after the words “Air Force” wherever they occur, there were inserted the words “or Royal Australian Air Force”.

300. Except where an intention to do so is expressed, nothing in these regulations shall affect any provision of the A.A. or of any rules or regulations made thereunder (other than the King’s Regulations and the Pay Warrant) in its application to a F.G.C.M.

301. (1) Any power conferred by or under the D.A., with reference to a court martial, may be exercised in relation to a court martial of the same kind convened by virtue of a power conferred by or under the A.A.

(2) Any power conferred by or under the A.A. which could be exercised in relation to a court martial convened under the A.A. may be exercised in relation to a court martial of the same kind convened by virtue of a power conferred by or under the D.A.

302. For the purpose of R.P. 20 (a) an officer of the Australian Staff Corps shall be deemed to be an officer of the regiment, brigade of artillery, battalion or other similar unit to which he is allotted for duty, and the direction that a G.C.M. or D.C.M. shall, as far as seems to the convening officer practicable, be composed of officers of different corps, shall not apply to other officers of the Australian Staff Corps.
303. In the case of a court martial for the trial of an accused person belonging to the Citizen and not to the Permanent 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, at least one half of the officers composing the court should belong to that branch of the Citizen Forces to which the accused belongs.

304. For the purpose of its application to the Military Forces R.P. 19 (A) shall be read as if after the word "law" there were inserted the words "under the Army Act or the Australian Military Regulations."

305. For the purpose of its application to the Military Forces, R.P. 17 shall be read as if—
(a) in sub-rule (A) next after the words "Army Act", there were inserted the words "or the Defence Act of the Commonwealth of Australia, or regulations made thereunder"; and
(b) in sub-rule (C) for the words "in the British Islands" (first occurring), there were substituted the words "in the Commonwealth of Australia", and for all words from and including "if in the British Islands" to the end of the sub-rule, there were substituted the words "to the Military Board of the Commonwealth of Australia, or in the case of a body of Australian Military Forces on active service outside the Commonwealth of Australia to the officer in chief command of that body"; and
(c) in sub-rule (D) at the end, there were inserted the following sentence: "members or waiting members shall not be detailed in the case of a court martial convened under a power conferred by or under section 86 or 87 of the Defence Act of the Commonwealth of Australia."

306. (1) The authority by whom a court martial is convened or any authority by whom the court could have been, or by whom a similar court could be convened may appoint a judge-adocate to the court, or for any trial by the court.
(2) A judge-adocate should always be appointed by the authority convening a court martial unless, in the opinion of that authority, an appointment is not, having due regard to the public service, reasonably practicable, or the nature of the case to be tried, or other circumstances, render it unnecessary.
(3) When a judge-adocate is not appointed to a court martial, or for a trial by court martial, the existence of the opinion justifying the omission shall be conclusively presumed.
(4) A judge-adocate may not be appointed for a trial after the commencement thereof.
(5) The appointment of a judge-adocate may be made in the order convening the court, or by any writing signed by the authority making the appointment.
(6) Nothing in this regulation shall affect the power of appointing a judge-adocate for a F.G.C.M. conferred by the R.P., or any other power of appointing a judge-adocate for a court-martial convened under a power conferred by or under the A.A.
307. For the trial of a member of the Citizen Forces, not on war service, or attending continuous training, a court martial, notwithstanding anything in R.P. 64—

(a) may assemble or re-assemble at 6 p.m. or 8 p.m., or any time between those hours; and

(b) if assembled, or first re-assembled, on any day at or after 4 p.m., may continue a trial until 10 p.m. without any such record as is mentioned in R.P. 64 (B), but if a trial is continued after 10 p.m., such record should be made.

308. For the purpose of their application to the Military Forces, the R.P. mentioned in this regulation shall be read with the following adaptations:

(a) Paragraph (i) of R.P. 22 (A)—As if at the end there were inserted the words “and the Defence Act of the Commonwealth of Australia, and the regulations made thereunder”; and

(b) Paragraph (ii) of R.P. 23 (A) as if next after the words “Army Act” there were inserted the words “or the Defence Act of the Commonwealth of Australia, or some regulation made thereunder”; and

(c) R.P. 32, as if there were inserted next after the words “Army Act” the words “or the Defence Act of the Commonwealth of Australia, or a regulation made thereunder, as the case may be”; and at the end the words “or the Australian Military Regulations”; and

(d) Paragraph (3) of R.P. 36 (A), as if in the place of the words “three years” in both places where those words occur, there were inserted the words “the time allowed by section 103 of the Defence Act of the Commonwealth of Australia.”

309. For the purpose of the trial of a member of the Military Forces, the form of oath and declaration prescribed by R.P. 26 and 28 (A) shall be read as if there were inserted therein:

(a) Next after the words “Army Act” the words “and the Defence Act of the Commonwealth of Australia and the regulations made thereunder”; and

(b) next after the words “Army Council” the words “or the Military Board.”

310. (1) Counsel appearing before a court martial, whether for the prosecution or for the accused, shall conform strictly to the R.P., and to the rules of civil courts in England relating to the examination, cross-examination, and re-examination of witnesses, and relating to the duties of counsel.

(2) Any barrister or solicitor of the High Court of Australia, or of the Supreme Court of a State, and any person who is deemed to be properly qualified under R.P. 93 shall be entitled to appear as counsel before a court martial.

(3) A court martial may refuse to permit the further appearance before the court of counsel who is guilty of conduct which, in the opinion of the court, requires or justifies such refusal; but in every
such case the court shall adjourn for such period as shall appear to
the court to be necessary to enable the accused to obtain the services
of other counsel, and shall report the adjournment to the convening
authority.

DIVISION 14.—FRAMING CHARGES.

311. The provisions of the R.P. in force at the time of
making these regulations, relating to the framing of charges for trials
by courts martial, so far as they are not inconsistent with the D.A.,
or any regulations made under the D.A., and with such modifications
and adaptations as are prescribed by the D.A., or any regulations
made under the D.A., shall be applied in framing charges against
officers or soldiers of having committed, whether on war service or not,
offences against the D.A., or any regulations made under the D.A.

312. For the purpose of its application to the Military
Forces, R.P. 13 shall be read with the following adaptations—

(a) Sub-rule (C), as if next after the words "Army Act"
there were inserted the words, "or the Defence Act of
the Commonwealth of Australia, or a regulation made
thereunder"; and

(b) Sub-rule (F), as if next after the words "ordinary pay"
there were inserted the words "or order under section
97 (c) of the Defence Act of the Commonwealth of Aus-
tralia."

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

(2) 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.

314. (1) Except as in this regulation mentioned a charge
sheet, in the case of a soldier, should be signed by the officer in actual
command of the unit to which the accused belongs.

(2) When it appears to a formation, &c., commander, or the officer
convening a court martial, that it is impracticable, having due regard
to the public service, to obtain the signature of a charge sheet by the
officer mentioned in the last preceding sub-regulation, the formation,
&c., commander, or the officer convening, should sign the charge sheet.
A charge sheet so signed shall be conclusively presumed to be sufficiently
signed.

(3) In the case of an officer a charge sheet should be signed by—

(a) the officer in actual command of the unit to which the
accused belongs; or
(b) a formation, &c., commander; or
(c) the officer who convenes the court; or
(d) any military member of the Military Board; or
(e) any officer authorized by the Military Board.

315. (1) Every charge sheet should show by the descrip-
tion of the accused, or directly by an express averment, that he is liable
sheets.
to trial by court martial in respect of the offence charged, and R.P. 12 (A), for the purpose of its application to the Military Forces, shall be read accordingly.

(2) Every charge sheet to which a form contained in the Appendices to these regulations is applicable, should begin in accordance with such one of the forms contained in that appendix as is appropriate.

316. (1) Subject to sub-regulation (3) of this regulation, charges of offences against the D.A. may be included in a charge sheet with charges of offences against regulations made under the D.A.

(2) Charges of offences against the D.A., or regulations made under the D.A., shall not be included in a charge sheet with charges of offences against the A.A.

(3) Charges of offences committed when subject to military law under A.M.R. 197 shall not be included in a charge sheet with charges of offences committed when not so subject.

DIVISION 15.—PREPARATION FOR DEFENCE BY ACCUSED PERSONS.

317. In relation to—

(a) persons charged with having committed, whether on war service or not, offences against the D.A. or regulations under the D.A.; or

(b) persons who have ceased to be on war service charged with having committed on war service offences against the A.A.—

the provisions of the R.P. in force at the time of making these regulations, and relating to preparation for defence by accused persons, shall be applied with such modifications and adaptations as are prescribed by these regulations.

318. When a summary of evidence has been taken in the circumstances mentioned in A.M.R. 248 or par. (b) of A.M.R. 243, R.P. 14 (B) and 15 shall be sufficiently complied with, if the documents mentioned in those R.P. are delivered to the accused or sent by post prepaid addressed to him at his last known place of abode, and if the information required by those R.P. to be given to the accused is similarly delivered or sent in writing.

DIVISION 16.—FINDING AND SENTENCE.

319. (1) For the purpose of its application to the Military Forces, A.A. 50 (5) shall be read as if next after the words "this Act" there were inserted the words "or the Defence Act of the Commonwealth of Australia or any regulations made thereunder."

(2) For the purpose of their application to the Military Forces the R.P. mentioned in this sub-regulation shall be read with the following adaptations:

(a) R.P. 44 (B) and (C), as if next after the words "Army Act" there were inserted the words "or the Defence Act of the Commonwealth of Australia or a regulation made thereunder as the case may be"; and
320. (1) When an offender is sentenced to pay a sum of money to make good the loss of an article which is subsequently and before payment returned in good order to the proper military authority, the sentence shall not be enforced in respect of the value of the article so returned.

(2) If after payment of any such sum any article to which it relates is returned in good order to the proper military authority, the person by whom the payment was made shall be entitled to a refund of the value of the article returned.

321. (1) When passing sentence, a court martial should have regard, not only to the nature and degree of the offence, to any extenuating or aggravating circumstances disclosed by the evidence, and to the previous character of the offender as proved in evidence, but also to the nature and amount of any deprivations which (by the operation of any Act or regulations or otherwise) he will suffer, by reason of the finding or sentence, in addition to the punishment imposed by the sentence. When awarding imprisonment or detention the court should keep in view the locality and climate in which the offender will have to undergo his sentence. Sentences should vary according to the requirements of discipline, but in ordinary circumstances, and for the first offence a sentence should be light. Care should be taken to discriminate between offences due to youth, inexperience, temper, sudden temptation, or unaccustomed surroundings and those due to premeditated misconduct.

(2) All convictions, whether by a civil court or a court martial, for offences (except offences which by direction under these regulations have not been entered in a regimental conduct sheet) committed by a soldier since his first enlistment, including those incurred in a state of desertion, should be given in evidence after a finding of guilty.

(3) When attention has been called in orders issued in the command to which the offender belongs to the unusual prevalence of the offence of which he has been found guilty, a court martial should also have regard to the fact that such warning has been issued.

(4) If the accused has elected to be tried by court martial instead of submitting to a summary award, his punishment should never, on that ground, be increased, and, in ordinary circumstances, the court should not award a heavier punishment than could have been awarded summarily.

(5) Discharge with ignominy cannot be imposed for an offence committed when not on war service or with a sentence of detention.

(6) Discharge may be imposed for an offence committed, whether on war service or not.

(7) A soldier who is convicted of an offence against A.A. 17 or 18 (4) or (5) or 41 or A.M.R. 203 (1), (xxviii), (xxxii), or (xxxiii), unless in the opinion of the court there are special reasons to the contrary, should, if liable to be sentenced to imprisonment, be so sentenced. In other cases, imprisonment should not usually be inflicted, except when, in the opinion of the court, it should be accompanied by discharge or discharge with ignominy. A soldier convicted of a purely military
offence who, at the expiration of his sentence will return to military duty, should not usually be sentenced to imprisonment; but this direction does not apply to offences committed on war service when, in the opinion of the court, the requirements of discipline necessitate a sentence of imprisonment, though discharge or discharge with ignominy is not inflicted.

(8) Detention was introduced into the scale of punishments in order that soldiers who are convicted of offences which do not call for discharge need not be subject to the stigma attached to imprisonment.

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

(10) Discharge or discharge with ignominy (if applicable) is usually advisable only in the case of a voluntarily enlisted soldier who has been twice previously convicted of desertion or fraudulent enlistment, or for an offence against A.M.R. 205 (1) (a), or for an offence falling within the descriptions contained in sub-regulation (11) (c) of this regulation. Discharge or discharge with ignominy (if applicable) should not usually be inflicted on war service, and should not be inflicted on a soldier serving under Part XII. of the D.A. unless there is a finding under D.A. 141.

(11) The punishments mentioned in the following table will usually be sufficient when not on war service:

<table>
<thead>
<tr>
<th>Offences</th>
<th>Punishment</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Detention</td>
<td>Imprisonment</td>
</tr>
<tr>
<td>(a) In the absence of a previous conviction,</td>
<td>Period</td>
<td></td>
</tr>
<tr>
<td>or of aggravating circumstances, or</td>
<td>Not exceeding</td>
<td>An addition of from 28 days detention may be made in the case of each previous conviction, whether</td>
</tr>
<tr>
<td>of antecedents appearing to require</td>
<td>28 days</td>
<td></td>
</tr>
<tr>
<td>a severe lesson, or of an unusual prevalence</td>
<td>Period</td>
<td></td>
</tr>
<tr>
<td>in the unit or garrison of the species of</td>
<td>for a</td>
<td></td>
</tr>
<tr>
<td>offence forming the subject of the charge*</td>
<td>sentence</td>
<td></td>
</tr>
<tr>
<td>First desertion within first six months’</td>
<td></td>
<td></td>
</tr>
<tr>
<td>service and when not under orders for</td>
<td></td>
<td></td>
</tr>
<tr>
<td>embarkation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leaving guard or post</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offences of sentries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insolence or threatening language</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disobedience not of a grave nature</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resisting escort, not involving an attempt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>at serious injury</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Breaking out of barracks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Neglect of orders</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Absence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Failing to appear at parade</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Being out of bounds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drunkenness</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Release of person or allowing person to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>escape (not wilfully)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Where an offence is unusually prevalent in a command, attention should be drawn to the fact periodically in local orders, and not by special directions to courts martial.
† Avoidance of embarkation or enrolling for a charge of desertion aggravates the gravity of the offences of absence and falling to appear on parade.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)—continued. Escaping from custody</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Striking a superior officer</td>
<td>Not exceeding 89 days</td>
<td></td>
</tr>
<tr>
<td></td>
<td>False evidence</td>
<td></td>
</tr>
<tr>
<td></td>
<td>False accusation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Conduct to prejudice, &amp;c. (not very grave)</td>
<td></td>
</tr>
<tr>
<td>(c) Ordinary theft</td>
<td>Not exceeding 89 days</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Gross violence to superiors</td>
<td></td>
</tr>
</tbody>
</table>

(12) Officers and soldiers who, if they were not members of the Permanent Forces, would be liable to be trained under Part XII. of the D.A., on being dismissed or discharged become liable to be so trained, except under the circumstances mentioned in D.A. 141.

(13) An officer cashiered or dismissed will not thereby be relieved from liability to serve in the ranks under Part IV. of the D.A.

(14) This regulation shall not limit the discretion of a court martial to pass any lawful sentence which in the opinion of the court is necessary.

(15) In respect of articles the values of which are not stated in the charge, a court martial should not include in their sentence any order for payment or stoppages.

(16) A sentence under D.A. 97 (c) should be in or to the effect of the following form:

"To pay the sum of to make good the following articles, viz.:--(here set out the articles and the individual amounts required to make good the loss or damage)."

(17) A sentence under D.A. 135 (4) should be in or to the effect of the following form:

"To be committed to confinement in the custody of a prescribed authority for a term of days."
322. A court martial, in framing sentences of imprisonment or detention, should observe the following directions:—

(a) Terms not amounting to six months should be awarded in days.

(b) Terms of one year and two or more years should be awarded in years.

(c) Other terms should be awarded in months, or, if required, in months and days.

323. In any sentence of penal servitude, imprisonment, detention, or field punishment, the word "month," unless the contrary intention is expressed, shall be construed as meaning calendar month.

324. A court martial may recommend the suspension of the currency of a sentence. Any such recommendation and the reasons for it shall be entered in and form part of the proceedings.

325. (1) A court martial after its sentence may add a finding in or to the effect of either or both of the forms contained in this sub-regulation:—

I.

Forms.

The court find that [the charge] of which the accused (insert number, rank, name, and regiment or corps) has been found guilty [is] [is a] [is disgraceful] [is crime] [are] [are an] [are infamous] [are crimes] within the meaning of section 141 of the Defence Act.

II.

The court find that the accused (insert number, rank, name, and regiment or corps) is of notoriously bad character within the meaning of section 141 of the Defence Act.

(2) A finding under this regulation should not be entered in or to the effect of—

(a) Form I, in respect of an offence which does not amount to a civil crime of a disgraceful or infamous nature; or

(b) Form II, unless the evidence satisfies the court that the accused is of notoriously bad character, apart from purely military offences.

(3) The power of entering a finding under this regulation shall not justify the reception, before sentence, of any evidence which would not be admissible if such a declaration could not be made.

(4) When it is intended to apply to a court martial for a finding under this regulation, notice of such intention and an abstract of the evidence, if any, on which it is intended to rely, should be given or sent to the accused in the same manner as in the case of a copy of a summary of evidence, and within such time before the application as to the court shall seem reasonable. If it appears to the court that the accused is liable to be prejudiced by any non-compliance with this sub-regulation, the court shall take steps to avoid the accused being so prejudiced, and, if necessary, adjourn.
(5) When a court martial of its own motion contemplates making a finding under this regulation, the accused shall be so informed, and in that event, or in the case of application by the prosecutor, the accused shall have the same rights with reference to the contemplated finding as he has in the usual proceedings after conviction and before sentence; and the court shall, if the accused so requests, and it appears to the court reasonable, adjourn to enable him to prepare his opposition to the making of such finding.

(6) The proceedings in contemplation of a finding under this regulation, unless they involve the taking of evidence which would not be admissible except for the purpose of such finding, may, and usually should, be combined with the usual proceedings after finding and before sentence.

(7) When a finding under this regulation is entered, the sentence should usually include discharge, or, on war service, if the sentence includes imprisonment or penal servitude, discharge or discharge with ignominy.

(8) The laws and regulations applicable to the revision, confirmation, and quashing of a finding of guilty shall apply to a finding under this regulation.

(9) A general minute of confirmation shall be construed as including a confirmation of a finding under this regulation.

DIVISION 17.—REVISION, CONFIRMATION, COMMUTATION, REMISSION, AND PROCEDURE AFTER CONFIRMATION.

326. For the purpose of its application to the Military Forces, whatever on war service or not, A.A. 54 shall be read with the following adaptations, that is to say:

(a) Sub-sections (4) and (5), as if next after the words “this Act” there were inserted the words “and the Defence Act of the Commonwealth of Australia and any regulations made under that Act”; and

(b) Sub-sections (7), (8), and (9), as if next after the words “this Act” there were inserted the words “or the Defence Act of the Commonwealth of Australia or any regulations made under that Act”.

327. For the purpose of their application to the Military Forces, A.A. 57 (1) and (2) shall be read as if—

(a) for the word “death” wherever it occurs there were substituted the words “penal servitude”; and

(b) for the words “penal servitude”, wherever they occur, there were substituted the word “imprisonment”.

328. A sentence of dismissal for an offence against A.M.R. 203 (1) (xxvii) may be commuted as if par. (vi) of the proviso to A.M.R. 215 (1) did not exist.

329. For the purpose of their application to the Military Forces, whether on war service or not, the R.P. mentioned in this regulation shall be read with the following adaptations, that is to say:

(a) R.P. 51 (A), as if in place of the words “His Majesty’s Regulations” there were inserted the words “the Australian Military Regulations”; and
(b) R.P. 56 as if—

(i) next after the words “Army Act” there were inserted the words “or the Defence Act of the Commonwealth of Australia or any regulations made thereunder”; and

(ii) next after the words “these rules” in both places where they occur there were inserted the words “or any regulations made under the Defence Act of the Commonwealth of Australia”; and

(iii) in place of the words “the commanding officer” where those words secondly occur, there were inserted the words “a person qualified to sign the charge sheet under the Australian Military Regulations”; and

(c) R.P. 57 (C), as if next after the words “His Majesty” there were inserted the words “or the Governor-General of the Commonwealth of Australia”.

330. (1) A penalty inflicted by a civil court for an offence against these Regulations punishable as mentioned in A.M.R. 215 may be mitigated, remitted, or commuted in the same manner, to the same extent, and by the same authorities as if the penalty had been awarded by sentence of a G.C.M. which had been confirmed.

(2) A penalty into which a penalty inflicted by a civil court is commuted under this regulation shall take effect as if the commutation had been of a penalty awarded by sentence of a court martial duly confirmed.

331. When the proceedings of a court martial are confirmed, but the sentence is wholly remitted or quashed, the remission or quashing, if the conviction stands, shall not affect any penalty or forfeiture consequent on the conviction but not forming part of the sentence.

332. (1) It is the province of the confirming authority to see that the findings and sentences of courts martial are legal, and, by the exercise of his powers of commutation and remission, to regulate the amount of punishment and ensure that no sentence is heavier than the interests of discipline and the circumstances of the case require. In exercising his power of commutation or remission, the confirming authority should be guided by the instructions in these Regulations, in order that, having due regard to the offender’s character and the circumstances of the case, no great disparity may exist between sentences awarded for similar offences.

(2) When a soldier convicted of an offence against A.A. 17 or 18 (4) or (6) or 41 or A.M.R. 208 (1) (xxviii), (xxxi), or (xxxiii), is sentenced to imprisonment, but the confirming authority considers that the offender need not be dishonoured in consequence of the conviction, the confirming authority should consider the propriety of commuting the sentence to detention. When a soldier for a purely military offence is sentenced to imprisonment without discharge or discharge with ignominy, the confirming authority should, except in special circumstances, commute the sentence to detention.
(3) When a sentence of imprisonment is commuted to detention, the term of detention shall not exceed the term of the sentence of imprisonment.

(4) Detention, being lower in the scale of punishments than imprisonment, cannot be commuted to imprisonment.

(5) A sentence of discharge or discharge with ignominy which does not appear to the confirming authority to be in accordance with A.M.R. 321 (10) should be commuted at the time of confirmation. If confirmation of a finding under A.M.R. 325 is refused, in the case of a person serving under Part XII. of the D.A., an accompanying sentence of discharge or discharge with ignominy should be commuted. When a soldier has been sentenced to imprisonment and to be discharged or discharged with ignominy, and the confirming authority commutes the imprisonment to detention, he shall, in the case of discharge with ignominy, which cannot accompany a sentence of detention, and may, in the case of discharge, remit the discharge or discharge with ignominy, or he may, if discharge appears to him, having regard to A.M.R. 321 (10), to be proper, commute the discharge with ignominy to discharge. A confirming authority who remits a sentence of discharge or discharge with ignominy should usually commute accompanying imprisonment to detention.

(6) As it is desirable that an offender be returned to the Commonwealth as a soldier, the part of a sentence which imposes discharge or discharge with ignominy should not usually be confirmed out of the Commonwealth.

333. As soon as the proceedings of a court martial in which the sentence is less than dismissal or discharge are received by an authority having power to confirm the sentence, the authority may, and under normal circumstances should, immediately order the release of the accused; but if the sentence is or includes forfeiture of seniority or reduction, the accused, in the interests of discipline, may be placed in open arrest instead of being released, and if released instructions should be given with the order for release that the accused, unless the exigencies of the service require, should not be placed on duty until after the promulgation.

334. (1) Whenever in the opinion of the confirming authority it is reasonably practicable, the proceedings of a court martial should be referred to the Judge-Advocate-General, a Deputy Judge-Advocate-General, a legal staff officer, or an officer of the Australian Army Legal Department, before confirmation.

(2) As far as practicable, the proceedings of courts martial should be referred to the Judge-Advocate-General or the Deputy Judge-Advocate-General at Head-quarters before they are transmitted to the Attorney-General for record; and the report, if any, of the Judge-Advocate-General or Deputy Judge-Advocate-General at Head-quarters, or a copy thereof, should be attached to the proceedings when so transmitted.

(3) An officer who has acted as Judge-Advocate at a trial by court martial should not, if it can possibly be avoided, and an officer who has acted as president, or member, or prosecutor at a trial by court martial, shall not in any circumstances advise upon the proceedings either before or after confirmation.
336. (1) When the confirming authority finds it necessary to comment upon the proceedings of a court martial which require confirmation, whether original or revised, his remarks shall be separate from and form no part of the proceedings. They shall be communicated in a separate minute to the president and members of the court, or, in exceptional cases where, in the interests of discipline, a more public instruction is required, they may be made known in the orders of the command. In no case shall he comment upon a finding of "not guilty," or upon the inadequacy of a sentence, and great care is to be taken not to interfere with the discretion with which the court is vested in the exercise of its judicial functions.

(2) 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 shall not annex his observations to the proceedings, but may embody them in a letter for the information of superior authority.

337. (1) Whenever a trial by court martial results in a conviction on any charge, the charge or charges, finding and sentence and any recommendation to mercy, together with confirmation or non-confirmation, shall be promulgated. Until promulgation has been effected, confirmation is not complete, and the finding and sentence shall not be held to have been confirmed until they have been promulgated.

(2) Except as mentioned in the next following sub-regulation, promulgation shall be effected by communication of the particulars mentioned in the last preceding sub-regulation to the person convicted.

(3) If at the time of signing the minute of confirmation, or at any time thereafter, the authority who confirms or refuses confirmation, or any authority for the time being qualified to confirm, signs on the proceedings a minute in or to the effect of the form contained in this sub-regulation, publication of the charge, finding, sentence, and confirmation or non-confirmation, and recommendation to mercy, if any, as directed by the minute last aforesaid, shall be sufficient promulgation.

FORM.

It appears to me to be impracticable to communicate with the accused owing to (here state cause of impracticability), and I direct that the charge(s), finding, sentence, and (confirmation) (and) (non-confirmation) (add, if any, "and recommendation to mercy") be published (here state the orders or other medium of publication selected).

Signature—

Date—
(4) The date of promulgation will, when practicable, be recorded in the proceedings.

(5) Notwithstanding promulgation in accordance with sub-regulation (5) of this regulation, the charge, finding, sentence, and confirmation or non-confirmation, and recommendation to mercy, if any, shall be communicated to the person convicted as soon as practicable; but omission of such communication shall not invalidate the promulgation.

338. (1) If it appears to a confirming authority that a finding of a court martial on any charge is illegal or involves injustice to the accused, and confirmation has not been completed, the confirming authority shall refuse confirmation of that finding, and proceed as directed in R.P. 54 (A).

(2) If a confirming authority is in doubt as to the propriety of confirming any finding of a court martial, and the circumstances admit of reference without undue delay, he should refer the case for the opinion of a superior authority.

(3) If after confirmation has been completed it appears that a finding on any charge is illegal or involves injustice to the accused, such finding shall be quashed, and the record of the conviction on that charge shall be removed and the accused relieved from all consequences of his trial on that charge.

(4) If, after confirmation has been completed, it appears that a sentence or part of a sentence is invalid, and a valid sentence is not substituted under the powers conferred by R.P. 54 (C), the sentence, or the invalid part of the sentence, shall be quashed. When part of a sentence is quashed, the remainder shall have the same effect as if it had been passed by the court martial.

(5) When the findings on all charges on which a person has been convicted are quashed, the sentence also shall be quashed.

(6) When a sentence has been awarded by a court martial in respect of offences in several charges, and has been confirmed, and the finding on any, but not all, of those charges is quashed, the authority who quashes shall take the quashing into consideration, and mitigate, remit, or commute the punishment awarded as seems just, having regard to the offences in the charges the findings on which are not quashed; and the punishment as so modified shall be as valid as if it had been originally awarded only in respect of those offences.

(7) The power of quashing under this regulation any finding or sentence confirmed in the Commonwealth may be exercised by—

(a) the Governor-General; or
(b) the Adjutant-General; or
(c) an officer in chief command of a body of the Military Forces on war service in the Commonwealth:

Provided that the power shall not be exercised by an officer inferior to the authority by whom confirmation was effected without the consent of that authority or of a superior authority.

(8) The power of quashing under this regulation any finding or sentence confirmed out of the Commonwealth may be exercised by—

(a) the Governor-General; or
(b) an officer in chief command of a body of the Military Forces out of the Commonwealth:
Provided that the power shall not be exercised by an officer inferior to the authority by whom confirmation was effected without the consent of that authority or of a superior authority; and that a finding or sentence confirmed directly by His Majesty shall not be quashed except by direction of His Majesty.

(9) When the circumstances admit of reference without undue delay, the proceedings of a court martial should not, in any case of doubt or difficulty, be quashed without reference to the Judge Advocate-General. If reference to the Judge Advocate-General would occasion undue delay, the proceedings should, if reasonably practicable, be referred to a Deputy Judge-Advocate-General or to a legal staff officer or some other officer of the Australian Army Legal Department.

(10) Nothing in this regulation shall affect any power which otherwise exists of quashing the findings or sentences of courts martial convened under the A.A.

339. For the purpose of its application to the Military Forces, R.P. 98 (A) shall be read as if next after the words "circumstances require" there were inserted the words "to the Military Board of the Commonwealth of Australia or ".

340. (1) The fee to be paid for a copy of the proceedings of a court martial, under D.A. 99 (3) shall be threepence for every folio of 32 words.

(2) When a person who has been tried by a court martial has died, application for a copy of the proceedings may be made by his representative.

(3) Application for a copy of the proceedings of a court martial, until they have been forwarded to the Military Board, or Adjutant-General, should be made to the confirming authority, or other superior authority in whose possession they are. Thereafter application should be made to the Military Board.

(4) Application shall be made, in writing, signed personally by the person who has been tried or, if he has died, by his representative.

(5) If there has been an acquittal on all charges or confirmation of all findings has been refused, or promulgation has been effected, the authority having the custody of the proceedings of a court martial shall, on such application as is mentioned in this regulation, made within six months after the acquittal, refusal, or promulgation, and on payment of the fee prescribed by sub-regulation (1) of this regulation, supply a copy of the proceedings.

(6) On application by the person who has been tried, made after the expiration of the period of six months mentioned in the last preceding sub-regulation, or, if he has died, on application made by his representative at any time, the Attorney-General may, in his discretion, direct that a copy of the proceedings be supplied to the person who has been tried, or his representative, on payment of the fee prescribed by sub-regulation (1) of this regulation.

(7) In this regulation the word "representative" means executor or administrator, or the person named as next-of-kin in the official documents relating to the service in the Military Forces of the person who has been tried, or any person approved by the Minister.
341. (1) Any person convicted by court martial who considers himself aggrieved by the finding or sentence may forward a petition to the confirming or reviewing authority through the usual channel.

(2) If such a petition raises any question of law, it should be referred for report, in the Commonwealth, to the Judge-Advocate-General, or Deputy Judge-Advocate-General, and elsewhere to a Deputy Judge-Advocate-General, a legal staff officer, or other officer of the Australian Army Legal Department.

342. (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 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.

(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, when 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 regulation 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 regulation from the person to whom the same is so delivered or paid.

343. For the purpose of its application to the Military Forces, A.A. 75 shall be read as if after the words "Army (War service.) Council" wherever they occur, there were inserted the words "or the Military Board of the Commonwealth of Australia."

344. (1) For the purpose of its application to the Military Forces, whether on war service or not, A.A. 57 (2) shall be read as if—

(a) next after the words "His Majesty" there were inserted the words, "or the Governor-General of the Commonwealth of Australia"; and

(b) next after the words "Army Council" there were inserted the words "or the Military Board of the Commonwealth of Australia."

(2) Any officer who for the time being would have power to confirm the sentence of a court martial, if it had not been confirmed, shall be a prescribed officer for the purpose of A.A. 57 (2) (a).
345. For the purpose of its application to the Military Forces, whether on war service or not, A.A. 37A shall be read with the following modifications and adaptations, that is to say:—

(a) In addition to the superior military authorities mentioned in sub-section (9), each of the following shall be a superior military authority, that is to say:—

(i) the Governor-General.
(ii) the Military Board.
(iii) the authority who confirmed the sentence.
(iv) any authority having, for the time being, power to confirm a like sentence of a court martial of the same kind as that of the court by which the sentence was passed.

(b) A sentence may be suspended notwithstanding that it has been previously suspended, and that the suspension has been revoked.

(c) The C.O. of a soldier whose sentence is suspended may at any time, and from time to time, commit the soldier into military custody pending the reconsideration of the suspension. When a soldier is committed into military custody under this paragraph, the like procedure shall be followed to that prescribed when a soldier is committed into military custody for an offence, save that the account in writing of the offence for which the soldier is committed shall state that the soldier is committed under a suspended sentence. Whenever a soldier is committed into military custody under this sub-regulation by a C.O. he shall forthwith report the fact, and the reasons for the committal to an authority having power to revoke the suspension. If the suspension is revoked, the revocation shall take effect from the day on which the soldier was committed into military custody. If the suspension is not revoked, the soldier shall be released, and the time during which he was in military custody shall be counted towards service of the sentence.

(d) Sub-section (6) shall be read as if next after the words “detention barracks” there were inserted the words “or a place of detention within the meaning of the Australian Military Regulations.”

(e) Sub-section (7) shall be read as if next after the words “two consecutive years” there were inserted the words “except when one of the sentences is of imprisonment exceeding two years, and in that case the sentences shall run concurrently.”

(f) Sub-section (8) shall be read as if next after the words “this Act,” where they first occur, there were inserted the words “or the Defence Act of the Commonwealth of Australia, or any regulations made under that Act.”
DIVISION 18.—COMMENCEMENT AND EXECUTION OF SENTENCES, AND COMMITMENT, TRANSFER, REMOVAL, RELEASE, AND ESCORT OF SOLDIERS UNDER SENTENCE AND SOLDIERS IN MILITARY CUSTODY.

346. (1) A sentence of cashiering or dismissal of an officer under the A.A. or the D.A., or any regulation made under the D.A., shall take effect—

(a) on the day of promulgation, unless the execution of the sentence is suspended; or

(b) on the day on which suspension of the execution of the sentence ceases.

(2) A sentence of dismissal or discharge, or discharge with ignominy of a soldier, under the A.A. or the D.A., or any regulation made under the D.A., shall take effect—

(a) on the day of promulgation, unless execution of the sentence is suspended; or

(b) on the day on which suspension of the execution of the sentence ceases.

(3) A sentence of reduction in or forfeiture of rank or seniority in rank of a member of the Military Forces shall take effect—

(a) on the day on which the original sentence and proceedings were signed by the president of the court martial, unless the execution of the sentence is suspended; or

(b) on the day on which the suspension of the execution of the sentence ceases.

4. The term of penal servitude, imprisonment, detention, or field punishment to which a person is sentenced by court martial, whether the sentence is revised or not, and whether the person 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.

347. In all provisions of these regulations relating to military prisoners, soldiers under sentence of detention or military convicts, the word “Commonwealth” shall be construed as including the territory of the Seat of Government of the Commonwealth, and territory deemed to be part thereof.

MILITARY PRISONERS AND SOLDIERS UNDER SENTENCE OF DETENTION.

348. (1) A military prisoner shall undergo his sentence in a military prison, or in a place of detention, or in military custody, or in a civil prison, or by any two or more of those methods.

(2) A soldier under sentence of detention shall undergo his sentence in a place of detention, or in military custody, or by both those methods, but not in a place of imprisonment.

(3) A military prisoner or soldier under sentence of detention, sentenced or undergoing his sentence in the Commonwealth, shall not be committed or transferred to a place of imprisonment or place of detention out of the Commonwealth, other than a place of imprisonment, or a place of detention in a territory in which, if he is a member...
of the Permanent Forces, he enlisted, or, if he is a member of the Permanent Forces or Citizen Forces, in which his usual place of residence is:

Provided that nothing in this sub-regulation shall prevent the commitment to a place of imprisonment or place of detention out of the Commonwealth of a military prisoner or soldier under sentence of detention, when the suspension of the currency of a sentence passed in the Commonwealth is revoked outside the Commonwealth.

(4) Subject to the next following sub-regulation, a military prisoner or soldier under sentence of detention, sentenced outside the Commonwealth, or the suspension of the currency of whose sentence is revoked outside the Commonwealth, shall undergo his sentence in one or more of the following in which he is liable to serve, that is to say: the territory, country, or place in which the sentence is passed, or the suspension of the currency of the sentence is revoked, or in which, for the time being, the force, or any part of the force to which he belongs, is serving, or the United Kingdom, or the Commonwealth, or the territory in which, if he is a member of the Permanent Forces, he enlisted, or if he is a member of the Permanent Forces or the Citizen Forces, in which his usual place of residence is: Provided that a military prisoner or soldier under sentence of detention shall not, for longer than is absolutely necessary, be detained in a civil prison not in the Commonwealth, or a territory, or the United Kingdom, unless it is a prison of which the Governor-General has approved as a prison in which sentences of imprisonment may be undergone, or in respect of which arrangements have been made, as mentioned in proviso (b) to A.M.R. 64 (4).

(5) Subject to A.M.R. 353, when a sentence of imprisonment or detention exceeding twelve months is passed outside the Commonwealth, or the suspension of the currency of a sentence of imprisonment or detention having more than twelve months unexpired, is revoked outside the Commonwealth, the military prisoner or soldier under sentence of detention shall, as soon as practicable, be committed or transferred to a place of imprisonment or place of detention in the Commonwealth: Provided that a person sentenced outside, or, the suspension of the currency of whose sentence is revoked outside the Commonwealth, may undergo his sentence wholly or partly in the territory in which, if he is a member of the Permanent Forces, he enlisted, or, if he is a member of the Permanent Forces or Citizen Forces, in which his usual place of residence is, and that he may be committed or transferred accordingly.

(6) A warrant for the commitment of—

(a) a military prisoner to a place of imprisonment or a place of detention; or

(b) a soldier under sentence of detention to a place of detention—

may be issued by a competent military authority under A.M.R. 353 (1).

(7) A warrant for the transfer of a military prisoner or soldier under sentence of detention from any place of imprisonment or place of detention in which he is confined to any other place of imprisonment or place of detention in which he may lawfully be confined, may be issued by a competent military authority under A.M.R. 353 (2).
(8) Nothing in these regulations shall take away or abridge any power existing, for the time being, in any civil authority to commit any military prisoner or soldier under sentence of detention, or to transfer a military prisoner from one civil prison to another: Provided that no commitment or transfer shall be made which could not have been made under these regulations.

(9) A competent military authority under A.M.R. 353 (3) may give directions for delivery into military custody of any military prisoner or soldier under sentence of detention, and for his removal, whether with his corps or separately, to any place out of the Commonwealth where he is liable to serve, and where the corps, or any part of the corps, to which for the time being he belongs is serving, or under orders to serve.

349. (1) Notwithstanding anything in A.A. 64 (1) a military prisoner or soldier under sentence of detention, who is sentenced or is undergoing his sentence in the United Kingdom, may be committed or transferred in accordance with these regulations to a prison or detention barrack elsewhere.

(2) Notwithstanding anything in A.A. 64 (4) a military prisoner or soldier under sentence of detention need not be transferred to a prison or detention barrack in the United Kingdom.

(3) Proviso (b) to A.A. 64 (4) shall not apply to a civil prison in the Commonwealth or a territory, or to a civil prison of which the Governor-General has approved as a prison in which sentences of imprisonment may be undergone.

(4) The provisions of the A.A. relating to execution of sentences of imprisonment and detention, except so far as they are inconsistent with, and as modified and adapted by these regulations, shall apply to the Military Forces concurrently with these regulations.

**Military Convicts.**

350. (1) Subject to the next following sub-regulation, a military convict shall undergo his sentence in a penal servitude prison.

(2) When a sentence of penal servitude is passed, any authority having power to remit or commute the sentence may at any time, and from time to time, order that the whole or any part of the sentence shall be undergone in a military prison; and while any such order remains in force the provisions of these regulations with respect to penal servitude (except those relating to treatment in a penal servitude prison) shall, in relation to the sentence, or part of the sentence, to be so undergone have effect as though for references to a penal servitude prison there were substituted references to a military prison. An order under this sub-regulation may, at any time, be revoked by any authority having power to remit or commute the sentence, and after any such revocation this regulation shall apply to the military convict to whom it relates as if no such order had been made; and the military convict may be transferred accordingly.

(3) A military convict sentenced, or undergoing his sentence, in the Commonwealth shall not be committed or transferred to a prison outside of the Commonwealth other than a penal servitude prison in a territory in which, if he is a member of the Permanent Forces, he enlisted, or, if he is a member of the Permanent Forces or Citizen
Forces, in which his usual place of residence is: Provided that nothing in this sub-regulation shall prevent the commitment to a penal servitude prison or military prison out of the Commonwealth of a military convict, when the suspension of the currency of a sentence passed in the Commonwealth is revoked outside the Commonwealth.

(4) Subject to the next following sub-regulation a military convict, who is sentenced outside, or the suspension of the currency of whose sentence is revoked outside the Commonwealth, shall undergo his sentence in one or more of the following, in which he is liable to serve—that is to say, the territory or British Possession in which the sentence is passed, or the suspension of the currency of the sentence is revoked, or in which for the time being the force, or any part of the force to which he belongs, is serving, or the United Kingdom, or the Commonwealth, or the territory in which, if he is a member of the Permanent Forces, he enlisted, or, if he is a member of the Permanent Force or Citizen Forces, in which his usual place of residence is.

(5) Subject to A.M.R. 352, when a sentence of penal servitude is passed outside, or the suspension of the currency of the sentence is revoked outside the Commonwealth, the military convict shall, as soon as practicable, be committed to a penal servitude prison or military prison in the Commonwealth: Provided that a person sentenced outside, or the suspension of the currency of whose sentence is revoked outside, the Commonwealth may undergo his sentence wholly, or partly, in the territory in which, if he is a member of the Permanent Forces, he enlisted, or, if he is a member of the Permanent Forces or Citizen Forces, in which his usual place of residence is, and that he may be committed or transferred accordingly.

(6) A warrant for the commitment of a military convict to a penal servitude prison or military prison may be issued by a competent military authority under A.M.R. 332 (1).

(7) A warrant for the transfer of a military convict from a prison to any other prison in which he may lawfully be confined may be issued by a competent military authority under A.M.R. 353 (2).

(8) A military convict, unless the currency of his sentence is suspended, shall not be removed out of the Commonwealth except for commitment or transfer to a prison in a territory as authorized by these regulations.

(9) Nothing in these regulations shall take away or abridge any power existing for the time being in any civil authority to transfer a military convict from one prison to another: Provided that no transfer shall be made which could not have been made under these regulations.

351. (1) Notwithstanding anything in A.A. 59, it shall not be necessary to commit a military convict to a penal servitude prison in the United Kingdom; and a military convict shall not be committed or transferred to a penal servitude prison in the United Kingdom, India, or a colony, except in accordance with these regulations.

(2) Notwithstanding anything in A.A. 60, a military convict in the United Kingdom may be kept in any custody authorized by A.M.R. 357.

(3) The provisions of the A.A. relating to execution of sentences of penal servitude, except so far as they are inconsistent with, and as modified and adapted by these regulations, shall apply to the Military Forces concurrently with these regulations.
SOLDIERS UNDER SENTENCE GENERALLY, AND SOLDIERS IN MILITARY CUSTODY.

352. (1) An order of a competent military authority under A.M.R. 353 (3) shall be sufficient for the delivery from any prison or place of detention into military custody of a soldier under sentence.

(2) A soldier under sentence may at any time, if his sentence is remitted or quashed, or its currency is suspended, be released by order of a competent military authority under A.M.R. 353 (3).

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

(4) The Governor-General may, in relation to any particular soldier under sentence, or generally in relation to soldiers under sentence, or generally in relation to military prisoners, or to soldiers under sentence of detention, or to military convicts, or in relation to any class of military prisoners, soldiers under sentence of detention, or military convicts, direct that sub-regulation (5) of A.M.R. 348, or sub-regulation (5) of A.M.R. 350, shall not apply, and while the direction remains in force, the sentence or sentences to which it applies shall not be affected by A.M.R. 348 (5), or 350 (5).

(5) The Governor-General may revoke any direction given under the last preceding sub-regulation, either in relation to a particular soldier under sentence, or generally in relation to military prisoners or soldiers under sentence of detention, or military convicts, or in relation to any class of military prisoners or soldiers under sentence of detention, or military convicts; and on the revocation, every person to whom it applies shall be dealt with as if the part of his sentence which is unexpired on the day of revocation was a sentence which took effect on that day.

(6) A military prisoner, while in a civil prison or penal servitude prison, may be confined and dealt with in respect of hard labour and otherwise, in the same manner as if his sentence had been passed by a civil court in the state, territory, country, or place in which for the time being he is.

(7) When the hospital or place for reception of sick persons in a hospital prison or place of detention is detached therefrom, a soldier under sentence may be detained in that hospital or place for the reception of such persons, and conveyed to and from the same place as occasion requires.

353. (1) For the purpose of A.M.R. 348 (6) and 350 (6), competent military authorities mentioned in this sub-regulation shall be a authorities.

Commitment. competent military authority to the extent indicated in this sub-regulation, that is to say—

(a) when the soldier under sentence is in the Commonwealth—

(i) the Adjutant-General;
(ii) the officer who confirmed the sentence;
(iii) a formation, &c., commander;
(iv) the assistant adjutant-general, deputy assistant adjutant-general, or brigade major, or other officer for the time being filling the like position in the formation, &c., or brigade in or with which the soldier under sentence for the time being is;

(v) the C.O. of the soldier under sentence; and

(vi) the president of the court martial by which the sentence was passed; and

(b) when the soldier under sentence is out of the Commonwealth, or belongs to any part of the Military Forces which is on active service—

(i) any authority mentioned in sub-regulation (1) of this regulation;

(ii) the officer in chief command of the Military Forces of the Commonwealth where the sentence was passed or the soldier under sentence for the time being is;

(iii) the officer in charge of administration of the command mentioned in paragraph (b) (ii) of this sub-regulation;

(iv) the officer commanding any army corps, division, or brigade with which the soldier under sentence for the time being is;

(v) an adjutant-general, assistant adjutant-general, or brigade major, or other officer holding the like position in any army corps, division, or brigade in which the soldier under sentence for the time being is;

(vi) an officer commanding any command which does not form part of an army corps, division, or brigade, and within which the soldier under sentence for the time being is; and

(vii) any officer in charge of administration of any command mentioned in paragraph (b) (vi) of this sub-regulation.

(2) For the purpose of A.M.R. 348 (7), 350 (7), and 352 (1) and (2), the competent military authorities shall be the same as in sub-regulation (1) of this regulation, with the exception of the president of the court martial by which the sentence was passed, but with the addition of the officer appointed to command the Military Forces in time of war.

(3) For the purpose of A.M.R. 348 (9), the competent military authority shall be the same as in paragraph (a) (i), (ii), and (iii) of sub-regulation (1) of this regulation, and with the addition of the officer appointed to command the Military Forces in time of war.

(4) Each competent military authority mentioned in this regulation shall, in the circumstance in which he is a competent military authority, be deemed to be an officer prescribed under A.A. 68 (2) (h).

354. R.P. 130 shall not apply to the Military Forces.
355. (1) A warrant, order, or direction relating to a soldier under sentence shall not be held to be void by reason only of the death or removal from office of the officer signing or ordering the issue of the warrant, order, or direction, or by reason of any defect in the warrant, order, or direction, if it is alleged in the warrant, order, or direction, that the soldier under sentence has been convicted, and there is a good and valid conviction to sustain the warrant, order, or direction.

(2) Where any soldier under sentence is, for the time being, in military or civil custody in any place or manner in which he may legally be kept in pursuance of the D.A. or these regulations, the custody of the soldier under sentence shall not be deemed to be illegal by reason only of any informality or error in or as respects the warrant, order, or other document, or the authority by or in pursuance of which the soldier under sentence was brought into or is detained in custody; and any such warrant, order, or document may be amended so as to remove the informality or error.

(3) In any warrant or other document issued in pursuance of relating to a sentence of penal servitude, imprisonment, detention, or field punishment, the word month, unless the contrary intention is expressed, shall be construed as meaning calendar month.

356. A military prisoner or soldier under sentence of detention sentenced by a civil court may be, and, if he is delivered into military custody, should be, committed by warrant in the appropriate form in the Appendices to these Regulations.

357. (1) A soldier under sentence, until he arrives at the place or prison in which he is to undergo his sentence, may be kept in military custody, or in any civil custody to which he may lawfully be committed, or partly in military custody and partly in any such civil custody.

(2) A soldier under sentence, until he arrives at the place or prison at which he is to undergo his sentence, may be temporarily committed from time to time—

(a) if a military convict, to a penal servitude prison, or a place of imprisonment, or a place of detention, or a police station or lock-up;

(b) if a military prisoner, to any place mentioned in paragraph (a) of this sub-regulation, except a penal servitude prison;

(c) if a soldier under sentence of detention, to any place mentioned in paragraph (a) of this sub-regulation, except a penal servitude prison or a place of imprisonment, unless under A.A. 131.

(3) Warrants for temporary commitment under this regulation may be issued by—

(a) any military member of the Military Board; or

(b) a formation, &c., commander; or

(c) a brigade commander; or

(d) an assistant adjutant-general, or other officer filling the like office; or

(e) a brigade major, or other officer filling the like office; or
(f) any C.O.; or
(g) any officer having or being responsible for the custody or
control of the soldier under sentence.

(4) Any of the officers mentioned in sub-regulation (2) of this
regulation may order the delivery into military custody of a person
temporarily committed under this regulation.

358. (1) When a sentence of penal servitude is being
undergone concurrently with a sentence of imprisonment or detention,
the soldier under sentence shall be treated as a military convict.
(2) When a sentence of imprisonment is being undergone concur-
rently with a sentence of detention the soldier under sentence shall be
treated as a military prisoner.

DIVISION 19.—MILITARY PRISONS AND PLACES OF DETENTION.

GENERAL.

359. The Governor-General may appoint any place in or
out of the Commonwealth to be a military prison or a detention barracks.

360. (1) The places mentioned in this regulation are
appointed places of detention in which any member of the Military
Forces sentenced to detention for any "naval or military offence" may
undergo detention, that is to say—

(a) Every detention barrack.
(b) Every barrack occupied by Permanent Forces.
(c) Every camp of continuous training.
(d) Every place occupied or exclusively used by any part of
the Military Forces.
(e) Every other place approved by the Governor-General.

(2) The part of any place appointed by paragraph (b), (c) or
(d) of sub-regulation (1) of this regulation, which may be used for the
purpose of this regulation, may be determined by the officer in com-
mand at that place, subject to any directions that may be given by
superior military authority, and the part so determined shall be a
barrack detention room within the meaning of these regulations.

361. (1) Military prisons and places of detention shall
be under the control of the Military Board, and orders and instructions
in relation to the management, inspection, discipline, interior economy,
and military training therein, not inconsistent with these regulations,
or any other regulations relating thereto, may be issued under the
authority of the Military Board.

(2) The officer in command at each place appointed by or under
A.M.R. 360, or such other officer as shall be appointed by the Military
Board, or by a formation, &c., commander, shall be charged with the
general discipline, management, and care of that place of detention.

362. (1) Soldiers in a place of detention undergoing detention
under sentences of civil courts or courts martial, or awards of
C.O.'s, shall be dealt with alike, and subjected to the same discipline.

(2) Military prisoners undergoing imprisonment with hard labour
in places of detention may be required to perform such labour as is
approved by the Military Board, but otherwise shall be treated in the
same manner as soldiers undergoing detention.
363. (1) In the event of violence by a soldier undergoing sentence, or, if it appears to the officer within whose command a place of detention is, or to the C.O. of the soldier, that there exists urgent and absolute necessity that a soldier under sentence be placed in handcuffs, that officer or C.O. may, by order in writing, direct that the soldier be placed in handcuffs. The order shall specify the cause that gave rise to it, and a definite period during which it is to remain in operation, and the particulars of the case shall be reported immediately to a formation, &c., commander. No soldier under sentence shall be kept under mechanical restraint for more than 24 hours without an order in writing from a formation, &c., commander specifying the cause thereof, and the particulars of the case shall be reported by him to the Military Board.

(2) A soldier under sentence in a place of detention shall not be put under any mechanical restraint as a punishment. Mechanical restraint shall not be used except when necessary for the purpose of restraining a soldier undergoing sentence.

364. (1) Whenever it is found necessary to place handcuffs on a soldier undergoing sentence, except temporarily for the safe custody of the soldier, the order will specify the date and hour when they are to be put on, and whether they are to be placed with the hands in front of or behind the body. The person carrying out the order shall endorse on the order how it was carried out, and the date and hour of removal, or to the C.O. of positions of the handcuffs. If, on account of the peculiar violence of the soldier, it is necessary that the handcuffs be placed behind the body, they shall be removed to the front at meal times and bed time, and replaced after meals, and on getting up.

(2) When mechanical restraint is used upon the recommendation of a medical officer, the fact shall be stated in the order, and the medical officer shall state that the mode and time of restraint ordered are, in his opinion, in accordance with the necessity of the case.

365. The use or possession by a soldier undergoing sentence in a military prison or place of detention of tobacco in any form, or of any intoxicating liquor, is forbidden.

BARRACK DETENTION ROOMS.

366. For the purposes of the imposition of punishments under this division, of the investigation of charges, of the award of summary and minor punishments, and of the provisions of the D.A., the A.A., the A.M.R., and the R.P. relating to actions incidental to or consequent on any such investigation or award, the officer commanding at a place in which a barrack detention room is situated shall be the C.O. of soldiers undergoing sentence in that barrack detention room.

367. (1) Every soldier undergoing sentence in a barrack detention room who commits any of the following offences, that is to say:

(i) disobeys any lawful order given by the provost sergeant or other W.O. or N.C.O. in charge of, or by any member of the staff of the barrack detention room; or

(ii) disobeys any standing or other order for the barrack detention room; or

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(iii) treats with disrespect any member of the staff of, or any visitor to, or any person employed in connexion with the barrack detention room; or

(iv) is idle, careless, or negligent at his work, or refuses to work; or

(v) is absent without leave from any parade; or

(vi) swears, curses, or uses any abusive, insolent, threatening, or improper language; or

(vii) is indecent in language, act, or gesture; or

(viii) without authority converses or holds intercourse with another soldier under sentence; or

(ix) creates any unnecessary noise or disturbance, or gives any unnecessary trouble; or

(x) without permission leaves his room or other appointed location, or his place of work; or

(xi) wilfully disfigures or damages any part of a barrack detention room, or any articles belonging thereto; or

(xii) commits any nuisance; or

(xiii) has in his room or possession any article which he is not permitted to have; or

(xiv) is inattentive at drill; or

(xv) without leave gives to or receives from any soldier undergoing sentence, or otherwise in custody in a barrack detention room, any article; or

(xvi) uses or offers violence to a member of the staff of a barrack detention room, or to a soldier under sentence, or otherwise in custody in a barrack detention room; or

(xvii) escapes or attempts to escape; or

(xviii) offends in any other way against the good order and discipline of the barrack detention room—

may, without having any right to claim trial by court martial, be awarded any one of the following punishments by his C.O., or a formation, &c., commander:—

(a) Extra drills at the discretion of the C.O., or a formation, &c., commander; or

(b) Deprivation of any recreational privilege at the discretion of the C.O., or a formation, &c., commander; or

(c) Restricted diet No. 2, in accordance with sub-regulation (2) of this regulation for any period not exceeding seven days; or

(d) Close confinement for any period not exceeding three days; or

any one of the following punishments by a formation, &c., commander:—

(e) Restricted diet No. 1, in accordance with sub-regulation (3) of this regulation, for any period not exceeding three days; or

(f) Close confinement for any period not exceeding seven days.

Any punishment awarded under this regulation shall lapse upon the soldier ceasing to be under sentence.
(2) The scale of restricted diet No. 2 mentioned in sub-regulation (1) of this regulation shall be:—

**BREAKFAST.**

<table>
<thead>
<tr>
<th>Item</th>
<th>Daily Quantity</th>
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<tbody>
<tr>
<td>Bread</td>
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<tr>
<td>Porridge</td>
<td>...</td>
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<tr>
<td>Margarine or butter</td>
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<tr>
<td>Water</td>
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</tbody>
</table>

**DINNER.**

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<tbody>
<tr>
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<tr>
<td>Meat</td>
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<tr>
<td>Potatoes</td>
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<tr>
<td>Rice</td>
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<td>Water</td>
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**SUPPER.**

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<th>Item</th>
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<tr>
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<tr>
<td>Porridge</td>
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<td>Margarine or butter</td>
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<td>Water</td>
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</table>

Restricted diet No. 2 shall not be inflicted for more than seven consecutive days. At the expiration of seven consecutive days on restricted diet No. 2, a soldier shall be placed on full diet for at least three days before any further restricted diet is inflicted. A soldier on restricted diet No. 2 is to attend all parades, and take part in all work performed by soldiers under sentence of detention on full diet.

(3) The restricted diet No. 1 mentioned in sub-regulation (1) of this regulation shall consist of 1 lb. of bread a day, with water, and shall not be inflicted for more than three consecutive days. At the expiration of three consecutive days on restricted diet No. 1, a soldier shall be placed on full diet for at least three days before any further restricted diet is inflicted. A soldier on restricted diet No. 1 shall not attend any parades, or be required to do any work.

(4) Every soldier under sentence before being awarded a punishment under this regulation shall be given an opportunity of hearing the charges and evidence against him, and of making his defense.

(5) A soldier under sentence shall not be placed on restricted diet or in close confinement unless a medical officer certifies that the soldier is in a fit condition of health to undergo the punishment.

(6) Every award under this regulation shall commence on the day of the award, or as soon thereafter as, under this regulation, it may be imposed.

368. (1) A soldier under sentence in a barrack detention room shall be provided with bedding and other articles, according to the climatic conditions.

(2) Every soldier under sentence, or otherwise in custody, shall be searched on arrival at a barrack detention room, and every article found in his possession which, by these regulations, or by the standing or other orders governing the management and control of the barrack detention room is forbidden to be in his possession, shall be taken from him, and disposed of in accordance with those orders. A receipt shall be given to a soldier for all moneys or valuables so taken from him.
389. Every soldier undergoing sentence in a barrack detention room shall wash himself thoroughly every day, shave daily, change his underwear twice a week, and bathe at least twice a week. The hair of every such soldier is to be kept cut only as close as is necessary for cleanliness.

370. Every soldier undergoing sentence or otherwise in custody in a barrack detention room shall keep his own room and the utensils and furniture thereof clean and orderly. The bedding when not in use shall be removed during the day, and in dry weather exposed to the air.

DIVISION 20.—COURTS OF INQUIRY AND BOARDS OTHER THAN COURTS OF INQUIRY HELD UNDER A.M.R. 276 OR A.A. 72.

Courts of Inquiry.

371. This division shall not apply to courts of inquiry on the absence of soldiers.

372. (1) A court of inquiry is an assembly of officers directed to collect evidence, and, if so required, to report with regard to any matter which may be referred to them.

(2) A court of inquiry may be assembled by the Military Board, a military member of the Military Board, or by the officer in command of any body of the Military Forces, whether belonging to one or more corps.

(3) The court may be composed of any number of officers of any rank, and of any part of His Majesty’s Military Forces; provided that, when the inquiry ordered relates to the conduct or character of an officer or soldier of the Citizen Forces, one half at least of the officers constituting the court shall belong to the Citizen Forces, and should, if practicable, belong to the branch of the Citizen Forces to which the officer or soldier belongs.

(4) When an inquiry affects the character or military reputation of an officer, the president of the court of inquiry should, whenever practicable, be senior to that officer; and it is desirable that the other members of the court should also be senior to him, if circumstances permit.

373. (1) Whenever a matter referred to a court of inquiry appears to affect the character or military reputation of an officer or soldier, full opportunity shall be given to him of being present throughout the inquiry, and, in defence of his character or military reputation, of making a statement, of giving evidence, of calling witnesses, and of cross-examining witnesses.

(2) If, during an investigation by a court of inquiry, anything which affects the character or military reputation of an officer or soldier, and is relevant to the inquiry, is disclosed, the officer or soldier shall, if it appears to the court to be reasonably practicable, be allowed during the remainder of the investigation the same rights as are given by the last preceding sub-regulation.

Boards.

374. (1) A Board is an assembly of officers, or of an officer or officers, together with another person, or other persons, directed to collect evidence, and, if so required, to report with regard to any matter which may be referred to them.
(2) An officer of any rank, and of any part of His Majesty's Military Forces, shall be eligible for appointment to a Board.

(3) A board may be assembled by any authority by whom a court of inquiry may be assembled.

(4) A board shall not be assembled to inquire into any matter affecting the character or military reputation of an officer or soldier.

(5) If during an investigation by a board anything which affects the character or military reputation of an officer or soldier, and is relevant to the inquiry, is disclosed, the board shall report to the assembling authority, and adjourn.

(6) An officer shall be the president of every board.

(7) A board should follow, as far as practicable, the provisions of those regulations relating to courts of inquiry.

**Courts of Inquiry and Boards.**

375. (1) The authority assembling a court of inquiry or board should appoint a president by name, but failing such appointment the senior officer shall preside.

(2) When the assembling authority has so appointed a president, no combatant officer senior in rank to the president should be appointed to serve as a member.

376. Previous notice should be given of the time and place of the meeting of a court of inquiry or board, and of all meetings after adjournments to all persons concerned in the inquiry.

377. (1) When a court of inquiry is held on a returned prisoner of war, and when a court of inquiry or board is held to investigate injury received or disease contracted by a member of the Military Forces, or a cadet, or the loss, death, or injury of an animal, or loss or damage to a civilian, and in any other case in which the authority who assembles the court or board so directs, the evidence shall be taken on oath, in which case the court or board shall administer to witnesses the same oath or solemn declaration as if the court or board were a court martial.

(2) The members of a court of inquiry or board shall not be sworn.

(3) The members of a court of inquiry on a returned prisoner of war shall make the following declaration:

I (A.B.) do declare upon my honour that I will duly and impartially inquire into, and give my opinion as to, the circumstances in which I became a prisoner of war, according to the true spirit and meaning of the Australian Military Regulations on this head; and I do further declare, upon my honour, that I will not on any account, or at any time, disclose or discover my own vote or opinion, or that of any particular member of the court, unless required to do so by competent authority.

378. (1) A court of inquiry or board shall be guided by the written instructions of the authority who assembles it. The instructions should be full and specific and should state the nature of the information required, and whether a report is required or not.

(2) A court of inquiry on a returned prisoner of war will record its opinion whether the officer or soldier concerned was taken prisoner.
by reason of the chances of war, or through neglect or misconduct on
his part, and the authority who assembled the court should record his
own opinion.

379. It is the duty of a court of inquiry or board to take
the evidence of every person who it appears to the court may be able
to give useful information, and whose attendance can reasonably be
procured. It is also the duty of the court or board to put to every
witness such questions as it thinks desirable for testing the truth or
accuracy of any evidence he has given, and otherwise for eliciting the
truth.

380. (1) The authority who assembles a court of inquiry
or board may summon any officer or soldier to attend the court of
inquiry or board, and give evidence, or produce documents, or both.
(2) Every officer or soldier so summoned, who without lawful
excuse fails to attend, shall be guilty of an offence, and liable to penal-
ties as prescribed by A.M.R. 215.

381. The evidence of each witness before a court of inquiry
or board shall be taken down in writing, and read over to and signed by
him, or, if he cannot write his name, shall be attested by his mark, and
witnessed. When a shorthand writer is employed, the signing of all
or any of the evidence may be dispensed with by the court or board,
and, if the evidence is likely to be voluminous, and the witnesses
numerous, the reading over may be dispensed with by the assembling
authority. If, in any case, it appears to a court of inquiry or board
that the reading of evidence may and could, without injurious effect,
and in the public interest, be dispensed with, it should recommend
accordingly.

382. An officer or soldier called as a witness before a court
of inquiry or board may be ordered to answer any question, or to
produce any document, except such as, if the inquiry were a judicial
proceeding, he could legally refuse to answer or produce.

383. A court of inquiry or board may be reassembled as
often as the authority who assembled the court or board may direct,
for the purpose of examining additional witnesses, of further examining
any witness, of further recording information, or of reporting or fur-
ther reporting.

384. The whole proceedings of a court of inquiry or board
should be forwarded by the president to the authority who assembled the
court or board.

385. An officer or soldier who is tried by a civil court or
court martial in respect of any matter or thing which has been
reported on by a court of inquiry or board, and unless the Military
Board see fit 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, or in the report of a court of inquiry or
board, shall be entitled to a copy of the proceedings of the court or
board, including any report made by the court or board, subject to
payment of 9d. for every folio of 72 words.

386. Sub-rules (D) to (M), both included, of R.P. 124
shall not apply to the Military Forces.
DIVISION 21.—EVIDENCE.

387. (1) Notwithstanding anything in A.A. 127, the Evidence Act 1905, and section 6 of the Rules Publication Act 1903-1916, of the Commonwealth, shall apply to courts martial for the trial of members of the Military Forces in or out of the Commonwealth.

(2) For the purpose of its application to the Military Forces, Section 105. A.A. 163 shall be read with the following adaptations, that is to say:—

(a) In sub-section 1 (a), the words “His Majesty's Regular Forces” shall include the Military Forces.

(b) In sub-section 1 (b), the words “Secretary of State” shall include the Minister, the words “Army Council” shall include the Military Board, the words “Commissioners of the Admiralty” shall include the Naval Board, and the words “Air Council” shall include the Air Board.

(c) In sub-section 1 (c), the words “army circulars or orders” shall include Australian Army Orders, districts, and other orders and Military Board instructions.

388. In proceedings against a member of the Military Forces in respect of a naval or military offence, whether before a civil court or a court martial, the following provisions shall apply, but nothing in this regulation contained shall be construed as in any way restricting the effect of D.A. 88:—

(a) The attestation paper purporting to be signed by a person on his being enlisted in the Military Forces, or the agreement purporting to be signed by a member of the Military Forces on his re-engagement to serve therein for a further period, or a document purporting to be certified to be a true copy of such attestation paper or agreement by the officer having the custody of the original (and without proof of the handwriting of the officer, or of his having such custody) shall be primary evidence of the person or member having given the answers to questions which he is, by the attestation paper, agreement, or document, represented to have given.

(b) The enlistment of a person in the Military Forces may be proved by the production of the attestation paper purporting to be signed by him, or of a document purporting to be certified to be a true copy by the officer having the custody of the original without proof of the handwriting of the officer, or of his having such custody.

(c) A letter, return, or other document respecting the service of any person in, or the discharge of any person from any portion of His Majesty's Forces, or respecting a person not having served in or belonged to any portion of His Majesty's Forces, if purporting to be signed by or on behalf of one of His Majesty’s principal Secretaries of State, or of the Commissioners of the Admiralty or the Air Council of the United Kingdom, or by or on behalf of the Minister, or by or on behalf of a Minister of State of any British Possession, or on behalf of the Military Board, the Naval Board, or the Air Board, or by the
C.O. of any portion of His Majesty's Forces, or of any of His Majesty's ships (whether Imperial or Colonial) to which the person appears to have belonged, shall be evidence of the facts stated in the letter, return, or other document.

(d) A list of the officers of the Military Forces purporting to be printed by the Government Printer, or the Gazette, shall be primary evidence of the status and rank of the officers therein mentioned, and of any appointment held by such officers, and of the corps or battalion or arm or branch of the Service to which they belong.

(e) A copy of any Australian Army Order, or divisional, district or other order of any military authority purporting to be printed by the Government Printer, or to be certified to be a true copy by the officer having the custody of the original, shall be admissible as primary evidence without proof of the handwriting of the officer or of his having such custody.

(f) When a record is made in any book or other document in pursuance of these Regulations or otherwise in pursuance of military duty, and purports to be signed by the C.O. or by the officer whose duty it is to make the record, the record shall be evidence of the facts thereby stated.

(g) A copy of any such record purporting to be certified to be a true copy by the officer having the custody of the book or other document shall be primary evidence of the record without proof of the handwriting of the officer or of his having such custody.

(h) When the proceedings are proceedings against an officer or soldier on a charge of being a deserter or an absentee without leave, and the officer or soldier has surrendered himself into the custody of or been arrested by a provost-marshal, assistant provost-marshal, or other officer, or any portion of His Majesty's Forces, a certificate purporting to be signed by the provost-marshal, assistant provost-marshal, or other officer, or the C.O. of the portion of His Majesty's Forces to whom the surrender or by whom the arrest was made, and stating the fact, date, and place of the surrender or arrest, shall be evidence of the matters so stated.

(i) When the proceedings are proceedings against an officer or soldier on a charge of being a deserter or absentee without leave, and the officer or soldier in or out of the Commonwealth has been delivered into military custody by a member of the police force of the Commonwealth or of a State or of a Territory or of the country in which the officer or soldier was found, a certificate purporting to be signed by that member of a police force, or by the member by or to whom the arrest or surrender was made, and stating the fact, date, and place of the surrender or arrest of the officer or soldier shall be evidence of the matters so stated.
(j) Where the proceedings are under section 74 of the D.A., a certificate purporting to be a certificate of the birth of a person of the same name as the accused shall be admissible in evidence without proof of the identity of the person named in the certificate and the accused person; and the identity shall be presumed until the contrary is shown.

(k) A declaration of a court of inquiry under A.M.R. 276 or A.A. 72, or a document purporting to be certified to be a true copy by the officer having the custody of the original, shall be admissible as primary evidence of the facts stated in the declaration or document, without proof of the signature of the original or of the handwriting of the officer or of his having the custody of the original.

389. Proof of the posting, properly addressed, of any document shall be evidence of its delivery to the addressee at the time at which in the ordinary course of post it would have been delivered at the place to which it is addressed.

390. A court martial may take judicial notice of—
(a) regulations made under the D.A.; and
(b) orders and instructions having a continuous operation issued by the Military Board.

391. The proceedings of a court of inquiry (not being a court of inquiry under A.M.R. 276 or A.A. 72) or of a board, or any confession or statement made at, or any answer to a question given at, any such court of inquiry or board shall not be admissible in evidence against an officer or soldier before a court martial or before a civil court in a prosecution for an offence for which he could have been tried by court martial; nor shall any evidence respecting the proceedings of such a court of inquiry or board be given against an officer or soldier before a court martial or before a civil court in a prosecution for an offence for which he could have been tried by court martial, except upon the trial of an officer or soldier for an offence against A.M.R. 204 or A.A. 29, or otherwise for willfully giving false evidence before that court of inquiry or board, or for any offence committed before that court of inquiry or board, which, if committed before a court martial, would amount to contempt of court, or for disobeying a lawful command by refusing to take an oath or make a solemn declaration legally ordered to be taken or made, or to answer any question or to produce any document which, if the proceeding before the court of inquiry or board were a judicial proceeding, the officer or soldier could legally be required to answer or produce.

Provided that, if at the trial of an officer or soldier the proceedings or any part of the proceedings of a court of inquiry or board are put in evidence on behalf of the officer or soldier, or any question with reference to the contents of those proceedings is put on behalf of the officer or soldier to and answered by any witness, the prosecutor may use those proceedings at the trial for the purposes and to the extent, if any, for and to which he could have used them, if this regulation did not exist.

392. The original proceedings of a court martial purporting to be signed by the president thereof, and being in the custody of the Attorney-General or His Majesty’s Judge-Advocate-General or the
Judge-Advocate-General of the Military Forces or the officer having the lawful custody thereof, shall be admissible in evidence on the mere production from that custody; and any copy purporting to be certified by or on behalf of the Attorney-General or by His Majesty's Judge-Advocate-General or the Judge-Advocate-General of the Military Forces or a deputy of any such Judge-Advocate-General authorized in that behalf, or by the officer having the lawful custody of the original proceedings or of any part thereof, shall be admissible in evidence without proof of the signature of the person purporting to sign the same or of his authority or of his having the custody of the original proceedings.

DIVISION 22.—PROCEEDINGS UNDER D.A. 141 BEFORE CIVIL COURT.

393. All civil courts of criminal jurisdiction of the Commonwealth or of a State or of a Territory, and to the extent provided by A.M.R. 325, courts martial, shall have jurisdiction for the purpose of D.A. 141.

394. An application for the purpose of D.A. 141 may be made by any person authorized in writing by a formation, &c., commander.

395. (1) A civil court having jurisdiction for the purpose of D.A. 141, by which a person is convicted, may at the time of conviction and in the presence of the person convicted, of its own motion, or on application, make such order as is mentioned in the next following sub-regulation.

(2) Except as provided in A.M.R. 325, an application for the purpose of D.A. 141 shall be for an order declaring that the person, in respect of whom the application is made, has been convicted of a disgraceful or infamous crime or is of notoriously bad character, or both, and the court may make an order to that effect.

(3) Except as provided in sub-regulation (1) of this regulation, when application is made under this regulation to a court of summary jurisdiction, the procedure shall be by complaint and summons, if that procedure is in use in the court to which application is made:

Provided that if the defendant does not appear, a warrant for his apprehension shall not be issued, but the complaint shall be heard and determined and adjudicated upon in his absence; and that the defendant shall not be adjudged to pay any costs.

(4) Except as provided in A.M.R. 325 and sub-regulation (1) of this regulation, an application to a court in which procedure by complaint and summons is not in use, shall be made after written notice of the date, time, and place at which the application will be made, and of the nature of the order for which it is intended to apply.

(5) A notice under the last preceding sub-regulation shall be served on the person in respect of whom the application is intended to be made, by delivering it to him personally, or, if he cannot be found, by leaving it with some person for him at his last known place of abode at least 48 hours before the time named for the application.
DIVISION 23.—SUPPLEMENTAL.

396. In any case not provided for by this Part or by the cases unprovided for, such course shall be adopted as appears best calculated to do justice.

397. When a soldier under sentence, or a person subject to military law under these Regulations or the A.A., and charged with an offence, is in military custody and, for the purpose of conveyance by sea, is delivered on board a ship into the custody of the person in command of the ship or to any other person on board the ship acting under the authority of the person in command of the ship, the order of the military authority which authorizes the soldier under sentence or the person so subject to military law to be conveyed by sea shall be sufficient authority to the person for the time being in command of the ship or such other person to keep the soldier under sentence, or the person so subject to military law, in custody, and to convey him in accordance with the order; and the soldier under sentence or person so subject to military law so kept in custody shall be deemed to be kept in military custody.

PART V.—DUTIES IN AID OF THE CIVIL POWER DURING DOMESTIC VIOLENCE.

398. In this Part, unless the contrary intention appears, the word “magistrate” refers to a person having jurisdiction in the place in which, under this Part, he is to act, and means—

(a) in relation to the State of Queensland, the sheriff or under sheriff, or a justice of the peace, and if within a municipality, alternatively, the mayor thereof (Criminal Code, section 64);

(b) in relation to the State of New South Wales, a justice of the peace, the sheriff or under sheriff, and if within a city or town corporate, alternatively, the mayor or other head officer of the city or town (1 Geo. I., St. 2 C.5);

(c) in relation to the State of Victoria, a justice of the peace (Unlawful Assemblies and Processions Act 1915, section 6);

(d) in relation to the State of South Australia, a special magistrate, a justice of the peace, the sheriff or the mayor of the city of Adelaide, and if within a corporate town, alternatively, the Mayor thereof (Criminal Law Consolidation Act 1876, section 300);

(e) in relation to the State of Western Australia, the sheriff or under sheriff or a justice of the peace, and if within a municipality, alternatively, the mayor thereof (Criminal Code 1918, No. 28, section 65);

(f) in relation to the State of Tasmania, the sheriff or a justice of the peace (Criminal Code, section 76 (1));

(g) in relation to the Northern Territory, the sheriff or a justice of the peace or a magistrate exercising powers and functions similar to those of a justice of the peace, and if within a corporate town, alternatively, the mayor
thorough (Northern Territory Acceptance Act 1910, section 7; Northern Territory (Administration) Act 1910, section 5; Sheriff Ordinance 1911); and

(h) in relation to the Territory for the Seat of Government, the sheriff or under sheriff of New South Wales, or a justice of the peace, or a magistrate exercising powers and functions similar to those of a justice of the peace (Seat of Government Acceptance Act 1909, section 6; Seat of Government (Administration) Act 1910, section 4; Ordinance No. 1 of 1911, section 3).

399. (1) An application by the Executive Government of a State for protection against domestic violence should, if possible, state the number of troops required.

(2) The district base commandant at or nearest to the place where the Executive Government of the State is situated, so far as he can, shall assist the Executive Government of the State in framing its requirements.

400. (1) Officers called out for the protection of a State against domestic violence shall be responsible for ensuring that the forces under their command are not utilized unnecessarily or to an unnecessary extent.

(2) The responsibility for deciding as to the strength and composition of any military forces to be utilized for the suppression of domestic violence, even within a State, shall lie on the Military Authorities.

(3) If a civil official indicates what force is required, his opinion shall not be regarded as conclusive, but shall be taken into consideration in estimating the force necessary.

401. (1) The officer commanding military forces which are called out for the protection of a State against domestic violence shall communicate directly with the civil officials of the State, with a view to their making arrangements, so far as is necessary, for the accommodation, food, and other immediate requirements of the forces called out, and for meeting and conducting them to the place where their services are required.

(2) If the forces called out are likely to remain for more than a short time, the officer commanding shall, after arrival, review the arrangements for their accommodation, food, and other requirements, and consider whether any economy could be effected by making other arrangements for accommodation, or by using the ordinary army sources of supply for food and stores.

402. If before any military forces have been called out for protection of a State against domestic violence, application for any such protection is made by the Executive Government of a State to a district base commandant, or to any other officer commanding any part of the Military Forces, the officer to whom the application is made shall report the fact to Head-quarters immediately by the quickest possible method.

403. (1) When any military forces which have been called out for protection against domestic violence are utilized for that purpose, the officer commanding the forces so called out shall report their utilization to Head-quarters immediately, by the quickest possible method.
(9) The officer in immediate command of any body of military forces which is utilized for the suppression of domestic violence shall report daily, in writing, the progress of the service in which he is engaged, to the officer commanding the forces which have been called out, and also directly to Head-quarters.

404. (1) Except in cases of great and sudden emergency, such as are mentioned in A.M.R. 414 an officer in command of military forces which have been called out for protection against domestic violence shall not order out, or take out, any of his forces for the purpose of aiding in the suppression of a riot, the maintenance of the public peace, or the execution of the law, or of assisting the civil power in case of an expected riot, without a requisition, in writing, or by telegram or similar means, of a civil authority. (2) When a disturbance of the peace takes place in or near a place where military forces which have been called out for protection against domestic violence are quartered, the officer commanding those forces in that place shall, subject to the general obligations imposed by the common law, exercise his discretion as to complying with the requisition of the civil authority.

(3) When any military forces which have been called out for protection against domestic violence are requisitioned from a distance, the officer commanding those forces at the place where the forces requisitioned are situated, shall make all arrangements for their despatch, but shall not, unless he is the officer in chief command of the forces which have been so called out, or communication with that officer is impracticable, or in case of extreme urgency, send them until he has received authority from that officer.

(4) On arrival at the place to which the forces are despatched, the officer commanding shall, subject to the obligation of the common law, exercise his discretion as to the necessity for intervention of the forces under his command.

(5) When forces are despatched, the civil official who requisitioned them shall be informed of their numbers, and when they may be expected to reach their destination.

405. (1) The officer commanding military forces about to be utilized for protection against domestic violence shall require the civil authority on whose requisition the forces are to be utilized to arrange for a magistrate to meet the forces, either at the place where they are stationed, or at some place on the way to the scene of the riot, or apprehended riot.

(2) In the event of the forces being divided so as to act in different places, one magistrate should accompany each part of the forces.

(3) When there are present with any one body of forces, more magistrates than one, only one shall act with the officer commanding that body.

406. (1) The officer commanding military forces utilized for protection against domestic violence shall consult with the magistrate who accompanies the forces, and with the senior police officer present, and decide as to the disposition of the forces.

(2) Subject to the next succeeding sub-regulation, the officer commanding shall move the forces to the place to which he is directed by the magistrate, in regular military order, with the usual precautions.
(3) The officer commanding shall not permit the forces to be scattered or detached, or posted in a situation in which they would not be able to act in their own defence.

(4) The magistrate shall accompany the forces, and remain as near as he can to the officer commanding.

407. (1) If a disturbance amounts to a riot in which twelve or more persons are engaged, it is the duty of the magistrate, if both he and military forces engaged in protection against domestic violence are present, to read, or in the State of Victoria read or repeat, or (except in the State of Victoria) cause to be read in a loud voice, if circumstances permit, and it has not already been done, the proclamation authorized by the law in force where the riot occurs, and to call upon everybody present to assist in the suppression of the riot.

(2) Before the proclamation is read, the alarm should, if possible, be sounded on a bugle, or some similar action be taken so as to call attention to what is about to be done, and the magistrate shall go amongst the rioters, or as near as he can safely come to them, and command, or cause to be commanded, in a loud voice that silence be kept while the proclamation is made.

(3) The form of proclamation, which shall be strictly adhered to, is as follows:—

(a) In the State of Queensland.—"Our Sovereign Lord the King charges and commands all persons here assembled immediately to disperse themselves, and peaceably to depart to their habitations or to their lawful business, or they will be guilty of a crime, and will be liable to be imprisoned and kept to hard labour for life. God save the King!"

(b) In the State of New South Wales.—"Our Sovereign Lord the King chargeth and commandeth all persons being assembled immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the Act made in the first year of King George the First for preventing tumultuous and riotous assemblies. God save the King!"

(c) In the State of Victoria.—"Our Sovereign Lord the King doth strictly charge and command all manner of persons here assembled immediately to disperse themselves, and peaceably to depart to their own homes. God save the King!"

(d) In the State of South Australia.—"Our Sovereign Lord the King chargeth and commandeth all persons being assembled immediately to disperse themselves, and peaceably to depart to their habitations or to their lawful business. God save the King!"

(e) In the State of Western Australia.—"Our Sovereign Lord the King charges and commands all persons here assembled immediately to disperse yourselves, and peaceably to depart to your habitations, or to your lawful business, or they will be guilty of a crime, and will be liable to be imprisoned and kept to hard labour for fourteen years. God save the King!"

(f) In the State of Tasmania.—"Our Sovereign Lord the King charges and commands all you persons here assembled immediately to disperse yourselves, and peaceably to depart to your habitations or to your lawful business, failing which you will be guilty of a crime, and will be liable to be imprisoned. God save the King!"
(g) In the Northern Territory.—As in the State of South Australia; and
(h) In the Territory for the Seat of Government.—As in the State of New South Wales.

408. (1) If the magistrate who accompanies a body of military forces utilized for the suppression of domestic violence concludes that the police are unable to cope with a riot, and that the situation demands the active interference of the military forces, then whether the proclamation mentioned in A.M.R. 407 has or has not been read or repeated, it is his duty to request the officer commanding the body of military forces to take action.

(2) The request should be made distinctly, and, if possible, in writing, although, if given orally, it will be sufficient.

409. (1) When requested by the magistrate to take action, it is the duty of the officer commanding the body of military forces to take such military steps as, in his opinion, the situation demands.

(2) In taking any such steps, the officer commanding shall have absolute discretion as to the action to be taken, and as to the arms, including firearms, which the military forces under his command shall use, and as to the orders he shall give, including the order to fire; but the magistrate and the officer commanding are severally responsible for anything done, or ordered to be done, by them respectively, which is not justified by the circumstances of the case.

(3) If the officer commanding the body of military forces thinks it unnecessary to take immediate action, it is not obligatory upon him to do so, and he shall not continue action longer than he thinks absolutely necessary.

(4) All commands to the military forces present shall be given by the officer commanding those forces.

(5) The troops shall not, on any account, fire except by word of command of the officer commanding, or as authorized in A.M.R. 413 (4).

(6) The officer commanding, if it becomes necessary to order the troops to fire, shall exercise a humane discretion in deciding both the number of rounds to be fired and the objects to be aimed at.

410. The officer commanding military forces engaged in the suppression of a riot, or the enforcement of the law, should always take the most effectual method, in conjunction with the magistrate, for explaining beforehand to the people that, in the event of the troops being ordered to fire, the fire will be effective.

411. A body of military forces about to be employed in the suppression of a riot or the enforcement of the law, if it does not exceed twenty files, should be told off in four sections. If it exceeds twenty files it should be told off in more than four sections.

412. (1) If the officer commanding a body of military forces engaged in the suppression of a riot or the enforcement of the law, is of opinion that a slight effort will suffice, he should give the command to one or two specified files to fire.

(2) If greater effort is required, the officer commanding should give the command to one of the sections to fire.

(3) The fire of each of the other sections, if required, shall only be given by the regular command of the officer commanding, or as mentioned in the next succeeding sub-regulation.
(4) If there are more officers than one present, and it is necessary for more sections than one to fire at one time, the officer commanding the whole body should indicate clearly to the troops which officer is to order each section to fire.

(5) An order to fire shall be given only by the officer commanding, or by the officer who has been indicated by the officer commanding.

(6) Care shall be taken not to fire upon persons separated from the crowd.

(7) If it becomes necessary to fire, officers and soldiers shall perform their duty with coolness and steadiness, and in such manner as to be able to cease fire the instant it is no longer necessary.

413. When a body of military forces has been engaged in the suppression of a riot or the enforcement of the law, the magistrate and the military forces shall both remain at the place of disturbance until the magistrate and the officer commanding decide that the military forces may be withdrawn.

414. (1) The foregoing provisions of this part with reference to utilization of military forces called out for protection against domestic violence apply to cases in which those forces are utilized in consequence of a requisition of the civil authorities.

(2) In extraordinary cases of immediate and pressing danger which, in the opinion of an officer commanding a body of military forces which has been called out for protection against domestic violence, demand his immediate interference, the officer shall take such action as he thinks necessary, although he has not received any requisition from a civil official, or direction from a magistrate, whether the absence of such a requisition or direction is due to a magistrate not being present, or to any other cause.

415. The provisions of this Part shall be applied as far as possible in the employment of military forces by the Commonwealth, on its own initiative, for the protection of its servants or property, or the safeguarding of its interests.

PART VI.—REGISTRATION, MEDICAL EXAMINATION, EXEMPTION, ALLOTMENT, LEAVE OF ABSENCE, TRAINING. EFFICIENCY, ABSENTEES, NON-EFFECTIVE LISTS, OFFENCES AND PENALTIES AND PRESCRIBED INSTITUTIONS UNDER PART XII. OF THE D.A.

DIVISION 1.—REGISTRATION AND NOTIFICATION OF ADDRESS AND CHANGE OF ADDRESS UNDER PART XII. OF THE D.A., AND PLACES APPOINTED FOR TRAINING.

Registration.

416. Registration under D.A. 142 shall be effected as follows:

(a) In the case of a person liable to be registered whose bona fide residence is within a distance of 5 miles reckoned by the nearest practicable route from the nearest place appointed for training—

By filling in a registration form prescribed by A.M.R. 420 and sending it by post or delivering it to the area
officer of the area in which the person registering resides, or delivering it to a postmaster.

(b) In the case of a person under the age of 26 years who, during the months of January and February of the year in which he attained or will attain the age of fourteen years, was not present in Australia or, though so present, was not bona fide resident within a distance of 5 miles reckoned by the nearest practicable route from the nearest place appointed for training—

By registering in the manner prescribed in sub-paragraph (a) of this regulation not later than 30 days after the completion of six months' residence in Australia, or by registering not later than 30 days after commencement to reside at a place within a distance of 5 miles reckoned by the nearest practicable route from the nearest place appointed for training.

417. (1) If an area officer has reason to believe that any person is liable to be registered under D.A. 142 and has not been so registered, he may serve personally or by post on the person and on a parent or guardian of the person or a person acting in loco parentis, or any one or more of the persons who may be served, a notice calling on the person served to furnish within 30 days after service of the notice, answers to specified questions for the purpose of ascertaining the particulars set out in the registration form prescribed by these Regulations.

(2) If, within 30 days after service of the notice mentioned in sub-regulation (1) of this regulation, the person served does not furnish answers to the questions specified in the notice, the area officer may, from the best information available, register the person believed to be liable to be registered, and serve notice of the registration on him personally, or by post; and, unless within fourteen days after service of the notice of registration that person or a parent or guardian or person in loco parentis shows to the satisfaction of the area officer that the particulars entered by the area officer are not correct and furnishes correct particulars, the registration and the particulars so entered shall be conclusive as against the person registered. At the expiration of fourteen days after service of the notice of registration, the person so registered shall, unless the registration is cancelled, be allotted for training, and be required to undergo training in accordance with the D.A. and these Regulations.

418. Any person on whom a notice is served in pursuance of A.M.R. 417 (3) who fails within 30 days after service of the notice to answer any question specified in the notice or who gives a false answer to any such question shall be liable to a penalty not exceeding £5.

419. Every person employed upon a sea-going vessel in any of the circumstances mentioned in D.A. 137 who is not registered by a naval authority shall register himself or be registered in some training area within the limits of the city or town in which his ship is registered or at which he has signed articles, or if his ship is not registered in Australia or he has not signed articles in Australia at any training area he may select.
420. The registration form of a person under D.A. 142 shall be as follows:—

REGISTRATION FORM UNDER SECTION 142 OF THE DEFENCE ACT 1908-1918.

Name of person to be registered—
Surname—
Other names—
(In full.)

Date of birth—
day of

Town and country of birth—
Postal address of place of abode—
State—

(Any subsequent change of address to be at once notified to the officer in charge of the area.)

Name of employer (if any)—
Employer's business address—
(Any subsequent change of employer to be at once notified to the officer in charge of the area.)

If attending school or other educational establishment, name of such school or establishment to be stated—
Name of parent, guardian, or other
person acting in loco parentis—
Surname—
Other names—
(In full.)

Nationality—
relationship to person to be registered—
Occupation—
Postal address or place of abode—
If this registration has not been effected in January or February of the year in which you became fourteen years of age an explanation is required hereon as to why this has not been done.
If exemption from training is claimed, state the reason below—

Certificate.

I certify that, to the best of my knowledge and belief, the foregoing statements are true in every respect.

Date—

(Signature of person making the registration.)

421. (1) If, at the time of registration of any person under D.A. 142, the person to be registered is in the service of an employer, the person making the registration shall notify in the manner provided in the prescribed registration form the name and address of the employer.

(2) Every person liable to be trained under Part XII. of the D.A. who after his registration under D.A. 142 becomes employed or changes his employment shall within 30 days thereof send by post or notify personally to the area officer of the area in which the person resides the name and address of his employer.

422. (1) Copies of the prescribed registration form shall be supplied by each area officer to every postmaster within 5 miles of any place appointed for training in his training area, and every such
postmaster shall on application issue a form to any person liable to be registered. Postmasters shall, within fourteen days after receiving a completed registration form, send it to the area officer.

(2) Every postmaster when he needs registration forms to enable him to comply with sub-regulation (1) of this regulation shall apply to the area officer for them.

423. No person shall be relieved from liability to comply with D.A. 142 by reason of their being no printed registration form available.

424. A person who is a student at an educational institution at which a separate detachment of the Military Forces or Senior Cadets is maintained may be registered under D.A. 142 in the training area in which the institution is situated.

425. For the purpose of D.A. 145 (2) every public building approved for the purpose by a formation, &c., commander, and every post office, police station, and railway station shall be a prescribed place.

426. Every person registered under Part XIV. of the D.A. who changes his address shall within 30 days after the change notify it either personally or in writing sent by post—

(a) if his former address and his new address are in the same training area—to the area officer of that area; or

(b) if his former address and his new address are in different training areas—but not in the same training area—to the area officer of either area; or

(c) if either his former address or his new address is in a training area but the other is not—to the area officer of that area.

427. In addition to any liability under D.A. 145 every person liable to be trained under D.A. 125 (b) and not exempt under D.A. 138 who is not, for the time being, called upon to attend for training, whether by reason of a suspension of training under D.A. 140 or not, shall, during the month of January or February in each year after the year in which he is registered, report his address personally, or in writing sent by post, to the area officer of the area in which he resides.

428. In addition to any liability under D.A. 145 every person temporarily exempted in pursuance of the proviso to D.A. 138 (1) (f) shall, while so exempt, report his address in writing sent by post to the area officer of the area in which the person is registered within 30 days of the expiration of each period of six months after the commencement of the exemption.

429. A person liable to be trained under Part XII. of the D.A. who is a student at an educational establishment at which a separate detachment of the Military Forces or Senior Cadets is maintained and is attending for training thereat, shall, if he ceases to be such a student or moves from one such educational establishment to another, notify the fact within 30 days after so ceasing or moving to the area officer of the area in which he resides or of the area in which either establishment is situated.
430. Every area officer, every member of the Permanent Forces, and every officer appointed for the purpose by a formation, &c., commander shall be a prescribed authority for the purposes of sending notices to postmasters under D.A. 145 (2).

**Places Appointed for Training.**

431. Every place appointed for the purpose by a formation, &c., commander shall be a place appointed for training for the purposes of Part XII., Part XIII., and Part XIV. of the D.A.

**DIVISION 2.—MEDICAL EXAMINATION AND TREATMENT.**

**General.**

432. Medical examinations of members of the Military Forces and Senior Cadets shall be made at the times and in the manner directed by these Regulations, and by any orders and instructions (not inconsistent with these Regulations) issued by the Military Board.

433. Any member of the Military Forces or of the Senior Cadets may be required at any time by an area officer, adjutant, or officer commanding a corps, or any superior officer to be medically examined, and when so required shall attend at the time and place directed for the purpose by the officer who orders the examination and shall submit to be so examined, and shall give all such information and do all such things as the person who makes the examination deems necessary for the purpose thereof.

434. When a member of the Citizen Forces on war service or of the Permanent Forces is absent from duty owing to sickness suspected to be venereal disease or to have been caused by his misconduct or is suspected to be absenting himself without sufficient cause, his commanding officer or a superior officer may authorize a medical officer or a Medical Board to attend upon and examine the member and to make a report of the examination.

435. (1) Any member of the Citizen Forces on war service or of the Permanent Forces may be required to undergo such medical and dental treatment as is deems to be necessary by a medical officer to be necessary to cure, remove, prevent or to reduce the likelihood of any disease or infirmity which in the opinion of the medical officer affects or is likely to affect the efficiency of the member in the performance of his duties, or to endanger the health of any other member.

(2) For the purposes of sub-regulation (1) of this regulation medical treatment shall include vaccination and inoculation, and dental treatment shall include the extraction and filling of teeth.

436. (1) Every medical officer who in the course of his duty as an officer of the Australian Army Medical Corps medically examines or attends any member of the Military Forces or Senior Cadets suffering from any infectious or contagious disease shall immediately report the case in writing to the proper military authority. The report shall include particulars of the name, address, and corps of the member, and of the nature of the disease, and any other information necessary for the purpose of taking steps to prevent the disease from affecting any other member of the Military Forces or Senior Cadets, or otherwise necessary for the efficiency of the Military Forces or Senior Cadets.
(2) Every medical officer who in the course of his duty as an officer of the Australian Army Medical Corps is required to make any comment or recommendation on any report or evidence relating to a member of the Military Forces or Senior Cadets suffering from any disease, or to make a report of an examination of any such member shall in the comment, recommendation or report, state all such things as are necessary to be stated for the purpose of preserving the efficiency and safeguarding the health of the Military Forces or Senior Cadets.

437. Every member of the Military Forces suffering from a contagious or infectious disease shall—

(a) if he is a member of the Permanent Forces, as soon as he becomes aware that he is so suffering; or

(b) if he is a member of the Citizen Forces on entering on war service or continuous training, or as soon thereafter as he becomes aware that he is so suffering,

report the fact to his commanding officer or other proper military authority.

MEDICAL EXAMINATION IN RELATION TO SERVICE UNDER PART XII. OF THE D.A.

438. (1) Except as otherwise provided in this regulation, the times and places for inspection and medical examination under D.A. 144 in each area shall be appointed by a formation, &c., commander, and shall be notified by one or more of the following means—

(a) by advertisement once or oftener in a newspaper or newspapers circulating in the area;

(b) by a notice exhibited at each post office in the area, and at such other places (if any) as are directed by a formation, &c., commander; and

(c) by notice sent by post.

(2) Every person who may be liable to be trained under D.A. 125 (b) shall attend for inspection and medical examination in accordance with D.A. 144 during the six months ending on the 30th day of June in the year in which attendance for training under D.A. 125 (b) is first required of persons born in the year in which he was born, and at a time and place appointed and notified in accordance with sub-regulation (1) of this regulation.

(3) Every person who may be liable to be trained under D.A. 125 (c) shall attend for inspection and medical examination in accordance with D.A. 144 during the six months ending on the 30th day of June in the year in which he reaches the age of eighteen years, and at a time and place appointed and notified in accordance with sub-regulation (1) of this regulation.

(4) Every person who (subject to being found medically fit) becomes liable to be trained under D.A. 125 (b) or (c) after the 1st day of July in the year in which he becomes so liable shall attend for inspection and medical examination in accordance with D.A. 144 within 30 days after becoming so liable, and at a time and place appointed by an area officer, adjutant, or officer commanding a corps, and notified by notice sent by post.

(5) Every person who is exempt from training under D.A. 138 (1) (a), but not otherwise exempt, may from time to time be required by
an area officer, by notice sent by post, to attend at such time and place as the area officer directs, and to submit to examination by a medical authority prescribed by A.M.R. 442.

(6) Every person who fails to attend for inspection and medical examination in accordance with the preceding sub-regulations of this regulation, shall attend for inspection and medical examination at a time and a place appointed by an area officer, adjutant, or officer commanding a corps by notice sent by post.

(7) In this regulation, the expression "sent by post" means posted, prepaid, and addressed to the intended recipient at his last place of abode within the meaning of D.A. 148.

439. Any person who is manifestly permanently medically unfit for any military service by reason of his being blind, deaf, dumb, maimed, insane, or otherwise incapable of undergoing training, may be relieved by an area officer from attending for inspection and medical examination under D.A. 125, and may be granted by the area officer a certificate of exemption on the ground of unfitness for any military service whatever, without examination by a medical authority.

440. Definite standards of weight, height, and chest measurements are not prescribed for the medical examination of persons for liability to training under D.A. 125 (b). In determining the fitness of a person for training under D.A. 125 (b), the medical authority making the examination shall have regard to the standards of fitness required for members of the Citizen Forces, and a person who is unlikely to reach those standards on his becoming liable to be trained under D.A. 125 (c), or who is insufficiently developed to undergo, with safety, the exertion required of him by the authorized training in the Senior Cadets shall be classified as unfit.

441. (1) The medical examination of a person for liability to training under D.A. 125 (c) shall be an examination by a medical authority under A.M.R. 442 as to the physical and mental qualifications and characteristics and the race of the person examined to the extent necessary for ascertaining his fitness or unfitness for military service.

(2) The standards of eyesight and the correlation of age and weight, height and chest measurements for the medical examination of persons for liability to training under D.A. 125 (c) shall be as approved by the Military Board and promulgated in the standing orders for medical services.

(3) Persons examined for liability to train under D.A. 125 (c) who fail to attain the standards of eyesight and correlation of weight, height, and chest measurements, or who, by reason of disease or physical or mental defect, are, in the opinion of the examining medical authority unfit for the duties of a soldier shall be certified to be "Unfit."

442. Every person legally qualified to practise medicine in any State or Territory and approved by a formation, e.g. commander and every officer of the Australian Army Medical Corps shall be a medical authority for the purposes of D.A. 61 and 128.

443. Every person who attends for inspection and medical examination under D.A. 144 shall, in addition to the information elsewhere prescribed in these Regulations, give information of the date and place of his birth, his nationality, his address, the names of his parents or guardians, the nature and place of his occupation, and the name of his employer (if any).
444. The result of the examination of every person medically examined under D.A. 144 shall be entered in his record book and in the prescribed copy thereof in one of the following forms, and the entry shall be certified by the signature of the medical authority who makes the examination:—

(a) Fit.
(b) Unfit.
(c) Temporarily unfit.
(d) Not substantially of European origin or descent.

DIVISION 3.—EXEMPTION FROM PERSONAL SERVICE.

445. Any area officer may grant or withdraw any exemption under D.A. 138 (1) (a), (b), (c), (d), (e), or (f), but not under the proviso to paragraph (f).

446. (1) The authority mentioned in the proviso to D.A. 138 (1) (f) may grant temporary exemption for a period not exceeding one year, renewable from time to time, to any person liable to be trained under Part XII. of the D.A. who resides at so great a distance from the nearest place appointed for training that compulsory attendance would involve great hardship.

(2) Any exemption granted under sub-regulation (1) of this regulation may be withdrawn by any authority authorized to grant the exemption.

447. For the purposes of D.A. 138 (3), the expression "theological students" shall mean a student whose time is wholly or substantially devoted to his instruction in the duties of a minister of religion, whether at a theological college or not, or to those duties combined with the duties of a school teacher; and the expression "theological college" shall mean any institution maintained solely for the instruction of students in the duties of a minister of religion.

448. (1) Exemption under D.A. 138 (3) may be granted by any formation, &c., commander.

(2) Any exemption granted under D.A. 138 (3) may at any time be withdrawn by a formation, &c., commander.

449. Persons liable to be trained under Part XII. of the D.A. detained in a reformatory or similar penal institution at which a separate detachment of the Military Forces or Senior Cadets is not maintained may, while so detained, be granted exemption from personal service by the area officer of the area in which the reformatory or institution is situated.

450. The particulars of every exemption granted under D.A. 138 and of every withdrawal of such an exemption shall be entered in the record book, and the prescribed copy of entries therein, in accordance with the form contained in the record book.

451. A person liable to be trained under Part XII. of the D.A. who, on account of exemption or of leave of absence due to sickness for a period or periods each exceeding fourteen days, or of both, has in
any year of training been absent from training, if a soldier, for the greater part of the authorized training for that year, or, if a senior cadet, for more than six months, shall be recorded in Table XIV, or XV. of his record book, and in the prescribed copy of entries therein as exempt for that year: Provided that he has attended the compulsory drills held during the period he was not so absent, or their equivalent.

452. Upon the registration under D.A. 142 of a person liable to be trained under Part XII. of the D.A. who, prior to his registration, was exempt under D.A. 138, an entry shall be made by the area officer in Table II. of the person's record book, and in the prescribed copy of entries therein of the period during which he was so exempt and the reason of the exemption.

453. (1) A person liable to be trained under Part XII. of the D.A., who in any year of training is exempt under D.A. 138 for any period exceeding fourteen days, shall not be required to attend equivalent training in lieu of any drill of his unit, not being a compulsory drill at a camp of continuous training, held while he was so exempt.

(2) A member of the Citizen Forces liable to be trained under Part XII. of the D.A., who in any year of training is exempt under D.A. 138, shall not be required to attend equivalent continuous training in lieu of any camp of continuous training of his unit held while he was so absent, if the total period of the exemption exceeds six months, or, though it does not exceed six months, if no camp of continuous training at which he is called upon to attend is held during that year after the expiration of the period of exemption.

454. Every court of summary jurisdiction so constituted as to be competent to judicially exercise Federal jurisdiction under the Judiciary Act 1905-1930 is authorized to decide applications for exemption under D.A. 139.

DIVISION 4.—ALLOTMENT TO SENIOR CADETS AND CITIZEN FORCES UNDER D.A. (62) (2) AND 143.

455. (1) Every person liable to be trained under D.A. 125 (b) who has been registered and passed as "fit" by a prescribed medical authority shall be allotted for training to the Senior Cadets, and except as provided in this division, shall be required to attend for training in the area in which he resides.

(2) A Senior Cadet is attending any educational establishment at which a separate detachment of Senior Cadets is maintained may attend for training with that detachment, but, on ceasing to attend such an establishment, shall, subject to sub-section (3) of this regulation, be transferred to the area in which he resides.

(3) A Senior Cadet may, on sufficient grounds being shown, and with the consent of each area officer concerned, be permitted to train in a training area other than the area in which he resides, but the permission may be withdrawn at any time by the area officer of the training area in which the Senior Cadet resides.
456. (1) Any person liable to be trained under Part XII. of the D.A. who has been allotted to the Naval Forces or to the Royal Australian Air Force may at any time be re-allotted to the Military Forces.

(2) Any person liable to be trained under Part XII. of the D.A. who has been allotted to the Naval Forces or to the Royal Australian Air Force—

(a) if allotted to the Naval Forces and resident beyond a distance of 5 miles, reckoned by the nearest practicable route, from the head-quarters of the unit to which he is allotted or is attending an educational establishment at which a separate detachment of Military Senior Cadets or of the Military Forces is maintained; or

(b) if allotted to the Royal Australian Air Force, may, at his own request and subject to the approval of his commanding officer, be re-allotted to the Military Forces.

DIVISION 5.—LEAVE OF ABSENCE—CITIZEN FORCES AND SENIOR CADETS.

457. (1) This division, except sub-regulation (2) of this regulation, shall not apply to the grant of leave of absence to a member of the Citizen Forces on active service or when forming part of a body of the Military Forces mobilized for active service.

(2) Leave of absence to a member of the Citizen Forces on active service, or when forming part of a body of the Military Forces mobilized for active service, shall be granted under such conditions as are approved by the Military Board or the general officer commanding in chief the body of the Military Forces of which the member forms a part.

458. (1) On grounds being shown to the satisfaction of the authority having power to grant the leave, leave of absence from training or other military duty may be granted to members of the Citizen Forces or Senior Cadets as follows—

(a) to an officer (not being an officer commanding a regiment, battalion or equivalent command, and not holding rank superior to that of lieutenant-colonel) or to a soldier or senior cadet—

(i) for a period, in the case of an officer, not exceeding one month, or, in the case of a soldier or senior cadet, not exceeding three months—by his commanding officer, or, in addition in the case of a senior cadet, by the area officer; or

(ii) for a period not exceeding twelve months—by the formation, &c., commander; or

(iii) for a period exceeding twelve months—by the Military Board; and
(b) to an officer commanding a regiment, battalion or equivalent command, or an officer holding a rank superior to that of lieutenant-colonel (not being a formation, &c., commander)—

(i) for a period not exceeding three months—by the formation, &c., commander; or

(ii) for a period exceeding three months—by the Military Board, and

(c) to a formation, &c., commander—by the Military Board.

(2) For the purpose of this regulation, the expression commanding officer includes the officer commanding a detachment and (except in relation to leave of absence from continuous training) a company, &c., commander.

459. (1) Leave of absence granted in accordance with this division to a member of the Citizen Forces or Senior Cadets liable to be trained under Part XII. of the D.A. shall constitute a lawful excuse for failure to attend a compulsory drill or other military duty held during the period of leave granted; but, except as provided by sub-regulations (2) and (3) of this regulation, shall not relieve the member of his liability to render the whole of the personal service required of him in any year of training.

(2) Except as provided by the next following regulation, a member of the Citizen Forces or Senior Cadets liable to be trained under Part XII. of the D.A. who is granted leave of absence for any period exceeding fourteen days during the whole of which he is, on account of sickness, unable to attend for training or is otherwise exempt under D.A. 133, shall not be required to attend equivalent training in lieu of any drill of his unit (not being a compulsory drill at a camp of continuous training) held while he was so absent.

(3) Except as provided by the next following regulation, a member of the Citizen Forces liable to be trained under Part XII. of the D.A. who in any year of training is granted leave of absence for one or more periods during the whole of which he is, on account of sickness, unable to attend for training, or is otherwise exempt under D.A. 133, shall not be required to attend equivalent training in lieu of any camp of continuous training of his unit held while he was so absent. If the total period of that leave exceeds six months, or, though the total period does not exceed six months, if no camp of continuous training at which he is called upon to attend is held during that year after the expiration of the period of leave granted.

460. (1) A person suffering from venereal disease shall not be permitted to attend for training with his unit until he has been certified by a prescribed medical authority to be fit for training, and until so certified shall be granted leave of absence.

(2) A person liable to be trained under Part XII. of the D.A. who is granted leave of absence in accordance with sub-regulation (1) of this regulation shall be required to attend equivalent training in lieu of the compulsory drills of his unit held during his absence.
461. A member of the Citizen Forces or Senior Cadets liable to be trained under Part XII. of the D.A., who in any year of training cannot train with his unit owing to his temporary absence from the locality, and whose bona fide residence is within a distance of 5 miles, reckoned by the nearest practicable route, from another place appointed for training, may, if the period of that residence can reasonably be forecast as not exceeding one month, and shall, if the period of that residence exceeds or can reasonably be forecast as exceeding one month, attend for training at that place with another unit of the Citizen Forces or Senior Cadets, as the case may be, provided that he shall not be required to attend for training in excess of the training required under Part XII. of the D.A. of persons born in the year of his birth.

462. (1) Except as provided by this regulation, leave of absence shall be granted before the day of commencement of the absence.

(2) If, on account of sickness or otherwise, it was, in the opinion of the authority having power to grant the leave, impracticable for a person to apply for leave of absence before the commencement of the absence, or in any other exceptional circumstances, the authority may grant to him leave of absence during the period of absence or after it has expired.

DIVISION 6.—LEAVE OF ABSENCE AND HOLIDAYS—PERMANENT FORCES.

LEAVE OF ABSENCE.

463. (1) This division, except sub-regulation (2) of this regulation, shall not apply to the grant of leave of absence and holidays to a member of the Permanent Forces on active service or when forming part of a body of the Military Forces mobilized for active service.

(2) Leave of absence to a member of the Permanent Forces on active service, or when forming part of a body of the Military Forces mobilized for active service, shall be granted under such conditions as are approved by the Military Board or the general officer commanding in chief the body of the Military Forces of which the member forms part.

464. In this division, the word "year" (when not otherwise defined) means year ending on the thirtieth day of June.

465. Every member of the Permanent Forces who has completed twelve months' service in those Forces, and whose services can be spared, may, subject to the approval of his O.O., be granted leave of absence for recreation in each year for a period or periods not exceeding in the whole eighteen days, exclusive of Sundays and holidays.

466. If in any year it is impracticable to grant leave of absence for recreation in accordance with the last preceding regulation to a member of the Permanent Forces, or for any other reason which he thinks sufficient, a formation, &c., commander may permit the member to take that leave in the following year, in addition to the leave of absence for that year.

467. Annual leave of absence for recreation to an officer may be granted by the formation, &c., commander, and to a soldier by the formation, &c., commander, or, subject to any restrictions imposed by the formation, &c., commander, by the O.O.
468. A member of the Permanent Forces whose duties cannot in any year ordinarily be performed within the usual regular hours, and to whom no compensation in time or money has been given for the extra time worked by him, may, with the approval of the Military Board, be granted leave of absence for recreation in each year for 24 days, exclusive of Sundays and holidays.

469. (1) A member of the Permanent Forces stationed in a remote locality, or in a locality where the climatic conditions are unusually severe, may be granted in each year leave of absence for recreation for a period exceeding eighteen days, but not exceeding 30 days, exclusive of Sundays and holidays.

(2) The localities to which sub-regulation (1) of this regulation shall apply, and the period of leave which may be granted in any year to members stationed in each such locality, shall from time to time be determined by the Military Board.

470. A member of the Permanent Forces stationed in a locality referred to in the last preceding regulation, or in any other locality approved by the Military Board, may be allowed to accumulate leave of absence for recreation up to three consecutive years.

471. A member of the Permanent Forces stationed in a remote locality may be allowed, in addition to recreation leave, reasonable time for travelling while on that leave for such period and under such conditions as are approved from time to time by the Military Board.

472. Except as provided in this division, leave of absence for recreation which is not taken by a member of the Permanent Forces during the year in which it accrues shall lapse.

473. (1) With the approval of the Governor-General on the recommendation of the Military Board, leave of absence without pay may be granted to a member of the Permanent Forces for any period not exceeding twelve months.

(2) The period of leave of absence granted under this regulation to a member of the Permanent Forces shall not be counted towards service for the grant of rank on retirement, medals or decorations, sick leave, or furlough; but this sub-regulation shall not be construed as affecting the continuity of the member’s service in the Permanent Forces.

474. (1) A formation, &c., commander in the case of an officer, or a C.O. in the case of a soldier, may for any cause which appears to him sufficient, grant leave of absence not exceeding three days at any one time to a member of the Permanent Forces. Leave of absence so granted may, at the discretion of an authority who has power to grant the leave, be deducted from any recreation leave due or becoming due to the member; but all leave granted under this regulation in excess of three days in any one year shall be so deducted.

(2) Leave of absence granted under this regulation to a member of the Permanent Forces to enable him to carry out a duty imposed on him by these Regulations shall not be deducted from any recreation leave due or becoming due to him.
Holidays.

475. The following days, or any days prescribed under the Public Holidays law of any State to be observed in that State in lieu thereof, shall be observed as holidays in the Permanent Forces:

First day of January;
Twenty-sixth day of January;
Christmas Day and the following day;
Good Friday and the following Saturday and Monday;
The Anniversary of the Birthday of the Sovereign;
The twenty-fifth day of April; and
Any day proclaimed by the Governor-General or required by any Act to be observed in lieu of any of these days.

Whenever any of these days (except the twenty-fifth day of April) falls upon a Sunday, the next following Monday shall be observed as a holiday in lieu of that day.

(2) In addition to the holidays prescribed in sub-regulation (1) of this regulation, such holidays, not exceeding four days in each calendar year, as are approved by the Military Board and notified in A.A.O's may be granted in any military district or locality.

(3) In addition to the days mentioned in sub-regulations (1) and (2) of this regulation, any day or part of a day appointed by the Governor-General at any time to be kept as a holiday or half-holiday in the public offices of the Commonwealth or in any part thereof shall be observed as a holiday or half-holiday respectively in the Permanent Forces in the Commonwealth, or that part thereof, as the case may be.

476. The Minister, the Secretary, Department of Defence, the Military Board, or a formation, &c., commander may require any military office to be kept open in the public interest for the whole or any portion of a holiday, and may require the attendance and services of any member of the Permanent Forces during any holiday; but a member who is so required to attend shall be granted in lieu a holiday or portion of a holiday on a subsequent day.

477. No holiday shall be granted in lieu of any Sunday on which the attendance and services of any member of the Forces have been required.

DIVISION 7.—FURLough.—PERMANENT FORCES.

478. (1) When a member has continued in the Permanent Forces for at least twenty years, the Military Board may grant to him furlough for a period not exceeding one month and a half on full pay, or three months on half pay, in respect of each completed five years of continuous service.

Provided, that a member shall not be granted furlough to exceed a continuous period of twelve months at any one time.

Provided, further, that in the case of any person becoming a member of the Permanent Forces after the date of the making of this regulation, the service which shall be taken into account for the purposes of this regulation shall not include any service in a temporary capacity.

(2) When a member who has continued in the Permanent Forces for at least twenty years is retiring from the Permanent Forces the Military Board may authorize payment to him upon retirement of a
sum equivalent to the amount of pay that would have been received by him during such furlough as would immediately prior to retirement have been granted to him under sub-regulation (1) of this regulation.

(3) Upon the death of any member who at the date of his death was eligible under this regulation for the grant of furlough, the Military Board may authorize payment to the dependants of the member of a sum equivalent to the amount of pay which would, under this regulation, have been granted to the member had he retired immediately prior to the date of his death, or, in cases where all or any of the dependants are under the age of 21 years, may authorize payment of the whole or part of such sum, on behalf of the dependants or such of them as are under the age of 21 years, to a person or persons approved by the Minister.

(4) Notwithstanding anything contained in this regulation—

(a) there shall not be granted under this regulation, in respect of the service of any member, furlough or pay on retirement or death exceeding in the whole twelve months on full pay, or its equivalent;

(b) except upon the retirement of a member who has reached the age for retirement, or, if the age for his retirement is over 60 years, has reached the age of sixty years, leave of absence for recreation shall not be granted in respect of the year in which furlough granted under this regulation commences, and if leave of absence for recreation has been granted in the year in which furlough granted under this regulation commences, it shall be regarded as part of the period of furlough granted under this regulation:

Provided that the total period of leave of absence for recreation which may, under this paragraph, be withheld, or regarded as part of the period of furlough granted under this regulation, during any member's period of service, shall not exceed the period of leave of absence for recreation which may be granted in respect of one year of service; and

(c) The official conduct record of a member shall be taken into consideration in determining whether the whole or any portion of the furlough or pay provided in this regulation may be granted.

479. (1) The Military Board may grant to any member whose period of continuous service is less than twenty years, who is not eligible for furlough under the last preceding regulation, immediately prior to his retirement from the Permanent Forces on, or subsequent to, his attaining the age for retirement, or, if the age for his retirement is over 60 years, on or subsequent to his reaching the age of 60 years, furlough on full pay for a period not exceeding that appropriate to his service as specified in the following scale:—

<table>
<thead>
<tr>
<th>Service</th>
<th>Furlough</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 years and less than 20 years</td>
<td>..</td>
</tr>
<tr>
<td>12 years and less than 16 years</td>
<td>..</td>
</tr>
<tr>
<td>8 years and less than 12 years</td>
<td>..</td>
</tr>
<tr>
<td>4 years and less than 8 years</td>
<td>..</td>
</tr>
</tbody>
</table>
Provided that in the case of any person becoming a member of the Permanent Forces after the date of the making of this regulation, the service which shall be taken into account for the purposes of this regulation shall not include any service in a temporary capacity.

(2) In lieu of furlough in accordance with the last preceding sub-regulation the Military Board may authorize payment to a member, eligible for furlough in pursuance of that sub-regulation, upon his retirement from the Permanent Forces, of a sum equivalent to the pay for a period of furlough not exceeding that which the member could have been granted under that sub-regulation.

(3) Where a member who has not reached the age for retirement, or, if the age for his retirement is over 60 years, has not reached the age of 60 years, retires from the Permanent Forces after less than twenty years' service, and produces to the Military Board satisfactory evidence that his retirement is due to ill-health and that such ill-health is permanent and is not due to misconduct or to causes within his own control, the Military Board may authorize payment to the member of a sum equivalent to the pay for a period of furlough not exceeding that for which, had he attained the age for retirement or the age of 60 years, he would have been eligible under sub-regulation (1) of this regulation.

(4) In the event of the death of a member before he has completed twenty years' service in the Permanent Forces, the Military Board may, irrespective of the age of the member at the time of his death, authorize payment to the dependants of the member of a sum equivalent to the pay for the period of furlough which the member would have received had he been eligible for, and granted furlough under sub-regulation (1) of this regulation.

Provided that upon the death of an officer or soldier leaving dependants, all or any of whom are under the age of 21 years, any sum of money payable to the dependants under this regulation may be paid in whole or in part on their behalf or on behalf of such of them as are under the age of 21 years to a person or persons approved by the Minister.

(5) The official conduct record of a member shall be taken into consideration in determining whether the whole or any portion of the furlough or pay provided in this regulation may be granted.

480. For the purposes of the last two preceding regulations meaning of "pay" pay includes the remuneration paid to a member in respect of the appointment or rank held by him, including command pay, staff pay, and child endowment, and such allowances as are prescribed by the Financial and Allowance Regulations to be reckoned as pay, but exclusive of all other allowances.

481. When any person has been transferred of appointed from any position of a permanent nature in the service of a State or the Commonwealth to the Permanent Forces, such service shall, for the purposes of furlough or grant under the provisions of A.M.R. 478 and 479, be reckoned as if it had been service in the Permanent Forces.

DIVISION 8.—ORGANIZATION AND TRAINING, CITIZEN FORCES AND SENIOR CADETS.

482. Except as provided by these Regulations or as otherwise directed by the Governor-General in time of war, the Citizen Forces and Senior Cadets shall be organized and maintained on a territorial basis.
483. The scope and syllabus of the annual training in the Citizen Forces and Senior Cadets shall be as approved from time to time by the Military Board.

484. An extra-territorial unit or detachment of the Citizen Forces may be organized and maintained at each educational establishment approved by the Military Board if not less than twenty pupils or students, who are liable to be trained in the Citizen Forces under Part XII. of the D.A., elect to be allotted for training to that unit.

485. (1) A person liable to be trained in the Citizen Forces under Part XII. of the D.A. who is a pupil or student at an educational establishment at which a separate unit or detachment of the Senior Cadets is maintained, may be permitted to attend for training with that unit or detachment for the period of training required of him under D.A. 127, except continuous training, and such training shall be in lieu of the training, other than continuous training, required of him under D.A. 127.

(2) A person permitted to train with the Senior Cadets in accordance with the last preceding sub-regulation shall attend for continuous training with the unit of the Citizen Forces to which he belongs.

(3) A record of the attendance of each person under sub-regulation (1) of this regulation shall be forwarded not less than once every three months by the principal of the establishment to the C.O. of the unit of the Citizen Forces to which that person belongs.

486. An extra-territorial unit or detachment of Senior Cadets may be organized and maintained in respect of any educational establishment, or any combination of two or more such establishments approved by the Military Board, at which the number of pupils or students liable to be trained in the Senior Cadets, who elect to be trained in that unit or detachment, is not less than 30, and if at least one officer of the Senior Cadets or Citizen Forces, who is a member of the staff of the establishments, or of one of them, or who is approved for the purpose by the formation, &c., commander, is available for duty with the unit or detachment.

487. The total period of training, and the nature, number, and duration of drills in each year for members of the Citizen Forces not liable to be trained under Part XII. of the D.A., shall be the same as are required in that year of members of the Citizen Forces who are so liable.

488. The training in the Citizen Forces and Senior Cadets, whether under Part XII. of the D.A. or not, shall begin in each year on the first day of July.

489. (1) Every drill specified as “compulsory” in a programme of parades for Citizen Forces or Senior Cadets shall be a compulsory drill, and attendance thereat shall be compulsory.

(2) Every whole-day drill in a camp of continuous training of Citizen Forces shall be a compulsory drill, and the attendance thereat shall be compulsory.

(3) Except as provided in these Regulations, the number of compulsory drills specified in the programme of parades for Citizen Forces or Senior Cadets shall not in any year of training exceed the total
number of drills prescribed by D.A. 127 for members to whom the programme applies who are liable to be trained under Part XII. of the D.A.

(4) A member of the Citizen Forces or Senior Cadets liable to be trained under Part XII. of the D.A. who is non-efficient in any year of training, may be required at any time to attend, in addition to the compulsory drills mentioned in sub-regulations (1) and (3) of this regulation, such compulsory drills as are appointed by his C.O., or the adjutant or an area officer in order to enable him to attend equivalent additional training required by D.A. 133; and the attendance of the member at every such drill shall be compulsory.

490. (1) In each year of training, alternative drills not being in a camp of continuous training, and, except when otherwise directed by the Military Board, not exceeding, in the case of Artillery and Engineer arms and units of the Army Service Corps allotted to those arms, five whole days, or their equivalent, and, in the case of other arms and services, four whole days, or their equivalent, may be held for each unit or sub-unit of the Citizen Forces.

(2) Alternative drills not exceeding four drills in each quarter of a year may be held for each unit or sub-unit of the Senior Cadets.

491. Whenever in the last quarter of any year of training there remain in any unit or sub-unit of the Citizen Forces or Senior Cadets insufficient compulsory or alternative drills to enable members of the unit or sub-unit who have been absent from training, to become efficient for that year, the C.O. may hold additional drills during that quarter for the purpose of enabling those members to become efficient.

492. In addition to the compulsory and alternative drills, voluntary drills may be held in each unit or sub-unit of the Citizen Forces or Senior Cadets for the purpose of holding schools or courses of instruction, competitions, and sports, to enable members to become more proficient in their duties and fitted for promotion, or for other special purposes.

493. (1) Subject to this regulation, the duration of each drill in a unit of the Citizen Forces shall be determined by the C.O.

(2) The duration of a whole-day drill, a half-day drill, and a night drill in the Citizen Forces shall not be less than six hours, three hours, and one hour and a half respectively, exclusive of any time allowed for meals. Except as provided in the next following sub-regulation, and as the exigencies of the service and the necessities of training otherwise require, the duration of drills shall not exceed the prescribed minima.

(3) The duration of a whole-day drill at a camp of continuous training shall be 24 hours.

494. (1) Subject to this regulation, the duration of each drill in a unit of the Senior Cadets shall be determined by the C.O.

(2) The duration of a whole-day drill, a half-day drill, and a quarter-day or night drill in the Senior Cadets shall not be less than four hours, two hours, and one hour respectively. Except as the exigencies of the Service and the necessities of training otherwise require, drills shall not exceed the prescribed minima.

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(3) The duration of any drill in the Senior Cadets substituted for a half-day or night drill under the fourth proviso to D.A. 127 shall, except as the exigencies of the Service and the necessities of training otherwise require, be approximately the minimum duration of the drill so substituted.

495. If owing to severe weather conditions any drill for the Citizen Forces or Senior Cadets is not held, or having been begun, is discontinued, each member who attended for training at the drill shall be credited with attendance for the full period for which the drill would normally have continued.

496. (1) The Military Board, or a formation, &c., commander may, under the fourth proviso to D.A. 127, substitute for any number of night drills an equivalent number of quarter-day drills which may be held during the hours of daylight.

(2) The Minister, by notice published in the Gazette, may, under the fourth proviso to D.A. 127, vary the number and duration of half-day and night drills in the Senior Cadets in any area or locality by substituting other drills of not less duration than two hours and a half, or such other period as the Minister directs.

497. (1) Subject to the Financial and Allowance Regulations for the time being in force, attendance of a member of the Citizen Forces in any year at a compulsory drill, or alternative drill authorized in accordance with these regulations, and not being in excess of the total required of him in that year, shall count for pay.

(2) Attendance of a member of the Citizen Forces at a drill of equivalent additional training required of him under D.A. 133 on account of his non-efficiency in any previous year of training, shall not be counted for pay.

(3) Attendance of a member of the Citizen Forces at a drill held under A.M.R. 491 shall not be counted for pay.

(4) Voluntary drills or parades shall not be counted for pay.

498. Attendance at a church parade or funeral shall be voluntary, and shall not be counted for pay or efficiency.

499. The attendance of a member of the Citizen Forces or Senior Cadets at a drill of a unit other than his own in a locality in which he is temporarily resident shall, subject to these Regulations, be counted for efficiency and in the Citizen Forces for pay.

500. (1) Programmes of parades, showing the nature, number, time, and place of drills of Citizen Forces and Senior Cadets respectively, to be held during each period of a year of training mentioned in sub-regulation (3) of this Regulation, shall be prepared. Each programme shall relate to one unit or sub-unit, or to two or more sub-units of one unit. A copy of each programme shall be issued to every member of the unit or of each sub-unit to which it relates, personally, or by posting it prepaid and addressed to him at his last place of abode under D.A. 145.

(2) Any variation by the C.O. of a programme of parades shall be submitted by him to the formation, &c., commander for approval. When a variation of a programme has been approved by the formation, &c., commander, the variation shall be notified to each member concerned orally or in writing, posted, prepaid, and addressed to him at his last place of abode, under D.A. 145.
(3) The period mentioned in sub-regulation (1) of this regulation shall be six months, or such other period as the Military Board approves.

501. The Military Board may direct that a compulsory parade shall be held in any unit in the Citizen Forces for the purpose of the inspection of the unit.

DIVISION 9.—EFFICIENCY, CITIZEN FORCES AND SENIOR CADETS.

502. (1) The following regulations of this division shall not apply to officers on the Unattached List or of the Reserve of Officers, or to members of the Citizen Forces not, for the time being, called upon under the D.A. or these Regulations to perform annual training in those Forces, or to a member of the Citizen Forces in any year of training in which he has been called out and employed on war service for not less than the period prescribed by D.A. 137.

(2) A member of the Citizen Forces who in any year of training has been called out and employed on war service for not less than the period prescribed by D.A. 137, shall be classified “efficient”.

OFFICERS OF CITIZEN FORCES AND SENIOR CADETS.

503. (1) At the termination of each year of training, every officer of the Citizen Forces or Senior Cadets of and below the rank of major, serving with a regiment, battalion, or other unit, other than the officer commanding, or serving on the staff of a cavalry or infantry brigade or larger formation, shall be classified “efficient” or “non-efficient” for that year.

(2) The classification of an officer shall be determined in accordance with these Regulations by his C.O. or, if the officer is serving on the staff of a cavalry or infantry brigade or larger formation, by its commander.

(3) To be entitled to be classified “efficient” under this regulation in respect of any year of training, an officer of the Citizen Forces or Senior Cadets shall, during that year, have—

(a) attended the training required under the D.A. in that year of members of his arm or unit called upon to be trained under Part XII. of the D.A., less—

(i) any compulsory drill held during his absence exceeding fourteen days, while exempt under D.A. 138, or with leave granted on account of sickness or (if he was not called upon to perform training under Part XII. of the D.A.) other unavoidable cause, and not held during continuous training;

(ii) any continuous training held during his absence while exempt under D.A. 138, or with leave granted on account of sickness, or (if he was not called upon to perform training under Part XII. of the D.A.) other unavoidable cause, if he has been so absent during that year for more than six months in all, or if, during that year and after the termination of such exemption or leave, he has not been directed and failed to attend a continuous training; and
(iii) any compulsory drill (during continuous training or otherwise) held before his appointment as an officer unless, being then a soldier, he should have attended under Part XII. of the D.A.; and

(b) completed the authorized annual course in small arms training; and

(c) performed satisfactorily the duties of his appointment.

The requirements of paras. (a) and (b) of this sub-regulation shall not apply to an officer serving on the staff of a cavalry or infantry brigade or larger formation, or to an officer whose duties did not require performance of training not performed by him.

(4) An officer of the Citizen Forces or Senior Cadets who has not in any year of training fulfilled the requirements for efficiency prescribed by these Regulations, shall be classified "non-efficient" for that year.

504. (1) C.O.'s of the Citizen Forces or Senior Cadets, and officers of the Citizen Forces or Senior Cadets above the rank of major, shall be classified "efficient" or "non-efficient" at the end of each year of training.

(2) An officer mentioned in sub-regulation (1) of this regulation who, in the opinion of his formation, &c., commander, has satisfactorily performed the duties of his appointment in any year of training, shall be classified "efficient" for that year.

505. The commission of an officer of the Citizen Forces or Senior Cadets who is classified "non-efficient" in respect of any year of training may be cancelled.

W.O.'s, N.C.O.'s, AND MEN VOLUNTARILY ENLISTED IN THE CITIZEN FORCES.

506. (1) At the termination of each year of training, every voluntarily enlisted soldier of the Citizen Forces shall be classified "efficient" or "non-efficient" for that year.

(2) The classification of the soldier shall be determined by his C.O. in accordance with these Regulations.

507. (1) To be entitled to be classified "efficient" in respect of any year of training, a voluntarily enlisted soldier of the Citizen Forces shall, during that year, have—

(a) attended the training required under the D.A. in that year of members of his arm or unit called upon to be trained under Part XII. of the D.A., less—

(i) any compulsory drill held during his absence exceeding fourteen days, while absent with leave granted on account of sickness or other unavoidable cause, and not held during continuous training; and
(ii) any continuous training held during his absence with leave granted on account of sickness or other unavoidable cause, if he has been so absent during that year for more than six months in all, or if, during that year, and after the termination of such leave, he has not been directed and failed to attend a continuous training; and

(iii) any compulsory drill (during continuous training or otherwise) held before his enlistment, unless he should have attended under Part XII. of the D.A.; and

(b) completed the authorized annual course in small arms training; and

(c) performed satisfactory service.

The requirements of pars. (a) and (b) of this sub-regulation shall not apply to a voluntarily enlisted soldier whose duties did not require performance of the training not performed by him.

(2) A voluntarily enlisted soldier of the Citizen Forces who does not in any year of training fulfil the requirements for efficiency prescribed by these Regulations, shall be classified "non-efficient" for that year.

W.O.'s, N.C.O.'s, and Men of the Citizen Forces and Senior Cadets Called upon to be Trained under Part XII. of the D.A.

508. (1) At the termination of each year of training, every soldier of the Citizen Forces and Senior Cadet called upon to be trained under Part XII. of the D.A. shall, except as provided by sub-regulation (2) of the next following regulations, be classified "efficient" or "non-efficient" for that year.

(2) The classification of the soldier or senior cadet shall be determined by his C.O., in accordance with these Regulations.

509. (1) To be entitled to be classified "efficient" in respect of any year of training a soldier of the Citizen Forces or Senior Cadet called upon to be trained under Part XII. of the D.A. shall, during that year have—

(a) attended the training required under the D.A. in that year of members of his arm or unit called upon to be trained under Part XII. of the D.A., less—

(i) any compulsory drill held during his absence exceeding fourteen days while exempt under D.A. 138, or with leave granted on account of sickness, and not held during continuous training; and

(ii) any continuous training held during his absence while exempt under D.A. 138, or with leave granted on account of sickness if he has been so absent during that year for more than six months in all, or if during that year and after the termination of such exemption or leave he has not been directed and failed to attend a continuous training; and
(b) completed the authorized annual course in small arms training; and

(c) attained a standard of efficiency in training which, in the opinion of his C.O. he could, with due regard to the number of years of his previous training (if any), and to his individual capacity, reasonably be expected to have attained at the time of classification.

(2) A soldier of the Citizen Forces called upon to be trained under Part XII. of the D.A., or a senior cadet, who in any year of training has been absent for a period exceeding, or two or more periods each exceeding, fourteen days, while exempt under D.A. 138, or with leave granted on account of sickness, shall be recorded as exempt in respect of that year if he has attended the compulsory drills (including continuous training, if any) which he should have attended while not so exempt, and not having leave so granted; and if, being a soldier, such exemption or leave, or both combined, extended over the greater part of the training applicable to him, or, being a senior cadet, such exemption or leave, or both combined, exceeded six months.

(3) A soldier of the Citizen Forces called upon to be trained under Part XII. of the D.A., or a senior cadet who does not in any year of training fulfill the requirements as to efficiency prescribed by those Regulations shall, except as provided in the last preceding sub-regulation, be classified "non-efficient" for that year.

510. (1) All time in any year of training spent by a soldier of the Citizen Forces liable to be trained under Part XII. of the D.A. or a senior cadet in detention in a prescribed institution or place for offences committed in that year against D.A. 135 (1) or 135 (1a) (a) shall, for the purpose of calculating attendance towards efficiency, be counted in the following order in lieu of any prescribed training which in that year he has failed to perform, firstly in lieu of whole-day drills in camps of continuous training, secondly in lieu of whole-day drills, thirdly in lieu of half-day drills, and lastly in lieu of night or quarter-day drills.

(2) For the purpose of sub-regulation (1) of this regulation, a day of detention shall be treated as equivalent to a whole-day drill or two half-day drills, or four night or quarter-day drills.

511. A soldier of the Citizen Forces liable to be trained under Part XII. of the D.A., or a senior cadet who has been classified "non-efficient" in respect of any year of training by reason only of his failure to attain the standard of efficiency in training required of him may, if subsequently classified "efficient" in respect of a later year, be classified "efficient" by his C.O. in respect of the year of training for which he was classified "non-efficient."

512. A soldier of the Citizen Forces or senior cadet called upon to be trained under Part XII. of the D.A., who has been classified "non-efficient" in respect of any year of training in the Senior Cadets or Citizen Forces owing to his failure to attend the whole or part of the training required of him, shall, while he remains liable under that part to be trained, be required to attend in a subsequent year or subsequent years, in addition to the prescribed annual training which he is called upon to attend during that year or those years, additional training equivalent to the training which he has so failed to
attend; and on the completion of that equivalent additional training he
may be classified "efficient" by his C.O. in respect of the year or years
in respect of which he was classified "non-efficient," if he has also—

(a) attained the standard of efficiency in training required of
him; and

(b) attended continuous training equivalent to any continuous
training which he should have attended and failed to
attend during the year or years in respect of which he was
classified "non-efficient"; and

(c) completed the annual course in small arms training which
he should have completed and failed to complete during
the year in respect of which he was classified "non-
efficient".

513. Additional training attended during any year by a
soldier of the Citizen Forces liable to be trained under Part XII. of the
D.A., or a senior cadet, for the purpose of making up any deficiency
in a previous year of training, shall not count towards the training
which he is called upon to perform during the year in which the addi-
tional training is performed.

514. (1) A soldier of the Citizen Forces or a senior
cadet liable to attend equivalent additional training in respect of one
or more years of training in which he was "non-efficient" may be
required to attend for such training in any year or years, and at such
times and places as are appointed by a formation, &c., commander, a
C.O., or an area officer, and may be required to perform the equivalent
additional training wholly in a camp or camps of continuous training,
or partly in a camp or camps of continuous training and partly at
other drills.

(2) Attendance at drills of equivalent additional training shall be
compulsory.

515. A soldier of the Citizen Forces who has been classified
"non-efficient" at the termination of any year of training in which
he was called upon to perform training under Part XII. of the D.A. and
has not, while liable to be trained under D.A. 125 (b), (c), or (d), or
immediately on the termination of that liability, been subsequently
classified "efficient" in respect of that year, shall be required to attend
an additional year of training for each year in which he was so "non-
efficient."

GENERAL.

516. When in this division it is provided that a member of the Citizen Forces or Senior Cadets shall in any year be required to
complete the authorized annual course in small arms training in order
to entitle him to be classified "efficient" for that year, a formation, &c.,
commander may, in respect of any person or class of persons, direct
that performance of the whole or part of the authorized annual course
in small arms training, shall not be necessary for efficiency for that year.

517. (1) Subject to these Regulations, attendance at comp-
ulsory, alternative, or voluntary drills (but not including attendance
at church parades or funerals) held in any one year shall count for
efficiency in the Citizen Forces or Senior Cadets in that year.

(2) In the counting of drills for efficiency, two half-day drills, four
night drills, or four quarter-day drills, shall be equivalent to one whole-
day drill not held during continuous training, and two night drills or
two quarter-day drills shall be equivalent to one half-day drill; and
drills in the Senior Cadets substituted under the fourth proviso to D.A.
187, of which the aggregate minima amount to four hours, shall be
equivalent to one whole-day drill.

518. Every entry of "efficient" or "non-efficient" in
relation to a member of the Citizen Forces or Senior Cadets shall be
made by a person authorized by these Regulations—

(a) in the case of an officer, in the company roll-book, and on
the officer's record of service, and if the officer is liable
to be trained under Part XII. of the D.A., in his record-
book, and the prescribed copy of entries therein; and

(b) in the case of a voluntarily enlisted soldier of the Citizen
Forces, in the company roll-book and on the last page of
his attestation paper; and

(c) in the case of a soldier liable to be trained under Part XII.
of the D.A., or a senior cadet, in the company roll-book
and in his record-book, and the prescribed copy of entries
therein.

519. On the classification of a soldier liable to be trained
under Part XII. of the D.A., or a senior cadet, as "efficient" in respect
of a year of training for which he has previously been classified "non-
efficient," the C.O. or adjutant or an area officer, or an officer of the
Permanent Forces, shall strike out the entry of "non-efficient" and
enter and sign the classification "efficient" in the company roll-book
and in the record-book, and the prescribed copy of entries therein.

520. A member of the Citizen Forces or Senior Cadets who,
during any year undergoes in any of His Majesty's Forces outside
Australia, training which, in the opinion of the Military Board, is
equivalent to the training which would have been required of him in
his own regiment or corps, may be classified "efficient" for that year.

DIVISION 10.—MISSING TRAINEES AND SENIOR CADETS AND
NON-EFFECTIVE LISTS, CITIZEN FORCES.

521. (1) A trainee or senior cadet who has been absent
from training under Part XII. of the D.A. without leave for a period
of three months, and whose address cannot be ascertained, may be struck
off the strength of his unit and transferred to the strength of the
training area.

(2) A "List of Missing Trainees and Senior Cadets" shall be kept
by each area officer in the manner directed by the Military Board, and
the name of every trainee and senior cadet transferred in accordance
with sub-regulation (1) of this regulation shall be entered thereon by
the area officer.

(3) The name of a trainee or senior cadet entered on a "List of
Missing Trainees and Senior Cadets" in accordance with this regulation
shall be removed therefrom as soon as his address is ascertained,
and, if liable to be trained under Part XII. of the D.A., he shall there-
upon be allotted to a unit of the Senior Cadets or the Citizen Forces.
NON-EFFECTIVE Lists—Citizen Forces.

522. In each regiment, battalion, or equivalent command of the Citizen Forces, there shall be kept in the manner directed by the Military Board a Non-effective List, on which shall be entered the name and particulars of every person liable to be trained under D.A. 125 (c) who is not in any year called upon to attend for training, whether by reason of a suspension of training under D.A. 140 or not, and of every person liable to be trained under D.A. 135 (d).

523. Where the name of a person liable to be trained under Part XII. of the D.A. is entered upon the non-effective list of his unit or corps in accordance with A.M.R. 522, a record of the entry on the non-effective list (which shall be signified by the letters N.E.L.), together with the date of the entry, shall be entered in Table XV. of his record book, and in the prescribed copy of entries therein.

DIVISION 11.—OFFENCES AND PENALTIES IN RELATION TO SERVICE UNDER PART XII. OF THE D.A. AND PRESCRIBED INSTITUTIONS AND PLACES UNDER D.A. 135 AND 135A.

524. Every officer of the Permanent Forces, and every officer appointed for the purpose by a formation, &c., commander, shall be a prescribed officer for the purpose of D.A. 110 (5).

525. (1) For the purpose of D.A. 135 (2), each of the following shall be a prescribed officer, that is to say:

(a) every officer of the Permanent Forces; and
(b) every officer appointed for the purpose by a formation, &c., commander.

(2) For the purposes of D.A. 135 (4) and (5) and D.A. 135A, each of the following shall be a prescribed authority, that is to say:

(a) every member of the Permanent Forces, and
(b) every member of the Citizen Forces on war service.

PRESCRIBED INSTITUTIONS AND PLACES FOR THE PURPOSES OF D.A. 135 AND 135A.

526. The institutions and places mentioned in this regulation are prescribed as institutions and places for the purposes of D.A. 135 and 135A; that is to say:

(a) every institution and place lawfully used before the coming into operation of these Regulations for the purposes of D.A. 135 or 135A; and
(b) every institution and place appointed by the Military Board, or a formation, &c., commander, an institution or place for the purposes of D.A. 135.

527. Prescribed institutions and places mentioned in A.M.R. 526 shall be under the control of the Military Board, and orders and instructions in relation to the management, inspection, discipline, interior economy and military training therein, not inconsistent with these Regulations, may be issued under the authority of the Military Board.
528. For the purposes of the investigation of charges, of
the award of summary and minor punishments, and of the provisions
of the D.A., and the A.M.R., and, where applicable, the A.A. and I.R.
relating to actions incidental to or consequent on any such investiga-
tion or award, the officer in command of a prescribed institution or
place mentioned in A.M.R. 526 shall be the C.O. of all soldiers and
senior cadets detained therein under D.A. 135 or 135A, but nothing in
this regulation shall enlarge the powers in relation to Senior Cadets.

529. The use or possession by a person detained in a pre-
scribed institution or place under D.A. 135 or 135A of tobacco in any
form or of intoxicating liquor is forbidden.

530. Every article which, by these Regulations, or by the
standing or other orders governing the management and control of a
prescribed institution or place mentioned in A.M.R. 536, a person
detained therein is forbidden to have in his possession, shall be taken
from him on his admission and disposed of in accordance with those
orders. A receipt shall be given to the person for all moneys or
valuables so taken from him.

531. (1) Every soldier or senior cadet detained in a pre-
scribed institution or place under D.A. 135 or 135A who commits any
of the following offences, that is to say:

(i) disobeys any lawful order given by the officer commanding
the institution or place or by any member of the staff
of the institution or place; or
(ii) disobeys any standing or other order for the institution or
place; or
(iii) is idle, careless, or negligent in the performance of any duty,
or refuses to perform any duty; or
(iv) is absent without leave from any parade or roll-call, or any
place where it is his duty to be; or
(v) swears or curses, or uses to the officer commanding, or any
member of the staff of the institution or place, any
abusive, insolent, threatening, or improper language; or
(vi) is indecent in language, act, or gesture; or
(vii) creates any disturbance; or
(viii) commits any nuisance; or
(ix) has in his possession any article which he is not permitted
to have; or
(x) is inattentive at drill; or
(xi) offends in any other way against the good order and disci-
pline of the institution or place,

may, without having any right to claim trial by court martial, be
awarded any one of the following punishments by the officer com-
manding the institution or place, or by a formation, &c., commander,
or an officer not below field rank appointed for the purpose by a
formation, &c., commander:

(a) extra drills or fatigues at the discretion of the
officer making the award for any period not
exceeding three days, but not exceeding a total
duration of one and a half hours in any one
day; or
(b) close custody in accordance with sub-regulation (2) of this regulation for any period not exceeding three days;

or any one of the following punishments by a formation, &c., commander, or an officer not below field rank appointed for the purpose by a formation, &c., commander:

(c) close custody in accordance with sub-regulation (2) of this regulation for any period not exceeding seven days; or

(d) close confinement in accordance with sub-regulation (3) of this regulation not exceeding three days.

(2) A person in close custody under sub-regulation (1) of this regulation shall attend parades and take all duties in regular turn, and be dealt with in the same manner as a person detained in the institution or place, but not in close custody; and he shall also be required to answer his name at defaulters’ parades at frequent and irregular intervals throughout the day between reveille and last post, and may be deprived of all or any recreational privileges at the discretion of the officer making the award.

(3) A person in close confinement under sub-regulation (1) of this regulation shall be kept in separate quarters. He shall not attend the ordinary parades of the institution or place, but shall be drilled for a total duration of not less than one hour, or more than four hours, on each working day. When in his quarters, he is to be visited frequently by an officer, W.O., or N.C.O., during the day-time, and at night a responsible W.O., N.C.O., or soldier will be quartered in close proximity.

(4) Any punishment awarded under this regulation shall lapse upon the person ceasing to be liable to be detained in the institution or place.

(5) Every award under this regulation shall commence on the day of the award.

(6) Every person, before being awarded a punishment under this regulation, shall be given an opportunity of hearing the charge, and evidence against him, and of making his defence.

532. No person detained in a proscribed institution or place under D.A. 135 or 135A shall be placed in solitary confinement, except close confinement, to the extent authorized by A.M.R. 531, nor be put under any mechanical restraint as a punishment.

533. (1) For the purpose of arrest under D.A. 135 (7), each of the following shall be a prescribed person, that is to say:

(a) every member of the Police Force of the Commonwealth or of a State; and

(b) every member of the Permanent Forces; and

(c) every area officer; and

(d) every adjutant; and

(e) every member of the Citizen Forces on war service.

(2) For the purpose of application to a court of summary jurisdiction under D.A. 135 (7) each of the following shall be a prescribed officer, that is to say:

(a) every C.O. of a corps; and

(b) every adjutant; and
(c) every area officer; and
(d) every officer commanding a prescribed institution or place mentioned in A.M.R. 826; and
(e) every officer of the Permanent Forces.

534. Senior Cadets allotted to the Naval Forces, and seamen and airmen liable to be trained under Part XII. of the D.A., detained in a prescribed institution or place mentioned in A.M.R. 826, shall be subject to the regulations and orders and instructions applicable to that institution or place as if, being senior cadets, they were allotted to the Military Forces, or, being seamen or airmen, they were soldiers.

PART VII.—PARTICULARS OF SERVICE IN CERTAIN CORPS AND DEPARTMENTS.

DIVISION 1.—AUSTRALIAN STAFF CORPS.

Constitution.

535. The Australian Staff Corps shall constitute a corps of the Permanent Forces, and shall comprise all officers (other than quartermasters) appointed to substantive commissioned rank in those Forces for duty in the following branches, namely, the Administrative and Instructional Staff, the Royal Australian Artillery, the Royal Australian Engineers (other than the Survey Section), the Australian Army Service Corps (Permanent), or any other corps, service, or department of the Permanent Forces approved for the purpose by the Military Board.

Appointment of staff cadets.

536. Staff cadets on graduation at the Royal Military College shall be appointed to commissioned rank in the Australian Staff Corps, and be granted on appointment the rank of lieutenant.

Seniority.

537. (1) Officers of the Australian Staff Corps shall be borne on one seniority list.

(2) The regimental seniority of officers of the Australian Staff Corps shall be regulated according to the dates and ranks of their appointment to or promotion in the Permanent Forces, and, when such appointments or promotions are of the same date, by their seniority immediately prior to their appointments or promotions, or, in the case of first appointments in the Australian Staff Corps, by the order in which their names appear in the Gazette in which their appointments are notified.

Allotment for duty.

538. Officers of the Australian Staff Corps may be allotted for duty with administrative and instructional staffs, the staffs of military colleges and schools, the Royal Australian Artillery, the Royal Australian Engineers, the Australian Army Service Corps (Permanent), or any other corps, service, or department of the Permanent Forces approved for the purpose by the Military Board, or with staffs or units of the Citizen Forces.

Tenure of appointment.

539. (1) An officer of the Australian Staff Corps, unless re-appointed, shall not hold the appointment of Inspectors-General or any appointment on the staff of the Inspector-General for a longer period than four years.

(2) An officer of the Australian Staff Corps, unless re-appointed, shall not hold the same appointment on the Head-quarters staff or the
staff of the head-quarters of any formation or unit, or the staff of the Royal Military College or of a military school for a longer period than four years.

540. Officers of the Australian Staff Corps who have served abroad. Officers of the Australian Staff Corps who have served abroad may, on appointment to that corps, be attached for a tour of duty to His Majesty's Regular Army or Indian Army.

541. An officer of the Australian Staff Corps who has been superseded for promotion in consequence of not having passed the prescribed examination for promotion shall, unless he qualifies within eighteen months of the date of his supersession, resign his commission or be retired from the service, provided that if an officer has been prevented from passing the prescribed examination by reason of circumstances which, in the opinion of the Military Board, are extenuating, an extension of time, not exceeding twelve months, may be granted to afford him an opportunity of passing the prescribed examination.

DIVISION 2.—AUSTRALIAN INSTRUCTIONAL CORPS.

542. The Australian Instructional Corps shall consist of members of the Permanent Forces appointed, or transferred to, or enlisted in that corps, and of members of the instructional staff appointed instructors under D.A. 21a.

543. There shall be one seniority list for officers of the Australian Instructional Corps (other than W.O's holding honorary commissions), and one seniority list for other members of that corps (including W.O's holding honorary commissions).

DIVISION 3.—AUSTRALIAN ARMY MEDICAL CORPS.

Citizen Forces.

544. Persons legally qualified to practise medicine in a State or Territory may be appointed officers of the Australian Army Medical Corps (Citizen Forces).

545. (1) First appointment to commissioned rank in the Australian Army Medical Corps (Citizen Forces), shall be, in the case of persons liable to be trained under Part XII. of the D.A., to the rank of lieutenant, provisionally, and, in the case of persons not so liable, to the rank of captain, provisionally.

(2) An officer appointed to the rank of lieutenant, provisionally, under the last preceding sub-regulation, who has not passed the prescribed examination for the rank of captain may, on ceasing to be liable to be trained under paragraph (2) of D.A. 125, be promoted to the rank of captain, provisionally, whether his appointment to the rank of lieutenant has been confirmed or not.

546. Persons who are legally qualified in a State or Territory to practise as dentists and pharmaceutical chemists, and are not liable to be trained under Part XII. of the D.A., may be appointed officers of Australian Army Medical Corps (Citizen Forces), and be granted the rank of lieutenant, provisionally, on appointment.

547. The syllabus and scope of the examinations for appointment and promotion in the Australian Army Medical Corps shall be as approved by the Military Board.
548. Officers of the Australian Army Medical Corps may be allotted for duty with units and staffs of the Military Forces.

**RESERVE OF OFFICERS, AUSTRALIAN ARMY MEDICAL CORPS.**

549. Any person qualified under A.M.R. 120 (3) who is competent to perform the duties of a position mentioned in the following table may be appointed an officer of the Reserve of Officers, Australian Army Medical Corps, and may be granted the honorary rank shown in the table opposite that position:

<table>
<thead>
<tr>
<th>Position in Australian Army Medical Corps</th>
<th>Honorary Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultant</td>
<td>Colonel or Lieutenant-Colonel</td>
</tr>
<tr>
<td>Officer of the senior executive staff of a military hospital</td>
<td>Major</td>
</tr>
<tr>
<td>Senior specialists</td>
<td>Major</td>
</tr>
<tr>
<td>Officer on a junior executive staff of a military hospital</td>
<td>Captain</td>
</tr>
<tr>
<td>Officer of a field medical unit</td>
<td>Captain</td>
</tr>
<tr>
<td>Senior pharmacist in a military district</td>
<td>Captain</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>Captain or Lieutenant</td>
</tr>
<tr>
<td>Senior dental surgeon</td>
<td>Captain</td>
</tr>
<tr>
<td>Dental surgeons</td>
<td>Captain or Lieutenant</td>
</tr>
<tr>
<td>Masseur</td>
<td>Captain or Lieutenant</td>
</tr>
<tr>
<td>Officer of the medical science section</td>
<td>Captain or Lieutenant</td>
</tr>
</tbody>
</table>

550. Officers of the Reserve of Officers, Australian Army Medical Corps, may be employed for medical duties as approved from time to time by the Military Board.

**DIVISION 4.—AUSTRALIAN ARMY ORDNANCE CORPS.**

**AUSTRALIAN ARMY ORDNANCE CORPS (PERMANENT).**

551 to 563. Reserved.

**DIVISION 5.—AUSTRALIAN ARMY VETERINARY CORPS.**

564. (1) A branch of the Australian Army Veterinary Corps shall be maintained as part of the Permanent Forces and be designated the Australian Army Veterinary Corps (Permanent).

(2) The Australian Army Veterinary Corps (Permanent) shall be composed (subject in the case of officers to the provisions of section 148 of the D.A.) of officers and soldiers appointed or transferred thereto or enlisted therein in accordance with these Regulations.

565. (1) Notice of vacancies for officers of the Australian Army Veterinary Corps (Permanent) shall be advertised in the press in all military districts and published in A.A.O.'s and in other appropriate military orders.

(2) Each candidate for appointment to commissioned rank shall be not less than 21 and not more than 40 years of age, he certified by a medical board to be physically qualified, and be in possession of a degree or diploma in veterinary science of a university or other institution approved by the Military Board.
(3) Every application for appointment to commissioned rank shall be submitted to the Military Board. The authority forwarding the applications shall record his opinion as to the fitness of each applicant for appointment.

(4) The Military Board shall decide in each case whether the applicant shall be permitted to present himself before the selection board as a candidate for selection under the next following regulation.

566. (1) A selection board shall be assembled for the purpose of considering the qualifications of those candidates who are permitted under the last preceding regulation to present themselves for selection.

(2) The members of the selection board shall be appointed by the Quartermaster-General who shall act as president of the board. One or more veterinary officers shall be appointed members of the board.

(3) The selection board shall submit to the Military Board a report on the qualifications of each candidate who presents himself before them for selection and shall also recommend, in order of merit, those candidates whom they consider suitable for appointment. On receipt of the report of the selection board the Military Board may recommend the appointment to commissioned rank of such of the candidates as they consider suitable.

567. (1) First appointment to commissioned rank in the Australian Army Veterinary Corps (Permanent) shall be to the rank of lieutenant, provisionally.

(2) An officer appointed under this regulation shall be required to pass, within eighteen months from the date of his appointment, a qualifying examination in military organization and the administration of matters pertaining to or affecting the Australian Army Veterinary Corps or the Veterinary Services of the Army. The scope of the examination shall be as approved by the Military Board.

(3) An officer provisionally appointed under this regulation who fails to pass the qualifying examination within eighteen months from the date of his appointment shall be removed from office.

568. An officer of the Australian Army Veterinary Corps (Permanent) is prohibited by A.M.R. 211 from engaging in the private practice of his profession.

569. Persons who hold a degree or diploma in veterinary science of a university or other institution approved by the Military Board may be appointed officers in the Australian Army Veterinary Corps (Citizen Forces).

570. (1) First appointment to commissioned rank in the Australian Army Veterinary Corps (Citizen Forces) shall be, in the case of persons liable to be trained under Part XII. of the D.A., to the rank of lieutenant, provisionally; and, in the case of persons not so liable, to the rank of captain, provisionally.

(2) An officer appointed to the rank of lieutenant, provisionally, under the last preceding sub-regulation, who has not passed the prescribed examination for the rank of captain, may, on ceasing to be liable to be trained under par. (d) of D.A. 125, be promoted to the rank of captain, provisionally, whether his appointment to the rank of lieutenant has been confirmed or not.
Examination.

571. The syllabus and scope of the examinations for appointment and promotion in the Australian Army Veterinary Corps shall be as approved by the Military Board.

Allotment.

572. Officers of the Australian Army Veterinary Corps (Citizen Forces) may be allotted for duty with units and staffs of the Military Forces.

Positions and ranks.

573. Any person qualified under A.M.R. 120 (2) who is competent to perform the duties of a position mentioned in the following table, may be appointed an officer of the Reserve of Officers, Australian Army Veterinary Corps, and may be granted the honorary rank shown in the table opposite that position:—

<table>
<thead>
<tr>
<th>Position in Australian Army Veterinary Corps</th>
<th>Honorary Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultant</td>
<td>Lieutenant-Colonel or major</td>
</tr>
<tr>
<td>Officer of the senior executive staff of a veterinary hospital</td>
<td>Major or captain</td>
</tr>
<tr>
<td>Officer of the junior executive staff of a veterinary hospital</td>
<td>Captain or lieutenant</td>
</tr>
<tr>
<td>Officer of a field veterinary unit section</td>
<td>Captain or lieutenant</td>
</tr>
</tbody>
</table>

Employment.

574. Officers of the Reserve of Officers, Australian Army Veterinary Corps, may be employed for veterinary duties as approved from time to time by the Military Board.

Division 6.—Australian Army Legal Department.

575. (1) The Australian Army Legal Department shall consist of officers of the Citizen Forces appointed to that Department or transferred to or seconded for duty with that Department from other portions of the Military Forces.

(2) No person who is not—

(a) a barrister or solicitor of the High Court of Australia, or of the Supreme Court of a State, or

(b) a person recognized by the Governor-General as possessing in the United Kingdom or some part thereof or in a British Possession or some part thereof a status and qualifications equivalent to those of a person mentioned in paragraph (a) of this sub-regulation—

and no person liable to training under paragraph (c) of section 125 of the Act shall be appointed or transferred to or seconded for duty with or continue to hold office in the Australian Army Legal Department.

576. (1) Except as otherwise provided by these regulations, the rank of officers of the Australian Army Legal Department shall be substantive.

(2) The substantive or temporary rank of an officer of the Australian Army Legal Department, except an officer holding the appointment of Judge Advocate General, shall not be higher than that of a lieutenant-colonel.
(3) Officers of the Australian Army Legal Department shall not exercise any military command except over such officers and soldiers as may be detailed for duty under their orders or in the performance of any duties allotted to them under these regulations.

(4) Notwithstanding anything contained in these regulations, officers of the Australian Army Legal Department shall be entitled, according to rank, to the presidency of courts-martial and courts of inquiry.

577. (1) First appointment to the Australian Army Legal Department shall be to the rank of captain provided that under special circumstances a higher rank may be conferred on the recommendation of the Military Board.

(2) An officer transferred to the Australian Army Legal Department—

(a) who holds a rank lower than that of captain shall be promoted to the rank of captain, or

(b) who holds the rank of captain or a higher rank shall retain his rank:

Provided that in either case, in special circumstances, a higher rank may be conferred on the recommendation of the Military Board.

(3) An officer seconded for duty with the Australian Army Legal Department who holds a rank lower than that of captain shall be granted the temporary rank of captain, or in special circumstances, and on the recommendation of the Military Board, a higher rank.

(4) Appointment and transfer to and seconding for duty with and promotion in the Australian Army Legal Department shall be made by selection without examination, and with due consideration not only to the service, if any, of the candidate, but also to the practicability, having regard to his place of residence, of his performing the duties of the vacant office.

(5) Promotion of an officer while seconded for duty with the Australian Army Legal Department shall be to temporary rank only; Provided that when an officer so seconded is eligible for and would be promoted if serving with his unit, he may be promoted, and shall thereupon rejoin his unit.

(6) An officer seconded for duty with the Australian Army Legal Department shall not remain seconded for more than four years, but while seconded may on the recommendation of the Military Board be granted a transfer to the Australian Army Legal Department with substantive rank equivalent to any temporary rank held immediately before transfer.

578. An officer appointed or transferred to the Australian Army Legal Department shall not be transferred or retransferred to any other unit of the Military Forces except to fill an available vacancy for which he is qualified by examination.

579. (1) Notwithstanding anything contained in these Regulations, persons qualified for appointment to the Australian Army Legal Department may be appointed to the Reserve of Officers.

(2) An officer appointed or transferred to the Australian Army Legal Department, from whom no suitable appointment or duty is available, may be transferred to the Reserve of Officers.
(3) Officers appointed or transferred under this regulation may, notwithstanding anything contained in these regulations, remain in the Reserve of Officers until they reach the age of retirement.

580. (1) Officers of the Australian Army Legal Department shall be available for appointment as Judge Advocate General, Deputy Judge Advocate General, or legal staff officer on the staff of any formation or other command.

(2) Officers of the Australian Army Legal Department shall not, except with the approval of the Military Board, hold the same appointment for more than four years unless reappointed.

581. (1) The duties of a legal staff officer shall be—

(a) To advise upon and settle the form of charges when submitted to him.

*(b) To act as judge advocate at such courts martial and trials by courts martial as he shall be appointed to or for.

(c) To act as president or a member of courts martial when a judge advocate is not appointed, and the convening authority considers that a legal staff officer should be appointed.

(d) To act as prosecutor at trials by courts martial when the convening authority considers that a legal staff officer should be appointed.

(e) To act as president or a member of courts of inquiry when the convening authority considers that the nature of the inquiry is such as to render the appointment of a legal staff officer advisable.

(f) To examine and advise upon the proceedings of such trials by court martial as shall be referred to him.

(g) To advise upon such questions of military law, including the conduct of prosecutions for offences against Part XII. of the D.A. as shall be referred to him.

(h) If attached to the staff of a formation or other command in which there is a Deputy Judge Advocate General, to assist him, and in his absence, but subject to his directions, to perform his duties, if so required.

(i) To instruct in military law, including the conduct of prosecutions for offences against Part XII. of the D.A., the officers of the formation or other command to the staff of which he is attached.

(j) When employed on war service, to perform such other duties of a legal nature as shall be assigned by the officer under whose command he is serving.

(2) An officer of the Australian Army Legal Department should not express any opinion on a sentence except as to its legality, unless instructed to do so by the authority by whom the proceedings are referred.

(3) Officers of the Australian Army Legal Department, whether belonging to the Active or Reserve Military Forces, not serving on the staff of any formation or other command may be detailed to perform or assist in performing any of the duties of a legal staff officer.

(4) Officers of the Australian Army Legal Department shall not be required to attend parades or camps of continuous training, except to the extent necessary for the performance of their duties, but may be
required to deliver lectures, hold classes, and conduct examinations in military law at camps of continuous training or schools of instruction or elsewhere.

589. (1) For purposes of discipline and administration of a formation or other command shall be under the command of the officer commanding; officers not so attached shall be under the command of the Adjutant-General.

(2) All matters relating to appointment, promotion, or transfer in connexion with the Australian Army Legal Department shall be under the control of the Adjutant-General. A report by the Judge Advocate General, or if he is absent, or if the office is vacant the Deputy Judge Advocate General at the Head-Quarters of the Military Forces, on the professional fitness of the person concerned should be considered when an appointment or promotion is contemplated.

583. (1) The legal staff officer, or the senior legal staff officer of a formation or other command forming part of a larger formation or other command will communicate on questions of military law directly with the Deputy Judge Advocate General attached to, or if none, with the legal staff officer or senior legal staff officer of the next larger formation or command to which the officer communicating belongs. Other officers of the Australian Army Legal Department will communicate on questions of military law, directly with the Judge Advocate General, or during his absence or a vacancy in the office of Judge Advocate General with the Deputy Judge Advocate General at the Head-Quarters of the Military Forces.

(2) Legal staff officers shall be bound by the ruling, direction or opinion of the officer with whom they are directed by the last preceding regulation to communicate, or, in case of difference, by the ruling, direction or opinion of the legal staff officer or senior legal staff officer of the largest formation or other command to whom the question has been referred; Provided that, on the application of any legal staff officer, a question shall be referred to the Judge Advocate General, or in his absence or if the office of Judge Advocate General is vacant, to the Deputy Judge Advocate General at the Head-Quarters of the Military Forces.

(3) All officers of the Australian Army Legal Department shall be bound by the rulings, directions and opinions on questions of military law given by the Judge Advocate General, or during his absence or a vacancy in the office of Judge Advocate General, by the Deputy Judge Advocate General at the Head-Quarters of the Military Forces.

584. An officer of the Australian Army Legal Department shall be classified as efficient for each year in which he satisfactorily performs the duties allotted to him.

JUDGE ADVOCATE GENERAL AND DEPUTY JUDGE ADVOCATES GENERAL.

585. (1) The Governor-General may appoint a Judge Advocate General and Deputy Judge Advocates General.

(2) The Judge Advocate General and any Deputy Judge Advocate General attached to the Head-Quarters of the Military Forces may be an officer or a civilian. The appointment of Deputy Judge Advocate General on the staff of a formation or other command shall be held by an officer.
(3) No Judge Advocate General or Deputy Judge Advocate General shall hold office for more than four years unless reappointed.

(4) The duties of the Judge Advocate General shall be—

(a) To advise upon and settle the form of charges when submitted to him.

(b) To act as judge advocate at such general courts martial or trials by general court martial as he shall be appointed to or for.

(c) To examine and advise upon the proceedings of such courts martial as shall be referred to him.

(d) To advise the Military Board and the Adjutant-General on such questions of military law, including the conduct of prosecutions under Part XII. of the Act, as shall be referred to him.

(e) To report upon and make recommendations with reference to the instruction in military law of officers of the Military Forces.

(f) To issue to Deputy Judge Advocates General and officers of the Australian Army Legal Department such rulings, directions, and opinions on military law as he shall think necessary or advisable.

(5) The duties of a Deputy Judge Advocate General shall be—

(a) To advise upon and settle the form of charges when submitted to him.

(b) To act as judge advocate at such courts martial or trials by court martial as he shall be appointed to or for.

(c) If at the Head-Quarters of the Military Forces, to assist the Judge Advocate General, and in his absence, and when the office is vacant, to perform the duties of the Judge Advocate General.

(d) If attached to the staff of a formation, or other command, to perform, subject to the directions of the Judge Advocate General, within the formation or other command, and for the officer commanding, the like duties to those of the Judge Advocate General, and to instruct in military law, including the conduct of prosecutions for offences against Part XII. of the Act, the officers of the formation or other command.

(6) The Judge Advocate General or a Deputy Judge Advocate General should not express any opinion on a sentence, except as to its legality, unless instructed to do so by the authority by whom the proceedings are referred.

(7) Deputy Judge Advocates General will communicate directly with the Judge Advocate General or the Deputy Judge Advocate General at the Head-Quarters of the Military Forces on all questions of military law, and shall be bound by all rulings, directions, and opinions on military law issued by the Judge Advocate General or by the Deputy Judge Advocate General at the Head-Quarters of the Military Forces in the absence of the Judge Advocate General, or when the office of Judge Advocate General is vacant.
(8) When the Judge Advocate General or the Deputy Judge Advocate General at Head-Quarters makes a recommendation with reference to the finding or sentence of a court martial, he shall be informed of the action which is taken thereon.

DIVISION 7.—AUSTRALIAN ENGINEER AND RAILWAY STAFF CORPS.

586. (1) An official of the railways of the Commonwealth or of a State may be appointed an official of the Engineer and Railway Staff Corps. Appointment.

(2) Appointment under sub-regulation (1) of this regulation shall usually be to honorary rank, but an officer who has passed the examination prescribed for the appointment or promotion of officers of any arm of the Military Forces may, subject to the next following regulation, be granted the substantive rank for which he has so qualified.

Honorary rank.

587. An officer of the Engineer and Railway Staff Corps who is a Commissioner of the railways to which he belongs may be granted the rank of colonel, but an officer who is a Chief Commissioner shall rank as senior to an officer in the same railways who is a Deputy or Assistant Commissioner. Other officers of the Engineer and Railway Staff Corps may, on the recommendation of the senior officer belonging to the Railways to which they belong, be granted the rank of lieutenant-colonel or major.

Rank to be held.

588. An officer of the Engineer and Railway Staff Corps shall be retired when he no longer holds an appointment in any of the Railways of the Commonwealth or the States, and may thereupon be placed upon the Retired List and granted honorary rank equivalent to the rank held by him on retirement.

Retirement and rank on retirement.

589. An officer of the Engineer and Railway Staff Corps may, in respect of travelling in the performance of military duty, be paid the travelling allowances provided in the Financial and Allowance Regulations for an officer holding similar substantive rank. An officer who is a Commissioner of the Railways of the Commonwealth or a State may be paid travelling allowances provided in those regulations for a member of the Military Board.

Travelling allowances.

DIVISION 8.—AUSTRALIAN ARMY CHAPLAINS’ DEPARTMENT.

590. The Australian Army Chaplains’ Department shall consist of chaplains serving on the authorized establishment of Chaplains, and

(a) the Unattached List.

591. A clergyman of any religious denomination may be appointed a chaplain.

Who may be a chaplain.

592. A chaplain shall by virtue of his appointment be an officer of the Military Forces and shall be commissioned as such, but shall not hold any rank other than that of chaplain.

Not to hold rank other than chaplain.

593. Clergymen over the age of fifty years shall not be eligible for appointment as chaplains, 4th class.

Age limits for appointment 4th class.

594. (1) Chaplains shall be divided into first, second, third and fourth classes.

Classes of chaplains.
(3) The classifications of chaplains shall for precedence correspond
with the ranks of other officers according to the following scale:—

Chaplain, 1st class, corresponds with Colonel.
   " 2nd "     " Lieutenant-Colonel.
   " 3rd "     " Major.
   " 4th "     " Captain.

(3) Chaplains shall have precedence and command in accordance
with A.M.R. 53.

595. (1) Four chaplains-general may be appointed, one for each of the following denominations:—
   Anglican,
   Roman Catholic,
   Presbyterian,
   Methodist.

(2) The appointment of Chaplain-General of a denomination shall
not be conferred except on the head of the denomination in the Com-
monwealth or a clergyman recommended by the head or the governing
or competent consultative body of the denomination in the Com-
monwealth.

596. (1) A senior chaplain for each of the following
denominations may be appointed in each military district to administer
the establishment of chaplains of his own denomination in the dis-

   Anglican,
   Roman Catholic,
   Presbyterian,
   Methodist.

(2) A senior chaplain may, on the recommendation of the Military
Board, be appointed for any other denomination or any two or more
other denominations combined.

(3) The appointment of senior chaplain shall not be conferred except
on—
   (a) the head of his denomination in the military district; or
   (b) a clergyman recommended by the head of his denomination
in the military district or by the governing or competent
consultative body of his denomination in the military dis-
   trict or (in the case of a senior chaplain for two or more
denominations combined) by an authority approved by the
   Military Board.

(4) On the termination of his appointment, a senior chaplain may
be absorbed in the first vacancy on the authorized establishment, with
classification according to his length of service, or, if there is no vacancy
on the authorized establishment, he may be transferred to the Unattached
List pending a vacancy.

597. (1) Subject to sub-regulations (2) and (3) of this
regulation, a chaplain may be promoted—
   (a) to the 3rd class, after ten years' service as chaplain;
   (b) to the 2nd class, after fifteen years' service as chaplain, in-
       cluding at least five years in the 3rd class;
   (c) to the 1st class, after twenty years' service as chaplain,
       including at least five years in the 2nd class;
(2) A clergyman or a chaplain appointed a chaplain-general may be appointed a chaplain 1st class.

(3) A clergyman or a chaplain with less than twenty years' service as a chaplain who is appointed a senior chaplain may be granted the temporary classification of chaplain, 1st class, whilst holding that appointment.

598. A chaplain may be transferred from one military district to another on the recommendation of the senior chaplain of his denomination in and the base commandant of each military district concerned.

599. (1) When a chaplain ceases to be a clergyman of his denomination, or is, in the opinion of the head of his denomination, or the governing or competent consultative body, in his military district, unsuited for the duties of a chaplain, his appointment may be terminated.

(2) Except in special cases recommended by the senior chaplain of his denomination in his military district, and the district base commandant, a chaplain on the authorized establishment who has not performed any duty as a chaplain for two successive years shall be retired unless sooner placed upon the Unattached List under A.M.R. 113 (3).

(3) The appointment of a chaplain who has ceased to reside permanently in the Commonwealth shall be terminated.

600. Chaplains shall perform duty with the Military Forces in accordance with the arrangements made by the senior chaplain of their denomination in the military district.

DIVISION 9.—INTELLIGENCE SECTION, GENERAL STAFF.

601. An officer seconded from his regiment or corps, and attached to the Intelligence Section of the General Staff may, on promotion, revert to his regiment or corps, if he so desires, or may be permitted, subject to these regulations, to remain attached to that Section.

602. An officer attached to the Intelligence Section of the General Staff—

(a) who has completed the period of his appointment, and is not re-appointed; or

(b) who is unable to discharge the duties of his appointment; or

(c) whose services in that Section are no longer required; or

(d) who fails to discharge his duties to the satisfaction of the Chief of the General Staff

shall be reverted to his regiment or corps, or be transferred to the Unattached List or to the Reserve of Officers, if he is eligible to be so transferred, or be retired.

DIVISION 10.—SURVEY SECTION, ROYAL AUSTRALIAN ENGINEERS.

603. (1) A member of the Permanent Forces or the Citizen Forces, or other person eligible under the third proviso to D.A. 148 may be appointed to commissioned rank in the Survey Section, Royal Australian Engineers, if he—

(a) is between the ages of 30 and 45 years; and

(b) is certified by a medical board to be physically qualified; and
if the appointment is as an officer in a Topographical sub-section, if he—

(c) has had two years’ experience as a topographer in the field; and

(d) has a knowledge of the principles of map projection, and produces such evidence of competence and experience in triangulation as is required by the Military Board; and

if the appointment is as an officer in a Draughting sub-section, if he—

(e) has had three years’ experience as draughtsman; and

(f) has a knowledge of geodetic calculations and map projections; and

(g) produces such evidence of competence and experience in topographical drafting and map production as is required by the Military Board.

(2) Before his appointment as an officer of a Topographical or Draughting sub-section a person shall be required to pass the examination approved by the Military Board.

604. First appointment in the Survey Section, Royal Australian Engineers, shall be to the rank of lieutenant.

605. A lieutenant in the Survey Section, Royal Australian Engineers, who has had not less than four years’ service in that rank, may be promoted to the rank of captain if he has passed the examination approved by the Military Board, and is recommended by the Chief of the General Staff.


606. W.O.’s and N.C.O.’s of the Permanent Forces may be appointed under D.A. 148 to the position of quartermaster with commissioned rank in the Australian Instructional Corps, the Royal Australian Artillery, the Royal Australian Engineers, the Australian Army Service Corps (Permanent), or other corps, service or department of the Permanent Forces approved for the purpose by the Military Board, and may be allotted for duty with units of the Citizen Forces.

607. W.O.’s and N.C.O.’s of the Permanent Forces appointed to commissioned rank in those Forces for the position of quartermaster may be required to perform, in addition to the duties of quartermaster, such other duties as are directed by the Military Board, or a formation, &c., commander.

DIVISION 12.—PROVOST STAFF (UNIVERSAL TRAINING).

608. The Provost Staff (Universal Training) shall be maintained as part of the Permanent Forces.

609. (1) Members of the Permanent Forces with not less than five years’ service in those Forces, and persons who have served for not less than five years as members of the Permanent Forces or Citizen Forces, or of any other of His Majesty’s Forces raised for permanent service may be enlisted for service in the Provost Staff (Universal Training).
(2) A person may be enlisted for service in the Provost Staff (Universal Training) under sub-regulation (1) of this regulation for a period of two years and upon the expiration of his original enlistment or subsequent re-engagement may be re-engaged for a further period of two years.

DIVISION 13.—WAR DISABILITY SUPERNUMERARY LIST.

OFFICERS.

610. An officer of the Permanent Forces medically unfit for active service due to wounds or sickness occasioned by active service may be transferred to a War Disability Superannu­men­ary List of the Per­manent Forces if he is medically fit to perform the duties to be allotted to him, and his employment on military duty is not likely to aggravate the disability to which his medical unfitness is due.

611. No one period of employment of an officer on the War Disability Superannu­men­ary List shall exceed four years, but on the expiration of any period of employment an officer may be re-appointed from time to time for a further period not exceeding four years.

612. An officer who is not re-appointed to the War Dis­ability Superannu­men­ary List on the expiration of any period of his employment on that List, shall be retired.

613. An officer on the War Disability Superannu­men­ary List Examination, may be promoted to any rank, not exceeding that of major, for which he has passed the written portion of the examination prescribed for officers of the Australian Staff Corps, and of which he is qualified to perform the duties.

614. An officer on the War Disability Superannu­men­ary List may on becoming fit for active service be transferred to a regiment or corps of the Permanent Forces.

W.O.’s, N.C.O.’s, AND MEN.

615. A soldier of the Permanent Forces medically unfit for active service due to wounds or sickness occasioned by active service may be transferred to a War Disability Superannu­men­ary List of the Per­manent Forces, if he is medically fit to perform the duties to be allotted to him, and his employment on military duty is not likely to aggravate the disability to which his medical unfitness is due.

616. On the expiration of the period of his enlistment or re-engagement a soldier serving on the War Disability Super­nume­ra­ry List may, from time to time, and subject to the approval of the Military Board, be re-engaged for a further period of four years.

617. A soldier serving on the War Disability Super­nume­ra­ry List may, except in time of war, claim his discharge free before the expiration of the period of his enlistment or re-engagement, on giving fourteen days’ notice in writing to his C.O.

618. A soldier serving on the War Disability Super­nume­ra­ry List may be promoted to any warrant or non-commissioned rank for which he has passed the written portion of the examination, and for which he holds the certificate of education requisite for the like promotion in the Permanent Forces.
619. A soldier serving on the War Disability Supernumerary List may on becoming fit for active service be transferred to a regiment or corps of the Permanent Forces.

DIVISION 14.—AUSTRALIAN ARMY NURSING SERVICE.

620. Women not for the time being married, being British subjects of not less than 21 years, or more than 40 years of age, and who have had not less than three years' service and training in medical and surgical nursing in a general hospital, approved by the Director-General of Medical Services, may be appointed members of the Australian Army Nursing Service.

621. Members of the Australian Army Nursing Service shall be appointed by the Director-General of Medical Services.

622. The grades of members of the Australian Army Nursing Service shall be as follows:—

Grade.
Matron-in-Chief.
Principal Matron.
Matron.
Sister, and
Staff Nurse.

623. The grades of members of the Australian Army Nursing Service shall correspond with the ranks of officers of the Military Forces in accordance with the following table:

<table>
<thead>
<tr>
<th>Grade of Member</th>
<th>Corresponding Rank of Officer of Military Forces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matron-in-chief</td>
<td>with Colonel.</td>
</tr>
<tr>
<td>Principal matron</td>
<td>Lieutenant-Colonel.</td>
</tr>
<tr>
<td>Matron</td>
<td>Major.</td>
</tr>
<tr>
<td>Sister or</td>
<td>Lieutenant.</td>
</tr>
<tr>
<td>Staff nurse</td>
<td></td>
</tr>
</tbody>
</table>

624. (1) Members of the Australian Army Nursing Service shall be liable to render continuous service in time of war when required by the Military Board or the Director-General of Medical Services, or any person authorized by them or him.

(2) When not on war service members of the Australian Army Nursing Service may be employed for duty in the Military Forces as approved from time to time by the Military Board.

625. In a military hospital and in its vicinity a member of the Australian Army Nursing Service shall, in matters of medical or sanitary service, have authority next after officers of the Australian Army Medical Corps, and shall at all times be obeyed accordingly.

626. Members of the Australian Army Nursing Service shall be treated with the respect due to their position.

627. A member of the Australian Army Nursing Service may, except in time of war, resign her appointment after three months' notice in writing of her intention to do so.

628. (1) The appointment of a member of the Australian Army Nursing Service may be terminated at any time by the Director-General of Medical Services.
(9) The appointment of a member of the Australian Army Nursing Service who marries, or is found to be married, shall be terminated.

629. (1) Except as provided in this regulation, members of the Australian Army Nursing Service shall be retired at the ages shown in the following table:—

<table>
<thead>
<tr>
<th>Grade of Member</th>
<th>Age for Retirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matron-in-chief</td>
<td>50 years</td>
</tr>
<tr>
<td>Principal matron</td>
<td></td>
</tr>
<tr>
<td>Matron</td>
<td></td>
</tr>
<tr>
<td>Members of other grades</td>
<td>45 years</td>
</tr>
</tbody>
</table>

(2) The age for retirement of a member of the Australian Army Nursing Service under sub-regulation (1) of this regulation may, in special cases approved by the Director-General of Medical Services, be extended for any period not exceeding two years.

(3) A member of the Australian Army Nursing Service who, during time of war or three months immediately after time of war has ceased, reaches the age for her retirement shown in sub-regulation (1) of this regulation, shall be retired on the expiration of those three months:
Provided that any member may sooner be retired at any time after she has reached that age.

PART VIII.—SENIOR CADETS.

DIVISION 1.—DEFINITION.

630. In this Part, unless the contrary intention appears—

“Unit” means a body of the Senior Cadets affiliated or attached to a battalion of the Citizen Forces or a detachment thereof, or a battalion of the Senior Cadets or a detachment thereof.

DIVISION 2.—OFFICERS.

631. Every appointment and promotion of an officer of the Senior Cadets, and every transfer of an officer of the Senior Cadets from one formation, &c., to another, or to or from the Unattached List (Senior Cadets), shall be made or approved by the Governor-General. Every resignation or retirement of an officer of the Senior Cadets shall be approved by the Governor-General. Every such appointment, promotion, transfer, resignation, and retirement shall be notified in the Gazette.

632. The syllabus and scope of the examinations for first appointment or promotion to commissioned rank in the Senior Cadets, and for the promotion of officers of the Senior Cadets, shall be as approved by the Military Board.

633. The passing of the examination for appointment or promotion to any commissioned rank in any part of the Citizen Forces shall constitute the passing of the examination for appointment or promotion to that rank in the Senior Cadets.

634. (1) When a vacancy in commissioned rank in a unit of the Senior Cadets is to be filled from senior cadets serving under D.A. 125 (b), the vacancy shall be filled by the promotion of a member of that unit for the time being qualified by examination according to the order of merit attained, the more successful being preferred.
(2) Every member of a unit of the Senior Cadets who is a W.O. or N.C.O. may present himself for examination for promotion to commissioned rank in the unit to which he belongs.

635. (1) Persons not called upon to perform training under Part XII. of the D.A. may be appointed officers of the Senior Cadets.

(2) A person not called upon to perform training under Part XII. of the D.A. may be appointed provisionally an officer of the Senior Cadets, without having passed the examination for the rank to which he is appointed.

(3) An officer provisionally appointed under sub-regulation (2) of this regulation shall be removed from office if he omits or fails to pass the examination for his rank within eighteen months from the day of his appointment, or (if a time of war exists when he is appointed or comes into existence within eighteen months thereafter) within eighteen months from the cessation of the time of war.

636. (1) Subject to sub-regulation (2) of this regulation an officer of the Senior Cadets shall not be promoted to any rank for which he has not passed the examination.

(2) An officer of the Senior Cadets who has not had an opportunity of passing the examination for promotion may, on the recommendation of the Military Board, be provisionally promoted.

(3) The provisional promotion under sub-regulation (2) of this regulation of an officer who omits or fails to pass the examination for the rank to which he has been so promoted within eighteen months from the day of his promotion, or (if a time of war exists when he is promoted or comes into existence, within eighteen months thereafter) within eighteen months from the cessation of the time of war, shall be terminated.

637. An officer of the Senior Cadets shall not be promoted to the rank of captain unless he has served for two years in the rank of lieutenant.

638. (1) An officer of the Senior Cadets on becoming liable to be trained in the Citizen Forces under D.A. 125 (c) may, on the recommendation of his C.O., be permitted by his formation, i.e., commander to continue to serve as an officer of the Senior Cadets.

(2) Except as otherwise provided in these Regulations, the conditions under which an officer of the Senior Cadets continuing to serve under D.A. 62 (8) shall serve shall be the same as if he were liable to serve under D.A. 125 (b).

(3) An officer continuing to serve as an officer of the Senior Cadets under D.A. 62 (8) may be paid the allowances provided by the Financial and Allowance Regulations for an officer of the Senior Cadets of his rank not allotted from Citizen Force units.

639. (1) The Governor-General may, in accordance with this regulation, place officers of the Senior Cadets upon an unattached list, to be called the "Unattached List (Senior Cadets)."

(2) An officer of the Senior Cadets who has served as an officer for not less than five years, and is temporarily unable to discharge fully the duties of his appointment, may be transferred to the Unattached List (Senior Cadets) if he is not called upon to perform training under Part XII. of the D.A. and his rank has been confirmed.
(3) An officer of the Senior Cadets who, by reason of exemption under D.A. 138 has been placed upon the Unattached List (Senior Cadets) shall, on ceasing to be so exempt and being called upon to perform training under Part XII. of the D.A., be transferred to a unit of the Senior Cadets, or be allotted to the Military Forces as a soldier.

(4) An officer who has been for five years on the Unattached List (Senior Cadets) shall, unless transferred to a unit of the Senior Cadets, be retired.

(5) Each officer on the Unattached List (Senior Cadets) shall report his address annually, in writing, during the mouth of January or February, and also, as it occurs, any change of his permanent address. The report shall be made to the formation, &c., commander of the command in which he was last serving with a unit, or, if he has been transferred to another command under A.M.R. 655, to the formation, &c., commander of that command. An officer who fails to comply with this sub-regulation may be retired.

(6) An officer on the Unattached List (Senior Cadets) shall not be entitled to a free issue of uniform or to any allowance.

640. (1) An officer of the Senior Cadets selected for admission to the Royal Military College shall resign his commission before his enlistment in the Corps of Staff Cadets.

(2) An officer of the Senior Cadets who, on becoming liable to be trained under D.A. 125 (c), does not continue to serve as an officer of the Senior Cadets under D.A. 62 (b), shall resign his commission, or it shall be cancelled.

(3) An officer of the Senior Cadets continuing to serve as an officer of the Senior Cadets under D.A. 62 (b) shall, while liable to be trained under Part XII. of the D.A., resign his commission if required to do so by a formation, &c., commander. If an officer, when so required to resign his commission, omits forthwith to do so, it shall be cancelled. Every person who so resigns or whose commission is so cancelled shall be allotted pursuant to D.A. 143.

641. Officers of the Senior Cadets shall be retired reaching the age of 60 years, but in special cases the Governor-General may extend the age of retirement for a period not exceeding two years.

642. (1) An officer of the Senior Cadets who possesses the requisite service may on retirement be placed on the Retired List (Senior Cadets), and be granted a step in honorary rank or be permitted to retain his rank in accordance with the following table:

<table>
<thead>
<tr>
<th>Substantive or Brevet Rank</th>
<th>Qualifying Service for step in Rank on Retired List (Senior Cadets)</th>
<th>Qualifying Service for Retention of Rank on Retired List (Senior Cadets)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lieutenant-Colonel</td>
<td>Twenty years' commissioned service</td>
<td>Ten years' commissioned service</td>
</tr>
<tr>
<td>Major</td>
<td>Twenty years' commissioned service</td>
<td></td>
</tr>
<tr>
<td>Captain</td>
<td>Fifteen years' commissioned service</td>
<td></td>
</tr>
<tr>
<td>Lieutenant</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(2) No step in honorary rank higher than that of lieutenant-colonel shall be granted to an officer of the Senior Cadets on his retirement.

(3) An officer of the Senior Cadets placed upon the Retired List (Senior Cadets) may be permitted to wear the uniform of the Senior Cadets with the addition of the letter "R." on each shoulder strap.

(4) Commissioned service in the Active Military Forces may be counted towards qualifying service for the purposes of this regulation, but no period of commissioned service shall be counted more than once.

(5) One-half of any service without a commission in the Permanent Forces and one-fifth of any such service in the Active Citizen Forces or as a senior cadet may be counted for the purpose of this regulation as qualifying commissioned service.

(6) An officer of the Senior Cadets found to be permanently medically unfit, owing to wounds or sickness (not due to misconduct), contracted on active service, may, notwithstanding that he does not possess the qualifying service proscribed by this regulation, be permitted, on the recommendation of the Military Board, to retain his rank on retirement.

(7) An officer on the Retired List (Senior Cadets) shall report his address annually, in writing, during the month of January or February, to the District Base Commandant of the military district in which he resides. An officer who fails to comply with the provisions of this sub-regulation is liable to have his name removed from the Retired List (Senior Cadets).

DIVISION 3.—W.O.'S AND N.C.O.'S.

643. The appointment or promotion of a senior cadet to any warrant or non-commissioned rank in the Senior Cadets, including an acting or lance appointment, may be made by the C.O.

644. Promotion of a senior cadet to any acting or lance appointment in the Senior Cadets carrying warrant or non-commissioned rank may be made without examination.

645. The syllabus and scope of the examination for appointment and promotion to warrant rank and non-commissioned rank in the Senior Cadets shall be as approved by the Military Board.

646. (1) The examination for first promotion to permanent non-commissioned rank in the Senior Cadets shall be qualifying and competitive, and, subject to the provisions of this division, every person serving without a commission in a unit shall be eligible to compete by examination for such promotion therein.

(2) Except as provided in A.M.R. 652, every first promotion to permanent non-commissioned rank in a unit of the Senior Cadets shall be made from qualified candidates in that unit according to the order of merit attained in the competitive examination, the more successful being preferred.

647. First promotion under the last preceding regulation to permanent non-commissioned rank in the Senior Cadets shall be to the rank of corporal.

648. Candidates qualified by examination for first promotion to permanent non-commissioned rank in the Senior Cadets for whom no vacancies exist may, according to the order of merit attained in the examination, be appointed without further examination to
vacancies in their unit for which they have so qualified and which occur
before the holding of the next examination or before the expiration of
twelve months after the former examination, whichever is the sooner.

649. The examination for promotion of N.C.O.'s and
W.O.'s having permanent rank in the Senior Cadets to superior non-
commissioned rank and to warrant or superior warrant rank in the
Senior Cadets shall be qualifying only.

650. A W.O. or N.C.O. of the Senior Cadets who is
transferred from one unit of the Senior Cadets to another shall retain
his rank and seniority.

651. (1) Except as provided by this and the next follow-
ing regulation, a senior cadet shall not usually be promoted to the rank
of corporal until he has served in the Senior Cadets for two years,
nor to the rank of sergeant until he has served in the Senior Cadets for
three years.

(2) For the purpose of sub-regulation (1) of this regulation, a year
of service shall be counted although the senior cadet has not been called
upon to perform training in that year.

(3) If at any time in the opinion of a formation, &c., commander
there are not in a unit of the Senior Cadets in his command suitable
candidates for promotion to or in warrant or non-commissioned rank,
having the service required by sub-regulation (1) of this regulation,
sufficient to fill existing vacancies, he may authorize the promotion of
suitable candidates qualified by examination but without that service.

652. If a formation, &c., commander certifies in writing
that the interests of the service require the promotion, a senior cadet
may be promoted to or in warrant or non-commissioned rank, though
he has not the qualifications required by this division.

653. (1) For inefficiency or misconduct a W.O. or N.C.O.
of the Senior Cadets may be reduced by his C.O., with the previous
approval of a formation, &c., commander, to any inferior rank or
grade, or to the ranks.

(2) A W.O. or N.C.O. of the Senior Cadets, if he is convicted of
any offence by a civil court, may be reduced by his C.O. to any inferior
rank or grade, or to the ranks, or in seniority of his rank.

(3) A N.C.O. of the Senior Cadets holding any appointment,
including any acting or lance appointment, may, by order of his C.O.,
be reverted to his permanent rank or to any intermediate acting or
lance appointment.

(4) Before being reduced under sub-regulation (1) of this regula-
tion without an investigation under A.M.R. 607, a W.O. or N.C.O.
shall be notified in writing of the grounds for the proposed reduction,
and given an opportunity of showing cause against it.

DIVISION 4.—TRANSFER.

654. (1) An officer of the Senior Cadets may be trans-
ferred from one unit of the Senior Cadets to another, but shall usually
remain in the unit to which he is first appointed.

(2) Inability of an officer of the Senior Cadets, owing to a change
of his residence, to perform duty with his unit shall usually be treated
as a reason for his transfer to another unit.

(3) The transfer of an officer of the Senior Cadets shall usually
be effected in such a way as not to supersede in any appointment or
command any officer serving in the unit to which the transfer is made. After transfer, an officer of the Senior Cadets shall usually be appointed to the first vacancy for which he is qualified, and, until such a vacancy occurs, shall be borne supernumerary to the establishment.

(4) An officer borne supernumerary to the establishment under this regulation shall be paid the allowances prescribed by the Financial and Allowance Regulations and these Regulations.

655. When an officer on the Unattached List (Senior Cadets) changes his place of permanent residence to a military district in which there is no portion of the formation, &c., to which he belongs, he shall be transferred to the command of a formation, &c., commander in that military district, having regard to the place of residence of the officer.

656. A senior cadet who changes his place of residence from one training area to another shall, except as provided by A.M.R. 455, be transferred to the area to which his residence is changed.

657. A W.O. or N.C.O. of the Senior Cadets who is transferred from one area to another or (after having been exempt under D.A. 138) returns to duty with his unit shall not supersede the holder of any appointment in the unit which he joins or re-joins, but shall be absorbed into the first appropriate vacancy, and until so absorbed shall be borne supernumerary to the establishment.

DIVISION 5.—DISCIPLINE.

658. A.M.R. 194 shall, as nearly as circumstances permit, apply to an officer of the Senior Cadets as if he were an officer of the Military Forces, and to a senior cadet as if he were a soldier.

659. (1) Every member of the Senior Cadets who, when on duty or in uniform, and in circumstances which do not constitute an offence against D.A. 135 (1a) (b), commits any offence mentioned in A.M.R. 203 (1) (xii), (xiv), (xvi), (xvii), (xix), (xxiv), (xxv), (xi), (xiii), (xlv), (li), or (lx) shall, on conviction, be liable to penalties prescribed by A.M.R. 653.

(2) No person shall be prosecuted under this regulation for an offence against A.M.R. 203 (1) (lx) if the act, conduct, disorder, or neglect alleged constitutes any other offence against A.M.R. 203 (1) mentioned in sub-regulation (1) of this regulation; but contravention of this sub-regulation shall not invalidate a conviction if objection to the information or complaint is not taken before the conviction. Nothing in this sub-regulation shall exonerate any officer from disciplinary responsibility for its breach.

(3) For the purposes of this regulation—

(a) in A.M.R. 203 (1), (xiii), and (xiv) the expression “superior officer” includes a superior officer of the Military Forces and of the Senior Cadets, and, in relation to a senior cadet, includes a W.O. and a N.C.O. of the Military Forces and of the Senior Cadets; and

(b) A.M.R. 203 (1) (iii) shall be read as if—

(i) the words “being an officer or soldier” were omitted; and

(ii) next after the words “officer or soldier” where they secondly occur, there were inserted the words “or a member of the Senior Cadets.”
(4) For the purposes of this regulation a member of the Senior Cadets shall be “on duty”—

(a) during the whole period of any continuous training which he attends; and
(b) when on parade; and
(c) in respect of every act done or omitted to be done by him in his capacity as a member of the Senior Cadets or with intended reference to that capacity; and
(d) while lawfully in military custody within the meaning of A.M.R. 221; and
(c) while in the custody of a prescribed authority under D.A. 135 or 135a or A.M.R. 663, or detained at a prescribed institution or place under D.A. 135 or 135a or A.M.R. 663.

660. (1) Except as provided in sub-regulation (2) of this regulation, a senior cadet liable to be trained under D.A. 125 (b) who, when in uniform or on duty or on parade, or in any place used for military purposes, has in his possession any intoxicating liquor or cigarettes or tobacco in any form shall be guilty of an offence, and on conviction shall be liable to a penalty not exceeding Five pounds.

(2) The possession by a senior cadet of cigarettes or tobacco shall not constitute an offence against this regulation if his parent or guardian has previously notified, in writing, to the area officer his consent to that possession.

661. The uniform authorized by the Military Board for the Senior Cadets shall be worn by all members of the Senior Cadets while attending drills or parades.

662. A member of the Senior Cadets who, except when on duty or when authorized by a proper military authority to wear uniform, wears the uniform or any part of the uniform authorized for the Senior Cadets shall be guilty of an offence, and on conviction shall be liable to a penalty not exceeding Five pounds.

663. (1) An offender against A.M.R. 659 shall be liable to a penalty not exceeding Five pounds.

(2) In addition to or in lieu of a pecuniary penalty under this regulation, the Court may, if it thinks fit, commit the offender to confinement in the custody of an authority prescribed for the purposes of D.A. 135 or 135a for any time not exceeding twenty days.

(3) A member of the Senior Cadets shall not be committed to gaol in default of payment of a pecuniary penalty imposed under this regulation or A.M.R. 207, 208, 660, or 662, or of any costs awarded in proceedings in which any such pecuniary penalty is imposed, but instead the court may order that he be committed to the custody of an authority prescribed for the purposes of D.A. 135 or 135a for such time not exceeding the time for which the court could, but for anything contained in the D.A. or these Regulations, have committed him to gaol in default of payment of the pecuniary penalty imposed or costs awarded, as the court thinks fit.

(4) Commitment to the custody of an authority under this regulation shall have the same effect and consequences, including the liability imposed by D.A. 135 (7) as if the commitment, had been made under D.A. 135.
664. Except in the case of a W.O. or N.C.O. under A.M.R. 658 (1) or (3), a senior cadet shall not be punished by his C.O.

665. A member of the Senior Cadets shall not be tried by court-martial.

666. (1) A member of the Senior Cadets shall be liable—
(a) to arrest during the whole period of any continuous training which he attends; and
(b) to suspension—
in each case as if he were a member of the Citizen Forces not on war service.

(2) In relation to members of the Senior Cadets the duties and powers of officers, W.O’s, and N.C.O’s of the Military Forces and of Provost Marshals and Assistant Provost Marshals with reference to arrest and suspension, shall be exercisable and shall be performed respectively by them or by officers, W.O’s, and N.C.O’s of the Senior Cadets.

667. (1) When a charge of having committed an offence against the D.A. or regulations under the D.A. is made against a member of the Senior Cadets, his C.O. may, but shall not be obliged, to hold an investigation.

(2) When an investigation is held under this regulation, the investigation shall be conducted in the same manner as the investigation of a charge against a member of the Citizen Forces not on war service.

(3) When an investigation of a charge is held under this regulation, the C.O. shall—
(a) dismiss the charge if, in his opinion, the evidence does not show that some offence against the D.A. or a regulation made under the D.A. has been committed, or if, in his discretion, he thinks the charge ought not to be proceeded with; or
(b) if he is of opinion that the charge ought to be proceeded with—
(i) take steps for the prosecution of the accused; or
(ii) in the alternative, if the accused is a W.O. or N.C.O., reduce or revert him under A.M.R. 653 (1) or (3).

(4) When a charge has been dismissed under this regulation, the accused shall not be prosecuted on that charge.

668. Except in consequence of a finding under D.A. 141, a senior cadet shall not be discharged in consequence of any offence.

DIVISION 6.—GENERAL.

669. A senior cadet employed on piece-work shall be paid by his employer for any time he is absent from employment for the purposes of training under the D.A., except the training required of the senior cadet for failure to become efficient or while undergoing confinement for an offence, at the rate per hour of his average hourly earnings while employed on piece-work during his working hours for his employer during the three months preceding the absence for the purpose of training, or, if the senior cadet has not been employed for three months, during the period for which he has been employed:
Provided that where, owing to the shortness of the period of employment or the casual nature of the employment, or the terms of the employment, it is impracticable to determine the basis of the payment, that basis shall be the average hourly earnings of a person in the same grade performing the same class of work for the employer during the three months preceding the absence of the senior cadet for the purpose of training.

670. The uniform and scale of issue of the uniform to be authorized worn by members of the Senior Cadets shall be as authorized by the military board.

671. Uniform shall be issued free to members of the Senior Cadets.

672. When in the D.A. or these regulations provision is not made in relation to a matter concerning the Senior Cadets, the provisions of these Regulations relating to the like matter in the Citizen Forces shall apply to the Senior Cadets as nearly as circumstances permit.

PART IX.—CEREMONIAL.

DIVISION 1.—STANDARDS, GUIDONS, AND COLOURS.

673. Standards and guidons of cavalry are to be carried by squadron sergents-major. Colours of infantry are to be carried by two senior lieutenants, but on the line of march all subaltern officers are to carry them in turn.

674. Standards, guidons, and colours are not to be altered without the authority of the Military Board.

675. The consecration of colours shall be performed by chaplains or officiating clergymen in accordance with the authorized “Form of Prayer.” Copies of the authorized form of prayer may be obtained from Head-quarters.

676. The standard or guidon of cavalry or the King’s Colour of infantry is to be carried by a guard when the guard is mounted over the King, the Queen, a member of the Royal Family or a Viceroy, Governor-General, High Commissioner, Governor, Lieutenant-Governor, or Captain-General in his capacity as His Majesty’s representative, within his government, or a foreign Sovereign, the President of a Republican State, or a member of a foreign Imperial or Royal Family. On all other occasions it is to remain with the unit.

677. The King’s Colour is not to be trooped except in the case of a guard mounted over the King, the Queen, a member of the Royal Family, or His Majesty’s chief representative in a British possession, or a territory under British rule by mandate.

DIVISION 2.—HONOURS AND SALUTES.

GENERAL.

678. In this division the expression “general officer” means an officer holding the rank of major-general or a superior rank.
Honours and salutes on parade.

679. The honours and salutes to be given by troops on parade and by Guards of Honours shall be as follows:

(i) To the King, the Queen, and the Prince of Wales—

Royal Salute. — Present arms, standards, guidons, and colours lowered. The band is to play the whole of the National Anthem for the King and the Queen, but only the first six bars for the Prince of Wales. In the event of the Queen or the Prince of Wales arriving at a ceremony after, or departing before, the King, the National Anthem is not to be played.

(ii) To other members of the Royal Family—

As for the Prince of Wales, except that the National Anthem is not to be played for them when the King, the Queen, or the Prince of Wales is present. When more than one member is or will be present, each in turn is to receive the Royal Salute, but the band is to play the first six bars of the National Anthem, only for that member for whom the troops are parading.

(iii) To Foreign Sovereigns, Presidents of Republican States, Members of Foreign, Imperial, or Royal Families —

As for the King and the Queen, except that the foreign national hymn is to be played in place of the National Anthem.

(iv) To Viceroy, Governors-General, High Commissioners, Governors, Lieutenant-Governors, Captains-General, or Special Royal Commissioners acting on behalf of the Sovereign, within their respective governments—

Royal Salute. — Present arms, standards, guidons, and colours lowered. The first six bars of the National Anthem to be played.

(v) To Field Marshals, Admirals of the Fleet, Marshals of the Air—

General Salute as in sub-paragraph (vi); regimental colours of all forces lowered.

(vi) To General Officers and Inspecting Officers below the rank of General Officer, and to corresponding ranks and appointments in any of His Majesty's Naval Forces or Air Forces—

General Salute by troops under their command; by mounted services with swords drawn or as laid down in the training 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 of Garrisons, Camps, and Stations, if under the rank of General Officer or corresponding rank in any of His Majesty's Naval Forces or Air Forces—

As for next higher rank, but an artillery salute shall not be given.
(viii) To Standards, Guidons, and Colours—

When uncased, at all times to be saluted with the highest honours, viz., arms presented, trumpets or bugles sounding the salute, drums beating a ruffle.

680. The National Anthem is not to be played in connexion with salutes on any other occasions than those mentioned in the last preceding regulation, and is only due to those personages who are entitled, under these regulations, to a royal salute.

681. (1) When the National Anthem is played for a royal salute all ranks in military uniform not under the orders of the Officer Commanding the parade are to stand at attention, officers, W.O.'s, and N.C.O.'s saluting.

(2) Officers in attendance on His Majesty and other Royal Personages or the Personal Staffs of Governors-General and Governors (when such Governors-General or Governors represent the Sovereign on official occasions) are not to salute when the National Anthem is played for the royal salute. The only exception is on an occasion of the trooping of the colour; when the National Anthem is played on the presentation of arms to the colour, all officers, including those in attendance, are to salute. In the case of officers of a head-quarters staff, after the royal salute, the Military Board or the officer commanding is alone to be regarded as in attendance, and is to take up position in rear of His Majesty or the Governor-General or Governor as the case may be.

(3) All ranks in military uniform not on parade are to stand at attention when the National Anthem is played during the feu de joie and for the royal salute, but officers, W.O.'s, and N.C.O.'s are to salute only when the royal salute is given.

682. When the National Anthem is played on occasions when there is no parade, or on occasions of a non-military nature, all ranks in military uniform are to stand at attention, officers, W.O.'s, and N.C.O.'s, if wearing head dress, saluting.

683. Whenever any member of the Royal Family or the Governor-General passes along the front of a camp to inspect it, the troops are to turn out and fall-in in front of the tents, but not under arms.

684. An officer temporarily acting in a command is entitled, during his tenure, to all the honours and salutes appertaining to that command, provided, so far as artillery salutes are concerned, that he is not under the rank of major-general.

685. An officer acting in any civil office is entitled during his tenure to all the honours and salutes appertaining to the office.

686. The compliments directed in these regulations are to be paid to officers in the service of any Power in amity with His Majesty, according to their respective ranks.

687. Officers or soldiers passing troops or naval landing parties with uncased colours are to salute the colours and the officer commanding (if senior).

688. Each year on the morning of Armistice Day, 11th November, at 11 o'clock, all troops are to stand at attention for two minutes, and all guards are to turn out and present arms.
689. Officers, soldiers, and colours passing a military funeral are to salute the body.

690. Armed parties in paying compliments on the march are to be called to attention, infantry are to slope, and the command, "Eyes right (or left)" is to be given; mounted units are to "carry" swords. Tanks and armoured car units are to dip their gun or guns.

691. An officer commanding an armed party passing a guard, or paying or returning a compliment is to draw his sword before giving the necessary command. When in command of an unarmed party, he is to return the salute with the right hand as he gives the command "Eyes right (or left)." Soldiers in command of parties are to conform to the rules laid down for officers.

692. (1) All officers are to salute their seniors before addressing them on duty or on parade; when in uniform they are to salute with the right hand, in the manner laid down 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 is to be returned by the senior only. When not on duty or parade but in uniform, officers under the rank of field officers are to salute all officers of field rank and upwards. General officers and field officers are to salute their superiors in rank.

(2) Officers in uniform are to salute officers in any of His Majesty's Naval Forces or Air Forces who are senior in rank.

(3) Officers and soldiers boarding any of His Majesty's ships or a foreign man-of-war are to salute the quarter-deck.

693. (1) W.O.'s, N.C.O.'s, and men in uniform are to salute all commissioned officers whom they know to be such (whether in uniform or not), belonging to any of His Majesty's Naval Forces, Military Forces, or Air Forces. They are similarly to salute those warrant officers of any of His Majesty's Naval Forces who hold rank corresponding to that of commissioned officers in the Military Forces.

W.O.'s, N.C.O.'s and men are to salute with the right hand, irrespective of the side on which the officer saluted is passing. Where from physical incapacity a right-hand salute is impossible, the salute is to be given with the left hand.

(2) N.C.O.'s and men are to address W.O.'s in the same manner as they do officers, but not salute them.

694. In a civil court an officer or soldier (except when on duty under arms with a party or escort inside the court) is to remove his head dress while the judge or magistrate is present.

OFFICIAL VISITS.

695. The following rules are to be observed for the interchange of official visits between officers of the Military Forces and Naval officers arriving at military stations:

(a) On the arrival of a British or foreign ship-of-war an officer is to be sent on board by the District Base Commandant to arrange with the Naval Officer in command for the exchange of visits.

(b) The District Base Commandant is to call first on any Naval Officer senior to him as soon as practicable after the arrival, or, if the Naval Officer is junior to him, he is to await his visit.
(c) A visit paid by a Naval Officer is to be returned within 24 hours. The District Base Commandant, if holding rank superior to the rank of colonel, is to send a staff officer to return the visit of a naval officer below the rank of captain, but in other cases he is to return the visit in person.

(d) At a military station at which Head-quarters are situated, the official visits are to be interchanged with the Military Board, except when the Military Board is absent from the station, and the District Base Commandant is to apply to the Adjutant-General for instructions before taking action under sub-paragraph (a) of this regulation.

Guards of Honour.

696. (1) A Guard of Honour, usually of 50 rank and file, with a captain in command, two subaltern officers (one carrying the King's Colour) and a proportion of sergeants, is to be mounted, with regimental band in attendance:

(i) For the King or a member of the British Royal Family, a Foreign Sovereign, President of a Republican State, or a member of a Foreign Imperial or Royal Family.

(ii) For a Viceroy, Governor-General, High Commissioner, Governor, Lieutenant-Governor, Captain-General, or Special Royal Commissioner of any British Possession or Territory under British rule by mandate on such occasions as are customary within his government.

(iii) At ceremonies of State.

(2) A Guard of Honour is not to be detailed when a personage mentioned in sub-paragraph (ii) of the last preceding sub-regulation is returning from leave of absence the duration of which is less than three months, or when he is merely departing from or arriving at a port or station for or from another within his government or on changing residence.

(3) When local circumstances preclude the provision of a Guard of Honour of the strength mentioned in sub-regulation (1) of this regulation, the number may be reduced, but any diminution in numbers is not to affect the honours and salutes to be given.

697. (1) A Guard of Honour, usually of 30 rank and file with two officers (one carrying the regimental colour) and a band is to attend—

(i) When a naval officer of flag rank or an air officer of marshal rank, commanding-in-chief, lands for the first time at a port or station within his command.

(ii) When a foreign general, flag, or air officer lands at a military station within His Majesty's Dominions to visit the Governor-General, the Governor, the Military Board or the District Base Commandant.

(iii) If deemed expedient, to receive a distinguished personage not mentioned in the last preceding regulation, or on an occasion not specified in A.M.R. 879.
(2) When local circumstances preclude the provision of a Guard of Honour of the strength mentioned in sub-regulation (1) of this regulation, the number may be reduced, but any diminution in numbers is not to affect the honours and salutes to be given.

698. A Voluntary Guard of Honour in accordance with the last preceding regulation may be furnished for the Governor-General or the Governor of a State visiting a city or town in the Commonwealth or that State respectively on other than an occasion of state, if the troops are available without expense.

**Mounted Escorts.**

699. (1) Mounted escorts are to attend, if ordered, when Guards of Honour are furnished under A.M.R. 696.

(2) The strength of the escort for the Governor-General shall be 1 officer, 1 sergeant-major, 1 trumpeter, 20 rank and file; and for the Governor of a State, 1 officer, 1 sergeant, 1 trumpeter, 12 rank and file.

(3) Voluntary escorts may similarly be furnished when Guards of Honour are furnished under the last preceding regulation.

(4) When mounted units in a locality are unable to provide escorts application should be made by the District Base Commandant to the proper State authority for an escort of mounted police.

**Guards and Sentries.**

700. Guards, including guards of honour, mounted over the person of the King or members of the Royal Family are to pay no compliments except to the King and members of the Royal Family. Guards, including a guard of honour, mounted over the Governor-General or Governors within their Governments are to pay no compliments to officers or persons of less degree. Any such guards when visited by officers on duty are to turn out with sloped arms.

701. (1) At all times between reveille and retreat, guards are to turn out and, subject to the last preceding regulation, pay the compliments specified in A.M.R. 679 to general officers in uniform and to the Governor-General and the Governor of a State within his government. Guards and parties on the march are also to pay the authorized compliments to general officers in uniform.

(2) Regimental guards are to turn out, and present arms, once a day to their C.O.'s of whatever rank.

702. (1) Guards are to turn out at all times when an armed party of any branch of the Service approaches their posts. To armed corps they are to present arms, and before other armed parties stand with sloped arms. They are not to pay compliments between the sounding of “Retreat” and “Reveille” except to Grand Rounds and are not to turn out to any unarmed party. A mounted party, armed, is to draw and carry swords to all guards turning out to it.

(2) The expression “armed party” in this regulation means a party armed with swords, guns or rifles, and mounted in the case of mounted units, or two or more tanks or armoured cars.

(3) The expression “armed corps” in this regulation means an armed party of a certain strength, namely, a regiment of Light Horse, a battery of artillery with its guns, heavy (coast) artillery of not
less than two batteries, engineers of not less than four companies, a
battalion of infantry with or without colours, a battalion of tanks,
an armoured car company, and army service corps or army ordnance
corps of not less than four companies.

703. An officer under the rank of a general officer shall
not be entitled to the compliment of the bugle sounding the salute, or
the drum beating a ruffle, when guards “present arms” to him.
An officer not in uniform shall not be entitled to the compliment of
a guard turning out, but this shall not apply to members of the Royal
Family, the Governor-General, and governors or lieutenant-governors
within their respective governments. A colonel commandant shall not
be entitled to the compliment of the guard turning out, except in the
case of a guard formed by troops under his command and mounted
under his immediate order or under the orders of one of his unit com-
manders.

704. When a general officer in uniform, or a person entitled to officers
passes in rear of a guard, the commander is to
cause his guard to fall in and stand with sloped arms, facing the
front, but no drum is to beat or bugle to sound. When such an officer
or person passes guards while in the act of relieving, both guards are
to salute as they stand, receiving the word of command from the senior
commander.

705. Honours are to be paid by sentries as follows:—

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<thead>
<tr>
<th>Post of Sentry</th>
<th>Present Arms</th>
<th>Salute</th>
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<tbody>
<tr>
<td>Furnished from a Royal guard</td>
<td>Members of the Royal Family</td>
<td>Officers of all ranks (in uniform)</td>
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<tr>
<td>Residences of Governor-General and Governors</td>
<td>Armed corps .. ..</td>
<td>Unarmed parties</td>
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<tr>
<td>Residences of Generals ..</td>
<td>Governor-General and Governors</td>
<td>Officers of all ranks (in uniform)</td>
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<tr>
<td>Other posts .. ..</td>
<td>Armed corps .. ..</td>
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<tr>
<td></td>
<td>Generals .. ..</td>
<td>Officers below the rank of general</td>
</tr>
<tr>
<td></td>
<td>Armed parties .. ..</td>
<td>Unarmed parties</td>
</tr>
<tr>
<td></td>
<td>General and field officers ..</td>
<td>Officers below field rank</td>
</tr>
<tr>
<td></td>
<td>Armed parties .. ..</td>
<td>Unarmed parties</td>
</tr>
</tbody>
</table>

706. (1) All guards and sentries are to pay the same compliments to commissioned officers of any of His Majesty’s Naval Forces, Military Forces, or Air Forces—who in uniform—as are directed to be paid to officers of the Military Forces of the same or corresponding rank.
(2) Guards and sentries are to pay compliments to commissioned officers of the departments of the army according to their ranks or corresponding ranks as the case may be.

FLAGS AND FLAG STATIONS.

707. The Royal Standard, being the personal flag of the Sovereign, is to be hoisted on official buildings, forts, or enclosures, or on parade, only when His Majesty the King is personally present in the building, fort, enclosure, or on parade. The Union Flag will
be flown for any member of the Royal Family not entitled to a Personal Standard or to the use of a Standard. In the absence of the Sovereign, when the Queen, the Prince of Wales, or other member of the Royal family entitled to a Personal Standard is present in any such building, fort, or enclosure, his or her Personal Standard is to be hoisted.

708. Flags are to be flown at Flag stations in accordance with the following table. The smaller flag is to be flown in bad weather:

<table>
<thead>
<tr>
<th>Flag Stations</th>
<th>Australian Ensign</th>
<th>12 feet x 6 feet</th>
<th>6 feet x 3 feet</th>
</tr>
</thead>
</table>
| 1st Military District | Victoria Barracks, Brisbane | 1 | 1
| Barracks, Thursday Island | 1 | 1
| 2nd Military District | Victoria Barracks, Sydney | 1 | 1
| George's Heights | 1 | 1
| Fort Scratchley, Newcastle | 1 | 1
| 3rd Military District | Queenscliff Fort | 1 | 1
| 4th Military District | Keswick Barracks, Adelaide | 1 | 1
| Fort Largs | 1 | 1
| 5th Military District | Military Head-Quarters, Perth | 1 | 1
| Fort Princess Royal, Albany | 1 | 1
| Artillery Barracks, Fremantle | 1 | 1
| 6th Military District | Anglesea Barracks, Hobart | 1 | 1
| Saluting Battery, Hobart | 1 | 1
| Royal Military College | 1 | 1

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

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

<table>
<thead>
<tr>
<th>Military District</th>
<th>Salutes to Foreign Men of War</th>
<th>Other Salutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>George’s Heights, Sydney</td>
<td>Queen’s Park, Brisbane</td>
</tr>
<tr>
<td>2nd</td>
<td>Government Domain, Sydney</td>
<td>Government Domain, Melbourne</td>
</tr>
<tr>
<td>3rd</td>
<td>Government Domain, Melbourne</td>
<td>Government Domain, Melbourne</td>
</tr>
<tr>
<td>4th</td>
<td>Artillery Barracks, Fremantle</td>
<td>Government Domain, Melbourne</td>
</tr>
<tr>
<td>5th</td>
<td>Queen’s Battery, Hobart</td>
<td>Government Domain, Melbourne</td>
</tr>
<tr>
<td>6th</td>
<td></td>
<td>Government Domain, Melbourne</td>
</tr>
<tr>
<td>Territory for the Seat of Government</td>
<td></td>
<td>Government Domain, Melbourne</td>
</tr>
</tbody>
</table>
ARTILLERY SALUTES.

710. (1) Artillery salutes are to be fired at the authorized stations in accordance with this regulation except when the Governor-General otherwise directs.

(2) Royal salutes consisting of 21 guns are to be fired in honour of the following personages and occasions:—

(i) The Sovereign; a member of the Royal Family; a Foreign Crowned Head, or Sovereign Prince, or his Consort; a Prince who is a member of a Foreign Royal Family; the President of a Republican State. The salutes are to be fired both on arrival and departure.

(ii) On the passing of a vessel flying flags denoting the presence of the Sovereign (or a member of the Royal Family representing him); the Queen, or the Prince of Wales. The presence of the Sovereign (or a member of the Royal Family representing him), is denoted on board any ship of war by the Royal Standard at the main, the flag of the Lord High Admiral at the fore, and the Union Flag at the mizen, or on board any vessel with less than three masts by the same flags in the most conspicuous parts; the presence of the Prince of Wales or other members of the Royal Family on board any ship is denoted by their respective Standards.

No other flag is to be saluted in the presence of either the Royal Standard or the Standard of the Prince of Wales or other member of the Royal Family, except the Standard of a Foreign Royal Family, or of the President of a Republican State.

(iii) On the following anniversaries—

The Birthday, Accession, and Coronation of the Sovereign.
The Birthday of the Consort of the Sovereign.
Empire Day.

These salutes are to be fired at noon on the actual hour for day of the anniversary, except when the anniversary falls on a Sunday, in which event the salute is to be fired at noon on the following day.

(3) Upon the occasion of the celebration of the birthday of the King or Queen of a foreign nation, or of another important national festival or ceremony, by any ship of war of a foreign 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.

(4) A salute of nineteen guns is to be fired at the opening and proroguing and dissolving of the Parliament of the Commonwealth or of a State.

(5) Artillery salutes as under are to be fired in honour of the following personages on the occasions stated:—

<table>
<thead>
<tr>
<th>Personage</th>
<th>Salute</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Governor-General</td>
<td>19 guns</td>
</tr>
<tr>
<td>The Governor of a State</td>
<td>17 guns</td>
</tr>
<tr>
<td>Lieutenant-Governors or Commissioners (if administering the Government)</td>
<td>15 guns</td>
</tr>
</tbody>
</table>
(i) On first landing in their governments.
(ii) On the reading of the 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 the State (as the
    case may be).
(vi) When officially visiting States, ports, territories, and de-
    pendencies within their governments, but not oftener at
    any one place than once in twelve months.

6) Artillery salutes as under are to be fired in honour of the
   following persons on the occasions stated:

   Admirals of the Fleet, 19 guns; Admirals, 17 guns; Vice-
   Admirals, 15 guns; Rear-Admirals, 13 guns; Commodores (no
   senior captain being present), 11 guns; on landing for the first
   time in the Commonwealth being in actual employment. These
   salutes are not to be repeated oftener than once in twelve months
   and, in the case of officers serving in the Royal Australian Navy, not
   oftener than once in three years, unless the officer shall have re-
   ceived an advance in rank.

7) Artillery salutes in honour of officers of the army are not to
   be fired by forts except at their funerals.

711. Artillery salutes as under are to be fired at the
       funerals of the following personages, whether of British or Foreign
       nationality:

   Ambassadors, 10 guns; envoys extraordinary and Ministers
   plenipotentiary and others accredited to Sovereigns (except such
   as are accredited in the specific character of Minister Resident),
   17 guns; Ministers resident and diplomatic authorities below the
   rank of Envoy extraordinary and Minister plenipotentiary and
   above that of Chargé d’Affaires, 15 guns; Chargés d’Affaires, or
   subordinate diplomatic agents left in charge of missions, 13
   guns, when within the dominions of the State to which accredited.
   Consuls-General (13 guns) and Consuls (7 guns), when within
   the port to which they belong.

712. Naval, military, and air force officers temporarily
      acting in any command are entitled, during their temporary tenure
      to all the honours or salutes that appertain to that command, provided
      that no officer under the rank of major-general or commodore or air
      vice-marshal is to receive an artillery salute by virtue of his naval or
      military or air force rank.

713. An authority who, from his rank and appointment,
      is entitled to be saluted in more than one capacity, is to be saluted
      in respect of that rank which entitles him to the greatest number of guns,
      but on no occasion is the same person to be saluted in more than one
      capacity.
714. An inferior naval or air force authority is not to be saluted in the presence of a superior naval or air force authority. Similarly an inferior military authority is not to be saluted in the presence of a superior military authority. Personal as well as other salutes are included in each case.

715. A foreigner of high distinction, or a foreign general or flag officer, or an officer of marshal rank, when visiting the Governor-General, a Governor, the Military Board, or a District Base Commandant, may, on landing, be saluted with the number of guns which, by his rank, he is entitled to receive from a ship of war of his own nation, or with such number, not exceeding nineteen, as may be deemed proper; but the salute is not in any case to exceed the number of guns given to officers of corresponding rank in His Majesty's Naval Forces, Military Forces, or Air Forces.

716. All salutes from ships of war of other nations to His Majesty's forts mentioned in the second column of the table contained in A.M.R. 709 are to be returned gun for gun; but His Majesty's ships and His Majesty's forts are not to exchange artillery salutes in any part of His Majesty's dominions.

717. On special occasions the Governor-General may authorize such artillery salutes to be fired as he deems appropriate.

718. Artillery salutes other than those authorized by these Regulations are not to be fired, except such as are 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, the Governor-General may direct such salutes to be fired as the occasion seems to him to require.

719. Artillery salutes to foreign royal personages and other foreign authorities and flags are only authorized in the case of a Government formally recognized by His Majesty.

720. As a rule, artillery salutes are not to be fired before 8 o'clock in the morning nor after retreat, nor during the usual hours for divine service on Sundays. The same principle is to apply to guards of honour and official receptions. In exceptional cases the course to be pursued is to be determined by the proper military authority.

**SPECIAL FLAGS.**

721. The Union Flag, being the distinguishing flag of the admiral of the fleet, is not to be flown on military boats and vessels.

722. The Union Flag bearing in its centre, as a distinguishing mark, a crown on a blue shield with the words "Military Board" on a white scroll in the lower half of the shield may be flown by the Military Board.

723. The Union Flag bearing in its centre, as a distinguishing mark, the Royal Cypher surrounded by a garland on a blue shield and surmounted by a crown, may be flown by general officers commanding stations when embarked on duty in boats or vessels.
### Salutes in Boats.

724. The following rules for saluting are to be observed in military boats:

(i) When an officer is in the boat—

<table>
<thead>
<tr>
<th>Rank of Officer in Boat</th>
<th>When Passing</th>
<th>Under Oars</th>
<th>Meeting at Landing Place or Alongside Ship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Field officers</td>
<td>Admiral or General officer</td>
<td>&quot;Lay on Oars&quot;. Officer salutes</td>
<td>Crew &quot;Eyes Front.&quot; Officer and coxswain salute</td>
</tr>
<tr>
<td>Field officers</td>
<td>Other naval and military officers, if senior</td>
<td>Officer salutes</td>
<td>Officer salutes</td>
</tr>
<tr>
<td>Officers below rank of field officer</td>
<td>Admiral or General officer</td>
<td>&quot;Toss Oars.&quot; Officer salutes</td>
<td>Crew &quot;Eyes Front.&quot; Officer and coxswain salute</td>
</tr>
<tr>
<td>Officers below rank of field officer</td>
<td>Commodore, Colonel Commandant, Colonel-on-the-Staff, Colonel, Lieutenant-Colonel</td>
<td>&quot;Lay on Oars.&quot; Officer salutes</td>
<td>Crew &quot;Eyes Front.&quot; Officer and coxswain salute</td>
</tr>
<tr>
<td>Officers below rank of field officer</td>
<td>Other officers of either service whom they know to be senior</td>
<td>Officer salutes</td>
<td>Officer salutes</td>
</tr>
</tbody>
</table>

(ii) When no officer is in the boat—

<table>
<thead>
<tr>
<th>When Passing</th>
<th>Under Oars</th>
<th>Meeting at Landing Place or Alongside Ship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Admiral Commodore Captain</td>
<td>General officer ...</td>
<td>&quot;Toss Oars.&quot; Coxswain salutes</td>
</tr>
<tr>
<td>...</td>
<td>Colonel Commandant, Colonel-on-the-Staff, Colonel, Lieutenant-Colonel</td>
<td>&quot;Lay on Oars.&quot; Coxswain salutes</td>
</tr>
</tbody>
</table>

**Note.** In boats fitted with crutches oars are never to be tossed, but the salute should be given by laying on oars.
(iii) In steam and motor boats engines are to be stopped where in pulling boats oars would be tossed; engines are to be eased where pulling boats would "lay on" oars.

(iv) Laden boats, or those towing or in tow, are not to toss or lay on their oars.

(v) Coxswains of boats under oars or sails, when an officer is in charge, only salute at landing places.

(vi) Salutes in boats, under oars or sails, are to be made sitting down; in other cases standing up.

(vii) Boats laying off on their oars are to salute as above, but the bowmen are to salute as well as the coxswain.

(viii) Boatkeepers salute standing up in the ordinary manner.

(ix) For a Royal Salute the crew toss oars and stand up (in double banked boats only).

(x) When a general officer is saluted with guns he is, on the first gun being fired, if in steam boat, to have the engines stopped, or, if in a pulling boat, to give the order "lay on oars," and on the last gun being fired is to turn towards the ship and salute.

MILITARY AND OTHER FUNERALS.

725. (1) A military funeral may be accorded to an officer or soldier of the Permanent Forces if troops are available within reasonable distance of the burial ground.

(2) A military funeral may be accorded to an officer or soldier of the Citizen Forces, the Citizen Forces who at the time of his death was on the active list of a unit or command, or holding an active appointment in the Military Forces, if troops are available within reasonable distance of the burial ground. The firing party and escort at the funeral of a member of the Citizen Forces are to be furnished by the voluntary attendance of members of the Citizen Forces, and members of the Permanent Forces are not to be employed for this duty except with the special approval of the Military Board.

(3) Except as provided in the Financial and Allowance Regulations, or as otherwise authorized by the Military Board, no expenditure is to be incurred for the provision of a military funeral without the special authority of the Military Board.

(4) When a military funeral is ordered a gun carriage is to be provided if available.

726. An officer or soldier who, at the time of his death, was on the Half-Pay List, Unattached List, or a non-effective list, or in the Reserve of Officers, or retired or discharged, shall not be accorded a military funeral except as approved by the Military Board.
727. Subject to these regulations and to the troops being available, military funerals are to be saluted by forts or field guns, and attended in accordance with the following table:

<table>
<thead>
<tr>
<th>Rank or Corresponding Rank</th>
<th>Salute of Guns</th>
<th>Rounds of Small Arms</th>
<th>Escort</th>
</tr>
</thead>
<tbody>
<tr>
<td>Field Marshal</td>
<td>10</td>
<td>6 battalions and 8 squadrons</td>
<td></td>
</tr>
<tr>
<td>General</td>
<td>17</td>
<td>4 battalions and 8 squadrons</td>
<td></td>
</tr>
<tr>
<td>Lieutenant-General</td>
<td>15</td>
<td>3 battalions and 4 squadrons</td>
<td></td>
</tr>
<tr>
<td>Major-General</td>
<td>13</td>
<td>2 battalions and 3 squadrons</td>
<td></td>
</tr>
<tr>
<td>Colonel (including all appointments carrying this substantive rank)</td>
<td></td>
<td>1 battalion</td>
<td></td>
</tr>
<tr>
<td>Lieutenant-Colonel Commanding (exercising a command appropriate to that rank), i.e., regiment of cavalry brigade of artillery: battalion of infantry or Tank Corps, &amp;c.</td>
<td></td>
<td>His own battalion or detachments equivalent thereto</td>
<td></td>
</tr>
<tr>
<td>Major</td>
<td></td>
<td>300 rank and file</td>
<td></td>
</tr>
<tr>
<td>Captain</td>
<td></td>
<td>200 rank and file</td>
<td></td>
</tr>
<tr>
<td>Lieutenant</td>
<td></td>
<td>His own company or 100 men</td>
<td></td>
</tr>
<tr>
<td>Warrant Officer</td>
<td></td>
<td>2 platoons or detachments</td>
<td></td>
</tr>
<tr>
<td>All other grades</td>
<td></td>
<td>1 platoon of equivalent 2 sections, strength</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Three rounds in each gun</td>
<td></td>
</tr>
</tbody>
</table>

728. (1) At the funeral of a general officer, flag officer, commodore, or air officer of marshal rank dying upon service, minute guns are to be fired while the body is being borne to the burial ground, but these minute guns are not to exceed the number prescribed by A.M.R. 727. When any such officer who has died when afloat is 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. Where the means exist, minute guns are to 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 prescribed by A.M.R. 727.

(2) The salute of guns prescribed by A.M.R. 727, or in the case of a flag officer or commodore or air officer of marshal rank, a salute of the number of guns to which the deceased was entitled when living is to be fired after the body is deposited in the grave.

729. 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, by officers next in seniority.

730. Honours paid at the funeral of a staff or departmental officer of the army are to be regulated according to his rank, or corresponding rank, as the case may be.

731. In addition to the firing party and escort, the funeral of an officer is to be attended by the officers, that of a W.O. by the W.O.'s, 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 W.O., N.C.O., or private soldier is to be attended by the company, &c. (officers included) to which he belonged, or was attached.
732. The Governor-General or the Governor of a State or any official (whether military or civil) administering the Government of the Commonwealth or a State who dies whilst in office shall be entitled to a military funeral as under when the necessary troops and guns are available:

(i) Minute guns as in A.M.R. 710 and 733.
(ii) When the military rank of the deceased entitled him to an equal or greater number of guns than is allowable for his office, A.M.R. 727 and 728 shall apply.
(iii) The number of troops to attend shall be governed by the salute of guns to which the deceased is entitled under paragraph (i) or (ii) of this regulation at the rate laid down in the table in A.M.R. 727.

733. Upon the authority of the Governor-General at the funeral of a civil functionary the same number of guns will be fired as minute guns, while the procession is going to the burial ground, as the deceased when living was entitled to as a salute. A civil functionary not entitled to a salute of cannon when living is not to have guns fired at his funeral.

734. If a vessel carrying the remains of a foreigner of high distinction, foreign general officer, flag officer, or air officer of marshal rank, arrives during saluting hours at any authorized saluting station the same number of minute guns is to be fired on its arrival as the deceased when living was entitled to under these regulations.

PART X.—PERSONAL RECORDS.

DIVISION I.—RECORD BOOK AND COMPANY ROLL BOOK.—

CITIZEN FORCES AND SENIOR CADETS.

Record Book.

735. (1) Entries relating to the matters in this sub-regulation shall be made in each record book issued under D.A. 146. The entries shall be made in accordance with the directions contained in this sub-regulation, and in the record book—

In Table I.—Personal information, including the name in full, occupation, postal address of place of abode, date of birth of person liable to be trained, and that he is a British subject; together with the name in full, occupation, and postal address of his parent or guardian, and the name and address of his employer.

In Table II.—Exemptions from training.

In Table III.—Details of medical examinations.

In Table IV.—Changes of address or occupation.

In Table V.—Promotions, appointments, certificates of examination, distinctions, badges, &c.

In Table X.—Charges for loss and deterioration of arms, equipment, clothing and other Government property.

In Table XI.—Fides and payments.

In Table XII.—Punishments.

In Table XIV.—Particulars of service and efficiency in the Senior Cadets.
In Table XV.—Particulars of service and efficiency in the Citizen Forces, and of officers of the Senior Cadets serving under D.A. 62 (8), and certification of completion and of nature of service.

(2) A copy of the entries in each record book shall be made in such form as is directed by the Military Board.

736. Each of the persons mentioned in this regulation, to the extent indicated in this regulation, authorized to make entries in the record book of a person registered under D.A. 142, and in the prescribed copy of the entries therein:—

In Tables I., II., and XIV.—Every area officer and every officer of the Permanent Forces.

In Table III.—Every area medical officer and every other medical authority prescribed in A.M.R. 142.

In Tables IV., V., X., XI., and XV.—Every area officer and every officer of the Permanent Forces, and, in addition, if the person is serving in a unit of the Citizen Forces, the company, &c., commander, and, in addition, if the person is serving in a detachment of the Citizen Forces less than a company, &c., the officer commanding the detachment, and, in addition, in Table IV., any W.C. or N.C.O. of the Permanent Forces or of the Citizen Forces who is appointed for the purpose, by an officer authorized to make the entries.

In Table XII.—The officer awarding the punishment, and every area officer and every officer of the Permanent Forces, or if the punishment is awarded by a civil court, or by a court martial, every area officer and every officer of the Permanent Forces, and, in addition, when the person is serving in a company, &c., or detachment less than a company, &c., of the Citizen Forces, the officer commanding the company, &c., or detachment, and

In the certificate of completion and nature of service under Part XII. of the D.A.—Every C.O., area officer, and officer of the Permanent Forces, and every officer appointed for the purpose by a formation, &c., commander.

737. (1) The prescribed copy of entries in each record book issued to a person registered under D.A. 142 shall be retained, if the person is serving in a unit (whether regiment, battalion, or the like or company, &c., or detachment) of the Citizen Forces under D.A. 125 (c) or (d), or is borne on the non-effective list of a unit of those Forces—by the C.O. of the unit or an officer appointed by him for the purpose; but otherwise by the area officer of the area in which the person resides, or if he does not reside within the boundaries of any training area, by the area officer of the area within which he last resided.

(2) The prescribed copy of entries in a record book issued under D.A. 146 shall, if the person to whom it relates dies, be retained for two years from the date of the death by the authority in whose custody it is when the death occurs, and shall, at the expiration of those two years, be destroyed.

738. When in any year of training a person liable to be trained under D.A. 125 (b), who is registered, and is not exempt under D.A. 138, is not called upon to attend for training owing to the training in the Senior Cadets of persons born in the year of his birth being in abeyance, that fact (which shall be signified by the letters "T.I.A." shall be recorded at the end of that year in Table XIV. of his record book, and in the prescribed copy of entries therein.
739. (1) Every person liable to be trained under Part XII of the D.A. to whom a record book is issued under D.A. 146 shall keep it in safe custody, and shall, upon the demand of his C.O., or of an area officer, or of any authority authorized to make an entry therein, deliver it to the officer or person making the demand for the purpose of inspection or of making an entry therein.

(2) An officer to whom a record book is delivered by any person in accordance with sub-regulation (1) of this regulation shall return it to the person after the inspection or entry has been made.

740. If a trainee or senior cadet loses a record book issued to him under D.A. 146, a new record book may be issued to him by his C.O. or by the area officer, upon payment of 2s. The particulars contained in the prescribed copy of the entries made in the lost record book shall be entered in the new record book by the C.O. or area officer or an officer of the Permanent Forces.

COMPANY ROLL BOOK—(D.A. 110A).

741. Entries relating to the matters mentioned in this regulation and such other matters as shall be directed by the Military Board shall be made in each company roll book in the manner therein or elsewhere directed by the Military Board:—

(a) Name and particulars of members of the Citizen Forces (whether serving under Part XII. of the D.A. or not) and of the Senior Cadets who are required to attend for training,

(b) Record of attendance at or absence from training, and classification as "efficient" or "non-efficient,"

(c) Leave of absence granted,

(d) Parade states of compulsory drills held, and

(e) Certificate of the C.O. as to correctness of the entries made in each year in the company roll book.

742. The matters mentioned in this regulation shall be entered in each company roll book and signified by letters shown opposite each name in the roll book as follows—

The letter “P” shall signify “Present,”

The letter “I” shall signify “Absent with leave,”

The letter “A” shall signify “Absent without leave,”

The letter “S” shall signify “Absent through sickness duly certified,”

The letter “D” shall signify “Present in detention under D.A. 135,”

The letter “E” shall signify “Efficient,”

The letters “N E” shall signify “Non-efficient,” and

The letter “C” shown under the date of a drill shall signify “Compulsory drill,” and the letter “A” similarly shown shall signify “Alternative drill.”

743. A record of all leave granted to a member of the Citizen Forces or Senior Cadets shall be entered in the company roll book.

744. (1) When a soldier of the Citizen Forces or a senior cadet attends a drill after the hour appointed, his attendance at the drill shall be counted—

(a) if he is not more than fifteen minutes late, as attendance for the full period of the drill less thirty minutes, or
(b) if he is more than fifteen minutes, but not more than thirty minutes late, and the drill exceeds one hour in duration, as attendance for the full period of the drill less one hour;

but if he is more than fifteen minutes late and the drill does not exceed one hour in duration, or if he is more than thirty minutes late, his attendance shall not be counted.

Entries shall be made in company roll books accordingly.

(2) Notwithstanding anything in sub-regulation (1) of this regulation a C.O. may, under the last proviso to D.A. 127 (1), allow any attendance of a senior cadet to count for the full duration of a drill.

745. (1) In the Citizen Forces and Senior Cadets a separate company roll book shall, except as provided in sub-regulation (2) of this regulation, be kept for the personnel of—

(a) the head-quarters of each regiment, battalion, or equivalent unit, and

(b) the head-quarters of each company, &c., and

(c) each group of the head-quarters wing of each regiment or battalion, and

(d) each troop, section of artillery, platoon and equivalent subdivision of a company, &c.

(2) When the number of the personnel of any head-quarters or subdivision of a unit mentioned in sub-regulation (1) of this regulation is less than ten, a separate folio for the personnel thereof may be kept in the company roll book of such other subdivision of that unit situated in the locality as the C.O. directs.

(3) Each company roll book in a regiment, battalion, or equivalent unit and in a unit of the Senior Cadets attached thereto, shall be kept by the C.O. or the adjutant of the unit or by such other officer of the Military Forces or member of the Permanent Forces as the C.O. directs, or, in addition in the case of a unit of the Senior Cadets, by the area officer.

746. Entries in company roll books of the decision of the C.O. as to efficiency or non-efficiency and of correctness of the entries shall be made by the C.O. Other entries in company roll books may be made—

(a) in the Citizen Forces by any officer, W.O., or N.C.O. (not below the rank of corporal) of the Military Forces, and

(b) in the Senior Cadets by any officer, W.O., or N.C.O. (not below the rank of corporal) of the Military Forces or Senior Cadets.

GENERAL.

747. Any person who—

(a) without lawful authority makes out or delivers a record book, a prescribed copy of entries in a record book or a company roll book; or

(b) without lawful authority makes or has in his possession a record book, a prescribed copy of entries in a record book, or a company roll book, or a form of any such record or roll book or copy; or

(c) wilfully makes a false entry in a record book, a prescribed copy of entries in a record book or a company roll book in circumstances not amounting to an offence against D.A. 73n (a); or

(d) wilfully makes an improper alteration in a record book, a prescribed copy of entries in a record book or a company roll book; or
(e) wilfully omits to make an entry in a record book, a prescribed copy of entries in a record book or a company roll book; or
(f) without lawful authority makes an entry in a record book, a prescribed copy of entries in a record book or a company roll book; or
(g) wilfully and without lawful authority damages a record book, a prescribed copy of entries in a record book, or a company roll book,

shall be guilty of an offence and shall be liable, if a member of the Military Forces, to penalties as prescribed in A.M.R. 215, or if not a member of the Military Forces, to a penalty not exceeding Twenty pounds, or to imprisonment not exceeding three months, or both.

DIVISION 2.—CONDUCT SHEETS.

Regimental Conduct Sheets.

748. (1) A regimental conduct sheet shall be kept as a confidential document for every officer of the Military Forces who has been convicted by court martial or awarded a summary punishment by a military authority, and every such conviction or award shall be entered therein.

(2) The entries in the regimental conduct sheet of an officer shall, to the extent applicable, be made in the manner prescribed for the making of entries in the regimental conduct sheet of a soldier.

749. Except as provided in this division, a regimental W.O.'s conduct sheet shall be kept as a confidential document for each W.O. The entries to be made in the regimental conduct sheet of a W.O. shall be—

(a) every conviction by a court martial or a civil court;
(b) every summary punishment by a military authority; and
(c) every reversion or reduction for an offence, but not for inefficiency, from warrant rank.

750. (1) Except as provided in this division, a regimental conduct sheet shall be kept for each soldier.

(2) The regimental conduct sheet in the case of a N.C.O. above the rank of sergeant shall be kept as a confidential document.

751. (1) The following entries shall be made in the regimental conduct sheet of a N.C.O. or private soldier—

(a) Every conviction by court martial, whether the sentence has been wholly remitted or not;
(b) every instance of desertion or fraudulent enlistment in which trial by court martial has been dispensed with, together with particulars of the authority who made the order and the date of the order;
(c) every conviction by a civil court for an offence committed after his enlistment;
(d) every case in which the soldier, in respect of an offence committed after his enlistment, has been bound over by a civil court to appear for conviction or judgment, or in which the charge has been dismissed but the soldier has been ordered to pay costs;
(c) every severe reprimand in the case of the N.C.O.;
(f) every instance of reduction of the N.C.O. to a lower grade
or to the ranks or of reversion from lance or acting rank
for an offence, but not for inefficiency;
(g) every award by the C.O. of detention or, on active service,
of field punishment or forfeiture of pay;
(h) every award of a fine exceeding Ten shillings;
(i) every award of confinement to barracks exceeding seven
days;
(j) every instance of drunkenness;
(k) every award of punishment on board ship by the officer
commanding one of His Majesty's ships;
(l) every stoppage of smoking on board ship awarded by his
C.O. for any period exceeding seven days;
(m) every award of punishment on board one of His Majesty's
ships equivalent to any punishment which by this regulation
is to be entered in the regimental conduct sheet;
(n) every offence entailing forfeiture of pay, except when—
(i) the offence is absence without leave for less than
three days;
(ii) the offence was committed before enlistment; or
(iii) the forfeiture is in consequence of a conviction
by a civil court for which a fine has been
awarded and authority has been given under this
division for an entry of the conviction not to
be made in his regimental conduct sheet;
(o) every punishment awarded to a soldier under sentence in
a military prison or detention barrack by a formation,
&c., commander or a board of visitors;
(p) every admission to hospital on account of alcoholism certi-
fied by a medical officer, and whether dealt with as an
offence or not, unless the soldier has been found not
guilty of a charge based on the same facts—each such
entry to be made in red ink;
(q) every special act of gallantry or distinguished conduct
which has been brought to notice in the orders of a
formation, &c., commander, or superior orders, or in
despatches—each such entry to be made in red ink across
the whole width of the sheet;
(r) every suspension of a sentence awarded by court martial—
each such entry to be made in the "Remarks" column,
and to include the date on which and the authority by
whom the suspension was ordered; (if the sentence is
subsequently put into execution or remitted, an entry to
that effect shall be made in the same column, and shall
include particulars of the date of and the authority for
the order) and
(s) every remission, commutation, or mitigation of a sentence,
whether the sentence was awarded by a court martial or
not—each such entry to be made in the "Remarks"
column, and to include particulars of the date of and
authority for the remission, commutation, or mitigation.
752. (1) In each entry in a regimental conduct sheet of a conviction by court martial—

(a) the charge shall be entered in the words of the "statement of the offence" contained in the charge sheet, and, where the statement does not sufficiently disclose the nature of the offence, the purport of the particulars of the charge shall be added: e.g., "neglecting to obey garrison orders—bathing at a prohibited hour," or "conduct to the prejudice of good order and military discipline—alcoholism"; and

(b) when the charge is "drunkenness" and the offence was committed on duty or after the soldier had been warned for duty, the words "on duty" or "having been warned for duty" shall be added; and

(c) no entries shall be made of any charge of which the soldier was not found guilty; and

(d) the original sentence, together with any revision or variation, shall be entered in the column headed "Punishment Awarded"; and

(e) the date of the original sentence shall be entered in the column headed "Date of Award," and the word "confirmed" and the date of confirmation shall be entered immediately below it; and

(f) a finding of "guilty" need not be entered, but if the accused has been found guilty of a cognate charge or the finding has been altered on revision, the alteration shall be recorded in the column headed "Punishment Awarded."

(2) When the record of a court martial is ordered to be removed, the entry shall be deleted from the regimental conduct sheet and the authority for the removal of the record shall be entered in that sheet.

753. When the sentence of a civil court is a fine and the soldier has not undergone imprisonment in default of payment, or in circumstances mentioned in sub-section (1) (d) of A.M.R. 751, the C.O. may, if he thinks that a regimental entry should not be made, represent the case to the formation, &c., commander, who may direct that no entry shall be made in the regimental conduct sheet. When an entry of a conviction is so directed not to be made, evidence of the conviction should not be given at a trial of the soldier by court martial.

754. The heading of each regimental conduct sheet shall be filled in and shall then be signed by the C.O. or adjutant. Every entry in the sheet shall be in the handwriting of an officer and, if relating to a court martial, shall be signed in full, and in every other case shall be initiated by the C.O. or adjutant. The signature and initials should be placed in the last column.

755. Forfeiture of pay entailed by any conviction or forfeiture of award shall be entered in the regimental conduct sheet in the column headed "Remarks" as follows:—"Forfeits......days' pay."

756. Every offence of drunkenness committed by a soldier drunkenness shall be entered in his regimental conduct sheet in black ink and numbered consecutively in red ink in the column set apart for that purpose.
757. The following abbreviations shall be used in entries to be made in a regimental conduct sheet:

C.B.—for confinement to barracks.
Inpt. H.L.—for imprisonment with hard labour.
Detn.—for detention.
P.S.—for penal servitude.

COMPANY CONDUCT SHEETS.

758. (1) Except as provided in this division, a company conduct sheet shall be kept for every N.C.O. of and below the rank of sergeant, and for every private soldier.
(2) The company conduct sheets shall be retained in the custody of the company, &c., commander, and be kept under lock and key.

759. (1) Except as provided in this regulation, every award of punishment against a soldier, by whatsoever authority made, and every entry authorized to be made in a soldier’s regimental conduct sheet, shall be entered in his company conduct sheet.
(2) Entries in a company conduct sheet shall be made in the manner prescribed for entries to be made in a regimental conduct sheet.
(3) Except when the conviction is for an offence of drunkenness or involves forfeiture of pay, admonition or an award of confinement to barracks for one day, or its equivalent punishment on board ship, or an award of one extra guard or piquet, shall not be entered in a soldier’s company conduct sheet.
(4) An entry shall not be made in a soldier’s company conduct sheet in respect of an offence which has been dealt with by a civil court and of which no entry is to be made in his regimental conduct sheet.
(5) A deduction from pay ordered by a C.O. or formation, &c., commander, if unaccompanied by any authorized punishment, shall not be entered in a soldier’s company conduct sheet.
(6) Every offence of drunkenness committed by a soldier shall be entered in his company conduct sheet in black ink, and numbered consecutively in red ink in the column set apart for that purpose.
(7) The heading of each company conduct sheet shall be filled in and shall then be signed by the company, &c., commander. Every entry shall be in the handwriting of an officer, who shall witness it by placing his initials in the last column of the sheet opposite the entry.

760. (1) When a soldier is promoted to a rank superior to that of sergeant, any entries in his company conduct sheet of the nature mentioned in sub-regulation (5) of this regulation shall, for the purposes of the assessment of his character or consideration of an application for reward of a good conduct medal, be transferred to his regimental conduct sheet, but shall be entered in red ink together with a note that those entries shall not count as regimental entries. The company conduct sheet shall thereupon be destroyed. If there are no such entries to be transferred, that fact shall be noted in the regimental conduct sheet in red ink, and the company conduct sheet shall then be destroyed.
(2) On the discharge of a soldier, his company conduct sheet shall be destroyed, but any entries therein of the nature mentioned in sub-regulation (5) of this regulation shall be entered in a new company conduct sheet, which shall be placed with his discharge documents.
If there are no such entries, that fact shall be noted in red ink in the regimental conduct sheet. The entries referred to in this sub-regulation and the entries in his regimental conduct sheet shall alone be taken into account in assessing his character on discharge.

(3) The company conduct sheet of a soldier, if containing any entries, shall be destroyed, and a new conduct sheet without entries shall be substituted on the following additional occasions:

(a) On completion of his recruit training or of six months from the date of his attestation, whichever first occurs;
(b) on the expiration of every continuous period of two years during which he has not incurred an entry therein; and
(c) on attaining the rank of sergeant.

(4) Entries in a soldier's company conduct sheet of the nature mentioned in sub-regulation (5) of this regulation shall not, except as provided in sub-regulation (1) of this regulation, be transferred to his regimental conduct sheet. Each such entry shall be copied successively into each new company conduct sheet of the soldier, and shall be taken into account in the assessment of his character on discharge.

(5) The entries referred to in sub-regulations (1), (2), and (4) of this regulation are entries in a company conduct sheet of deprivation of a Lance stripe, severe reprimand of a N.C.O., admission to hospital for alcoholism, and instances of drunkenness which, under the regulations in force at the time of their entry in the company conduct sheet, were not authorized to be entered in a regimental conduct sheet.

761. (1) When a new company conduct sheet is taken into use, an entry shall be made therein of the date on which the old company conduct sheet was destroyed; the date of the last award or, in the case of imprisonment or detention, the date of the soldier's return to duty; the number of cases of drunkenness, and the date of the last instance of drunkenness. A record of the destruction of the old conduct sheet and of any previous conduct sheets shall be entered in each new company conduct sheet taken into use.

(2) Before a company sheet is destroyed the headings of the new company conduct sheet shall be compared with it, and the entries in the regimental conduct sheet shall be checked and completed.

GENERAL.

762. (1) A regimental conduct sheet or a company conduct sheet shall not be kept for a soldier serving under Part XII. of the D.A. (2) A regimental conduct sheet or a company conduct sheet shall not be kept for a voluntarily enlisted soldier of the Citizen Forces not on war service, except when an entry relating to the soldier is required by this division to be made in that conduct sheet.

763. If a regimental conduct sheet or a company conduct sheet is lost, the C.O. shall assemble a court of inquiry to inquire into the circumstances of the loss, and to obtain evidence of the entries contained in the lost sheet. After the inquiry has been completed the C.O. shall cause a new regimental conduct sheet or company conduct sheet, as the case may be, to be drawn up in place of the lost sheet. The entry "substituted for original, lost" shall be entered in red ink at the top of the new sheet, and be dated and signed by the C.O.
764. (1) A field conduct sheet shall be kept for each soldier of a unit proceeding on active service.

(2) The rules for the keeping of company conduct sheets shall apply to the keeping of field conduct sheets except that, in the case of a W.O. convictions by court martial only and, in the case of a N.C.O. above the rank of sergeant, regimental entries only shall be entered in the field conduct sheet.

(3) A field conduct sheet shall be kept for each officer on active service in respect of whom a regimental conduct sheet is, by these Regulations, directed to be kept.

DIVISION 3.—CONFIDENTIAL REPORTS ON OFFICERS.

PERMANENT FORCES.

765. (1) At the end of each year of training a confidential report in respect of each officer of the Permanent Forces, other than a W.O. holding an honorary commission, shall be prepared in accordance with the directions contained in the form mentioned in the next following sub-regulation.

(2) Each confidential report made upon an officer under sub-regulation (1) of this regulation shall be made by his C.O. on the form authorized by the Military Board, and shall be initialed by the officer upon whom it is made. The report shall thereupon be forwarded through the proper channel to the formation, &c., commander. A superior officer (if any) to whom the report is forwarded shall, before transmitting it to the formation, &c., commander, add any comments which he considers should be made by him.

(3) Upon receipt of a confidential report upon an officer under this regulation, the formation, &c., commander shall add to the report a statement of his opinion, and the whole report shall be returned through the proper channel to the C.O. for the information of the officer upon whom the report is made, and that officer shall again initial the report as a certificate that he has read it.

(4) When the report has again been initialed by the officer upon whom it is made, it shall be returned to the formation, &c., commander for transmission to the Adjutant-General.

766. The annual confidential report upon an officer of the Permanent Forces who is not serving under the command of a formation, &c., commander shall be prepared and forwarded to the Adjutant-General as nearly as practicable in accordance with the provisions of this division.

767. When at the end of any year of training a C.O. is required to make a confidential report upon an officer of the Permanent Forces, and that officer has not served under him for a sufficient part of the year to enable him fully to form an opinion of the officer, the C.O. shall obtain on the authorized form the report of the officer's previous C.O. in respect of the first part of that year, and shall add to his own report to the extent to which he is able to form an opinion.

CITIZEN FORCES.

768. A confidential report upon an officer of the Citizen Forces shall be rendered only as occasion requires. The report shall be made upon the authorized form, and the procedure prescribed by this division in relation to the preparation and submission to superior authority of a report upon an officer of the Permanent Forces shall be followed as nearly as circumstances permit.
GENERAL.

768. The procedure mentioned in this division in relation to other reports
the communication to the officer of the annual confidential report made
upon him shall as nearly as practicable be followed when any other written
report is made to superior authority upon an officer of the Military Forces
whether that report is favorable to the officer or not.

DIVISION 4.—DISCLOSURE OF MEMBER'S MILITARY HISTORY.

770. (1) In this regulation “authorizing officer” means
the Minister, the Adjutant-General, a formation, &c., commander, or
the officer in charge of Base Records, and “member” includes a person
who has served in the Military Forces.

(2) An authorizing officer may, on the application of any person—
(a) who is the father, mother, or wife of a member; or
(b) who satisfies the authorizing officer that he has a bona fide
interest in ascertaining any facts or particulars regarding
the military history of a member,
authorize information as to the medical or other military history of
the member to be given to that person.

(3) Every application under this regulation shall be in writing,
and shall contain such particulars as are required by an authorizing
officer.

(4) An authorizing officer may require any applicant to support
his application by such evidence of good character or otherwise as
the authorizing officer considers necessary.

(5) An authorizing officer may authorize information to be given
to an applicant either unconditionally or subject to such conditions as
the authorizing officer specifies.

(6) Any person who makes any untrue statement in any application
under this regulation, or in any statement or declaration in
support of any application, or who, having received information
subject to any condition, fails to comply with that condition (whether
such condition is by way of promise or otherwise), shall be guilty of
an offence.

Penalty: Twenty pounds.

(7) No action or proceeding, civil or criminal, shall lie against
any member of the Defence Force, nor against any person employed
by the Department of Defence, by reason of the fact that he has, in
pursuance of this regulation, disclosed information by the authority
of an authorizing officer.

PART XI.—MILITARY INSTITUTES, MESSES, QUARTERS AND
MARRIED SOLDIERS.

DIVISION I.—MILITARY INSTITUTES.

PERMANENT FORCES.

771. A district base commandant may authorize a mili-
yary institute to be opened at any military barracks, camp, fort, or
rifle range during such hours as he thinks fit for the supply of goods and
refreshments (including ales and wines) to members of the Defence
Force not being persons liable to be trained under Part XII. of the
Act, and may authorize one or more members of the Defence Force,
not being persons liable to be trained under Part XII. of the Act, whether N.C.O.'s or not, so to supply goods and refreshments. The member or members so authorized shall be responsible for the opening and closing of the military institute at the hours authorized by the District Base Commandant.

772. At any station at which the District Base Commandant is of the opinion that local circumstances render it expedient, he may establish a district base military institute either in lieu of or in addition to any regimental institute. A district base military institute shall be administered and conducted under the orders of the District Base Commandant, who, in respect of such an institute, shall have the same responsibilities, duties, and powers as a C.O. in respect of a regimental institute.

773. All military institutes in the Permanent Forces shall be conducted on the regimental system, and the right of supplying goods and refreshments in those institutes shall not be farmed to a contractor or any other person.

774. No liquors or goods shall be supplied in a military institute other than those the property of the institute or of the corps for whose benefit the institute has been established.

775. Persons liable to be trained under Part XII. of the D.A. shall not be permitted to enter or be served at any military institute of the Permanent Forces.

776. At all military institutes in the Permanent Forces the supply of all alcoholic liquors, except ales and wines, is prohibited.

777. The District Base Commandant shall supervise and control all military institutes of units under his command, and shall be responsible that the regulations and rules relating thereto are observed. He shall decide all matters connected therewith which require the decision of an authority superior to the C.O. of the unit and do not require the decision of the Military Board.

778. A committee of management shall be appointed for each district base or garrison institute by the District Base Commandant, and for each regimental institute by the C.O. The committee shall consist of the president, officers of the district base, garrison, or unit, as the case may be, not exceeding two in number, and two members nominated by the W.O.'s, N.C.O.'s, and men. The president, in the case of a district base or garrison institute, shall be the District Base Commandant, or an officer appointed by him, and in the case of a regimental institute, the C.O. of the unit or an officer appointed by him.

779. The rules for the conduct and control of military institutes, and the books, forms, and statements authorized to be used in connexion therewith, shall be as approved by the Military Board.

Citizen Forces.

780. (1) The senior formation, &c., commander in a military district may appoint a committee for the purpose of calling for and accepting tenders for the sale of groceries, for the establishment of booths for the sale of non-alcoholic liquors, and for the establishment of barbers' shops and other like institutions, in any authorized
camp of continuous training or at any authorized school or course of instruction. The committee shall consist of an officer of the Quartermaster-General's Branch from each formation, &c., and from the district base head-quarters, and such representative officers of the various arms of the Service as the officer authorized to appoint the committee approves.

(2) All moneys received by the committee by way of deposits on tenders or contracts or agreements, or by way of payment in pursuance of contracts or agreements, shall be dealt with in the manner prescribed by the Financial and Allowance Regulations.

781. (1) If the tenders received for the sale of groceries or the establishment of institutes in a camp of continuous training or at an authorized school or course of instruction are so low that it would be more advantageous to establish the required institutes on the regimental system, or if no tenders are received, the senior formation, &c., commander may authorize the temporary establishment of military institutes on the regimental system and the conduct and control of those institutes shall be as approved by the Military Board.

(2) At the conclusion of the camp, school, or course of instruction, all assets and liabilities of military institutes temporarily established under sub-regulation (1) of this regulation shall be realized or adjusted respectively, and the proceeds shall be dealt with in the manner prescribed by the Financial and Allowance Regulations.

DIVISION 2.—MESSES.

OFFICERS' AND SERGEANTS' MESSES.

782. The administration and conduct of all messe in the Military Forces shall be subject to the control and direction of the Military Board.

783. (1) Subject to the last preceding regulation the rules for administration and conduct of every officers' mess, and of every sergeants' mess, in the Military Forces shall be governed by rules approved in accordance with this regulation.

(2) The rules for the administration and conduct of every officers' mess, and every sergeants' mess, in the regiment, battalion, or other command, shall be approved, if belonging to the Permanent Forces, by the Military Board, or, if belonging to the Citizen Forces, by the Formation, &c., Commander, and shall be promulgated in regimental or other appropriate orders.

784. When an officers' mess is established in a regiment or corps during attendance at a camp of continuous training, every officer of the regiment or corps shall join the mess unless exempted by the Officer Commanding the troops in camp.

785. The amount of any money owing by an officer, W.O. or N.C.O. to a mess authorized under these Regulations may, with the approval of the formation, &c., commander, be deducted from any pay and allowances due, or to become due, to the officer or soldier.
DIVISION 3.—ALLOTMENT OF QUARTERS—PERMANENT FORCES.

786. (1) Quarters may be retained by an officer, W.O., N.C.O., or private soldier of the Permanent Forces on the married roll—

(a) when he is on furlough with full pay;
(b) when he is on leave of absence on account of sickness, or temporarily detached for duty without his family; or
(c) if the quarters are not otherwise required when he is absent on active service or ordered away without his family.

(2) An officer, W.O., N.C.O., or private soldier of the Permanent Forces not on the married roll may be permitted to retain his quarters while temporarily absent on duty, or on leave of absence.

DIVISION 4.—MARRIED SOLDIERS—PERMANENT FORCES.

787. Every W.O. and N.C.O. of the Permanent Forces above the rank of corporal or bombardier at any time, and every other N.C.O. or private soldier after three years' service in those Forces, shall, if married, be entitled to be placed upon the married roll.

788. A W.O., N.C.O., or private soldier, who applies to be placed upon the married roll, or to receive any privilege or concession on the ground that he is married, may be required to produce to his C.O. a certificate of his marriage.

PART XII.—UNIFORM, MEDALS, AND DECORATIONS.

DIVISION 1.—UNIFORM—MILITARY FORCES.

789. The uniform and scale of issue of the uniform to be worn by members of the Military Forces shall be as authorized by the Military Board.

790. The uniform authorized by the Military Board for the Citizen Forces shall be worn by all members of the Citizen Forces while attending drills or parades.

791. A member of the Citizen Forces who, except when on duty or when authorized by proper military authority to wear uniform, wears the uniform or any part of the uniform authorized for the Citizen Forces, shall be guilty of an offence, and shall be liable to penalties as prescribed by A.M.R. 215.

DIVISION 2.—MEDALS AND DECORATIONS.

MERITORIOUS SERVICE MEDAL AND LONG SERVICE AND GOOD CONDUCT MEDAL.

792. (1) Upon the recommendation of the Military Board the "Meritorious Service Medal" may be awarded to a soldier—

(a) for efficient, faithful, valuable, and meritorious service of not less than 25 years in the Permanent Forces; or
(b) for gallant conduct in the performance of military duty (not necessarily on active service), or in saving or attempting to save the life of an officer or soldier, or for devotion to duty in a theatre of war.
(2) A soldier who has been awarded the Meritorious Service Medal who subsequently performs an act of gallantry which, had he not already been granted the Meritorious Service Medal, would have rendered him eligible for its award, may, on the recommendation of the Military Board, be awarded a bar, and for every additional such act of gallantry an additional bar.

(3) To be eligible for the award of the Meritorious Service Medal under paragraph (e) of sub-regulation (1) of this regulation, a soldier shall be in possession of the Long Service and Good Conduct Medal and have fulfilled the conditions requisite for an "exemplary" character on discharge, and shall have served in the Permanent Forces in the rank of sergeant or a superior rank.

793. (1) Upon the recommendation of the Military Board the Long Service and Good Conduct Medal may be awarded to a soldier of the Permanent Forces who has served therein for not less than eighteen years with irrepachable character and conduct and fulfils the conditions requisite for an "exemplary" character on discharge. Although a soldier is eligible in these respects, regard shall also be had to his conduct and character throughout his service, as well as to the number and nature of the offences recorded in his conduct sheets irrespective of the punishments which have been awarded; and the award shall not be made to a soldier who is not in every way worthy of the distinction.

(2) Service of a soldier under eighteen years of age may be included in the qualifying service required by this regulation.

794. A quartermaster of the Permanent Forces holding commissioned rank and a W.O. of those forces holding honorary commissioned rank may be awarded the Meritorious Service Medal and the Long Service and Good Conduct Medal under the conditions prescribed in the case of a soldier.

795. (1) An officer or soldier who suffers death by sentence of court martial, or an officer who is cashiered, dismissed, or removed from the Military Forces for misconduct, or a soldier who is discharged with ignominy or for misconduct or on account of a conviction by the civil power or on account of having been sentenced to penal servitude, shall, unless otherwise approved by the Military Board, forfeit any medal awarded to him under these Regulations for meritorious service or long service and good conduct.

(2) An officer or soldier who is convicted by the civil power or is discharged by a court in pursuance of any law enabling it to discharge an offender without recording a conviction, shall be liable, on the recommendation of the Military Board, to forfeit any medal awarded to him under these Regulations for meritorious service or long service and good conduct.

(3) An officer or soldier whose conduct, in the opinion of the Military Board, has been such as to disqualify him from wearing the medal, shall be liable, on the recommendation of the Military Board, to forfeit the medal awarded to him under these Regulations for long service and good conduct.

796. The medal for meritorious service or for long service and good conduct forfeited by an officer or soldier under these Regulations may be restored to him on the recommendation of the Military Board.
797. (1) Service which is not continuous with a member’s last period of service shall not be counted as qualifying service for the award of the Meritorious Service Medal or the Long Service and Good Conduct Medal unless his last period of continuous service commenced within two years of the termination of his service immediately preceding it.

(2) Subject to sub-regulation (1) of this regulation, service in any of His Majesty’s Naval, Military, or Air Forces raised for permanent service may be counted for the purpose of calculating qualifying service for the award of the Meritorious Service Medal or the Long Service and Good Conduct Medal.

798. Notification of all awards under these Regulations of medals for meritorious service and long service and good conduct shall be published in the Gazette, and promulgated in A.A.O. and in formation and regimental orders.

WAR MEDALS—FORFEITURE AND RESTORATION.

799. (1) An officer who suffers death by sentence of court martial, or who is cashiered or dismissed or removed for misconduct from the Military Forces, shall forfeit all war medals of which he may be in possession or to which he is entitled.

(2) A soldier who suffers death by sentence of court martial, or is discharged with ignominy or for misconduct or on account of a conviction by the civil power or on account of having been sentenced to penal servitude or to imprisonment exceeding two years, shall forfeit all war medals of which he is in possession or to which he is entitled.

(3) An officer or soldier who is convicted by the civil power of any offence or is discharged by a court in pursuance of any law enabling it to discharge an officer without recording a conviction, shall be liable to forfeit, at the discretion of the Military Board, any war medal of which he is in possession or to which he is entitled.

800. (1) Any war medal forfeited by an officer under these Regulations may, on the recommendation of the Military Board, be restored to him by the Governor-General.

(2) Any war medal forfeited by a soldier under these Regulations may be restored to him by the Military Board.

PART XIII.—MISCELLANEOUS.

DIVISION 1.—MISCELLANEOUS OFFENCES.

801. Any person, whether a patient or otherwise, who without the permission of the Officer-in-Charge of the hospital, is in possession of intoxicating or spirituous liquors within the boundaries of a military hospital, or any person who, without similar permission, knowingly supplies or sells intoxicating or spirituous liquor to any inmate of a military hospital, shall be guilty of an offence, and on conviction shall be liable to a penalty not exceeding Twenty pounds or imprisonment not exceeding three months.
802. Any person who by word, act, or conduct, in relation to any matter concerning the defence of the Commonwealth, or the administration of the Department of Defence—

(a) falsely represents himself to be authorized by the Minister or the Department of Defence, or any person engaged therein, or any officer of the Defence Force, to do anything on behalf or in the interest of the Minister or that Department or those forces; or

(b) misleads or attempts to mislead any person by any unauthorized representation as to any act, or intended act, of the Government of the Commonwealth or the Minister or the Department of Defence or any person engaged therein or any officer of the Defence Force

shall be guilty of an offence, and on conviction shall be liable to a penalty not exceeding Twenty pounds or imprisonment not exceeding three months.

803. (1) Any person who personates or falsely represents himself to be, or to have been, a member of His Majesty's Military Forces, or who without lawful authority assumes the title of any rank in His Majesty’s Military Forces, shall be guilty of an offence and liable to a penalty not exceeding Ten pounds.

(2) This regulation shall not apply to any personation, representation, or assumption which is an offence against any other law of the Commonwealth.

804. (1) Any person who, without lawful authority, damages, defaces, removes, or destroys any poster, notice, or other document displayed for any purpose connected with the administration of the D.A. or these Regulations or the Defence Force, or any part thereof, by or under the authority of the Minister or any person engaged in the Department of Defence or any officer of the Defence Force, shall be guilty of an offence and shall, on conviction, be liable to a penalty not exceeding Twenty pounds, or imprisonment not exceeding three months.

(2) In any proceedings for an offence against this regulation the averment of the prosecutor that a poster, notice, or other document was displayed for a purpose and by or under the authority of the Minister or a person or an officer mentioned in sub-regulation (1) of this regulation, shall be deemed to be proved in the absence of proof to the contrary.

805. Any officer or soldier, whether subject to military law or on war service or not, who, when signing any document relating to the conveyance by land or sea of persons, animals, or goods, leaves in blank any material part for which his signature is a voucher shall be guilty of an offence, and shall be liable to penalties as prescribed by A.M.R. 215.

DIVISION 2.—ADMISSION TO MILITARY WORKS.

806. In this division—

“Military work” means a military fort or any work of defence notified by the Military Board in Australian Army Orders to be a military work for the purpose of this division and includes all ground, the property of the Commonwealth, adjoining the fort or work, and...

C.1871—8
“Closed place” means any part of a military work appointed to be a closed place by a formation, &c., commander, or a range-finding cell, magazine, shell store, observation post, or wireless station forming part of a military work.

807. (1) A member of the Defence Force may, when on duty, be admitted without a pass to a military work, but shall not, except as elsewhere authorized in this division, be admitted to a closed place.

(2) The persons mentioned in this sub-regulation may be admitted without a pass to the residential portion only of a military work occupied by troops:—

(a) Members of the Defence Force;
(b) the wives, families, friends, and servants of residents;
(c) tradesmen in the course of their trade, if authorized by the C.O. of the troops in occupation; and
(d) caretakers so authorized.

808. No person shall be permitted to enter any military work unless he is authorized by or under these Regulations to do so.

809. No person shall be permitted to enter any closed place except—

(a) the holder of a special pass issued under this division, or
(b) a member of the Military Board, the formation, &c., commander, or an officer officially inspecting the military work, or
(c) a member of the garrison of the military work who is required so to do in the course of his duty.

810. (1) The holder of a special pass under this division may be permitted to enter, on the day or within the period specified in the pass, any military work and all or any closed places specified in the pass.

(2) The holder of an ordinary pass under this division may be permitted to enter on the day or within the period specified in the pass, any military work or part thereof specified in the pass, but shall not be permitted to enter any closed place.

811. (1) A special pass may be issued by a member of the Military Board or the District Base Commandant.

(2) An ordinary pass may be issued by a member of the Military Board, the District Base Commandant, or, to the extent directed by the District Base Commandant, by the C.O. of the troops occupying the military work to which the pass relates.

812. An officer authorized by this division to issue a special pass or an ordinary pass shall, before issuing any such pass, enter therein in his own handwriting—

(a) the name of the person to whom the pass is to be issued;
(b) the date on or period during which the pass shall be in force;
(c) the military work or part of the military work which the holder may be permitted to enter;
(d) the purpose for which the holder of the pass is to be admitted; and
(e) the authority to whom and the date on or before which the holder shall surrender the pass;
and shall sign every pass so issued by him.

813. Every person to whom a special or ordinary pass to return pass.
is issued under this division shall surrender it to the proper military authority on entering the military work, if the pass is for only one entry, or, if the pass is for more than one entry, shall surrender it to the authority specified in the pass on or before the date so specified.

814. An authority may, if he thinks fit, before issuing Deposit.
a pass to any person for the purpose of working within a military work, require him to deposit the sum of Two shillings and sixpence. Any sum so deposited shall be returned if the pass, in respect of which the deposit is made, is surrendered to the proper military authority on or before the date specified in the pass, but otherwise the sum shall be forfeited to the King.

815. Except to the extent necessary to enable him to perform the duty for which he is admitted to a military work, the holder of a pass shall not be permitted to make any written note, drawing, photograph, or measurement of any gun, machinery, apparatus, or work (whether completely constructed or not).

DIVISION 3.—USE OF PRIVATELY-OWNED LAND FOR MILITARY PURPOSES, AND PAYMENT OF COMPENSATION UNDER D.A. 69.

816. (1) When an authority to use land has been given under D.A. 69 the district base commandant shall assemble a board to assess the amount of compensation to be made for damage or loss sustained by the owner or occupier by reason of the use of the land. All claims shall be submitted to the officer indicated for that purpose in the authority within 72 hours of the occurrence of the damage or loss.

(2) The board shall be assembled in accordance with Division 20 of Part IV. of these Regulations, and shall include a person competent to assess the damage, and, if possible, a person resident in, or personally acquainted with, the locality, and a representative of the D.F.O.

(3) Claims for compensation should be investigated during or immediately after the camp or manœuvre, and the amount to be paid assessed. Assessed claims which may be paid by the representative of the D.F.O. should be delivered to him for payment.

(4) Compensation not exceeding twenty pounds assessed by the board in respect of a claim or claims by any one person, if agreed to by him, may be paid by the representative of the D.F.O. during or at the conclusion of the use of the land. Claims which may not be paid under this sub-regulation by reason of the amount assessed exceeding twenty pounds or want of agreement by the claimant shall be referred immediately by the district base commandant with his recommendation and a full statement of the case to the Military Board for determination.

(5) The president of the board shall keep a record of all claims received and damage or loss reported and of assessments made, and shall send it to the D.F.O.
(6) Claims shall be made in or to the effect of the form set out in this sub-regulation:—

Form.

PARTICULARS OF CLAIM FOR COMPENSATION UNDER D.A.69 FOR DAMAGE OR LOSS SUSTAINED BY OWNERS OR OCCUPIERS OF LAND BY REASON OF ENTRY OR SURVEY OR USE FOR MILITARY PURPOSES.

(a) Claims for damage or loss sustained by reason of the use of land by troops must be submitted within 72 hours after the occurrence of the loss or damage. Claims for damage or loss sustained by reason of entry and survey must be submitted within 7 days after the occurrence of the damage or loss.

(b) Persons making false or fraudulent claims for damage or loss will render themselves liable to be proceeded against according to law.

1. From (name of claimant in full and whether owner or tenant) ........................................

2. Farm, pastoral property, or other description ..............................................................

3. Full postal address ..............................................................

4. Place where damage occurred ......................................................................................

5. Date upon which damage occurred ..............................................................................

6. Nature of damage, specified fully, and with details sufficient for easy identification. (If space is insufficient the statement may be set out upon a separate sheet of paper) ..........................................................

7. Amount of compensation claimed and how assessed ..................................................

8. Names of any witnesses to damage ..............................................................................

9. Name of owner or landlord from whom the land is held ...........................................

10. Nature of tenancy, annual or otherwise .....................................................................

11. Date of expiration of lease or agreement ..................................................................

I...........................................................................................................................................(name in full) declare the above to be a just and true statement of the damage enumerated therein, and that the same was done by [troops.

Signature of claimant......................................................................................

Signed at ...............................................................................................

Date.................................................................................................

..........................................................
For use of Compensation Board only.

Amount of compensation assessed in respect of*:

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<th>£</th>
<th>s.</th>
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</tbody>
</table>

Total .. .. .. £

Remarks—

Signature of President of Board.................................

Signature of Members of Board...........................

817. (1) Authority under D.A. 69 need not be applied for in the case of regimental exercises or week-end camps or bivouacs.

(2) Officers in charge of these must obtain permission in writing to use the land required, and must take steps to ensure that no damage is done.

(3) In the case of any unforeseen or accidental damage occurring, for which it seems just that payment be made, full particulars, with a recommendation, shall immediately be referred to the D.F.O., who may authorize the payment of compensation not exceeding a sum of twenty pounds. If the claim exceeds twenty pounds, the D.F.O. shall forward it with full particulars to the Military Board for determination.

818. (1) Claims for compensation for damage or loss alleged to have been sustained by reason of any member of the Survey Section or person employed in connexion therewith, having entered upon any land and made a survey thereon, shall be submitted in writing to the D.F.O. within seven days after the date on which the damage or loss is alleged to have been sustained.

(2) When a claim for compensation for damage or loss is received by the D.F.O., he shall (except when the amount claimed does not exceed £5, or the D.F.O. for any reason considers it unnecessary to obtain full particulars) request the claimant to fill in a claim in or to the effect of the form prescribed by A.M.R. 816.

(3) The D.F.O. may authorize the payment of compensation not exceeding £5 in any case of damage or loss in which the officer in command of the Survey Section in the military district certifies that the damage or loss was caused in the course of a military survey by a member of the Survey Section, or a person employed in connexion therewith, and that the amount to be paid is reasonable compensation for the damage or loss.

(4) The D.F.O. may authorize the payment of compensation not exceeding twenty pounds in any case of damage or loss in which an officer appointed by the D.F.O. to make inquiry certifies that the damage or loss was caused by
a member of a Survey Section or a person employed in connexion therewith, and that the amount to be paid is reasonable compensation for the damage or loss.

(5) Cases in which the amount to be paid exceeds twenty pounds shall be referred for report to a board assembled under Division 20 of Part IV. of these regulations, and the proceedings of the Board shall be forwarded to the Military Board for determination.

DIVISION 4.—ARTILLERY PRACTICE.

819. (1) The prescribed distance under D.A. 72 from any battery or gun engaged in artillery practice shall be the distance from the gun or the nearest gun of the battery to any point on the perimeter of a rectangular area notified in accordance with sub-regulation (2) of this regulation, but not exceeding in length 20,000 yards in the direction of the intended line of fire of the battery or gun and in breadth 3 miles.

(2) The area mentioned in sub-regulation (1) of this regulation shall be notified by a formation, &c., commander or, in the case of a practice seaward, by the Deputy Director of Navigation by advertisement in a newspaper or newspapers circulating in the district in which the battery or gun is to be engaged in practice not less than 24 hours before the practice commences.

DIVISION 5.—LEAVE OF ABSENCE ON GROUND OF ILLNESS—PERMANENT FORCES.

820. (1) In the case of illness of a member of the Permanent Forces the authority mentioned in sub-regulation (2) of this regulation may, on production of satisfactory medical evidence, grant to the member leave of absence on the following conditions:—

(a) The basis for determining the leave which may be granted shall be ascertained by crediting the member with the following periods, such leave to be cumulative:—

<table>
<thead>
<tr>
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<th>Leave on Full Pay</th>
<th>Leave on Half Pay</th>
<th>Leave on Third Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>On date of appointment or enlistment</td>
<td>7</td>
<td>5</td>
<td>3½</td>
</tr>
<tr>
<td>On completion of six months' service</td>
<td>7</td>
<td>5</td>
<td>3½</td>
</tr>
<tr>
<td>On completion of twelve months' service</td>
<td>14</td>
<td>10</td>
<td>7</td>
</tr>
<tr>
<td>On completion of each additional twelve months' service</td>
<td>14</td>
<td>10</td>
<td>7</td>
</tr>
</tbody>
</table>

(b) To determine the leave for which a member is eligible under this regulation the leave which has been granted during his service at rates of full pay, half pay, and third pay respectively shall be deducted from the periods ascertained under the provisions of paragraph (a) of this regulation:

Provided that no deduction shall be made in respect of leave granted before the 1st July, 1920:

Provided further that no deduction shall be made in the case of a member who has served on active service abroad in any of His Majesty's naval, military, or air forces during the war 1914-1918, in respect of leave
granted to him within three years after the date of the termination of his appointment in or the date of his discharge from the forces in which he so served.

(c) After deduction has been made as provided in paragraph (b) of this regulation the period remaining at each rate of pay shall be the amount of leave for which the member is eligible:

Provided that if the member has had not less than six months' service and his credit, after such deduction has been made, is less than fourteen days on full pay, ten days on half pay, and seven days on third pay, his credit shall be increased to those amounts; and if he has had less than six months' service and his credit after such deduction has been made is less than seven days on full pay, five days on half pay, and three days and a half on third pay, his credit shall be increased to those amounts:

Provided further that where in cases of long service the Military Board consider that exceptional treatment is justified, they may, where leave on pay has been exhausted, grant additional leave on third pay:

Provided further that the maximum period allowable with pay in respect of any continuous absence through illness shall be 52 weeks.

(d) Where a member has exhausted all leave allowable with pay he may be granted leave without pay:

Provided that, in respect of any continuous period of absence, leave with and without pay shall not exceed 78 weeks.

(e) In the event of the retirement or discharge of a member on the ground of medical unfitness, he may be permitted to take, before his retirement or discharge, all leave on full pay for which, under this division, he is eligible.

(2) The authority empowered by sub-regulation (1) of this regulation to grant leave of absence to a member of the Permanent Forces shall be the Military Board, if the member be a Formation, &c., Commander, otherwise the Formation, &c., Commander.

(3) The production of medical evidence shall not be necessary before the grant of leave of absence under this regulation, if the absence from duty does not exceed 34 hours.

821. A member of the Permanent Forces serving abroad may be granted all leave of absence on full pay for which he is eligible under this division on the ground of illness, may, on the approval of the Military Board, be granted extended leave of absence on full pay for such period as the Military Board from time to time determine.

822. Every member of the Permanent Forces who has been absent from duty on account of illness for a continuous period exceeding three months shall not be permitted to return to duty until he has been examined by a medical officer or a medical board and certified to be medically fit for his duties.
823. (1) Leave of absence on the ground of wounds, injury, disability or disease contracted on duty may be granted to a member of the Permanent Forces for a continuous period not exceeding twelve months on full pay and six months without pay.

(2) Leave of absence granted to a member under sub-regulation (1) of this regulation shall not be debited against the leave of absence accrued to him under this division.

(3) For the purpose of the grant of leave of absence under this regulation—

(a) a wound or injury shall be deemed to be contracted on duty only when it is contracted during and arises directly out of actual performance of military duty or while taking part in sports or games which form part of the approved training at an authorized parade; and

(b) a disability (other than a wound or injury) shall be deemed to be contracted on duty only when it arises directly out of circumstances necessarily incidental to military service; and

(c) a disability (other than a wound or injury) shall not be be deemed to be contracted on duty if, although contracted during military service, it is due to the ordinary risks of indoor or outdoor life to which military service carries no special liability; and

(d) any disease (including typhoid, dysentery, and malaria) which, in the opinion of the Military Board, a member serving abroad or at a tropical station in Australia is specially liable to contract, shall, if contracted by him while so serving, be deemed to be contracted on duty.

824. All leave of absence from duty granted on the ground of illness whether in hospital or elsewhere, shall be counted as leave of absence on the ground of illness and shall be recorded for the purpose of this division.

825. Leave of absence on the ground of illness shall not be reckoned as nor included in leave of absence for recreation.

826. A member of the Permanent Forces who is absent from duty with leave on the ground of illness shall not, if that illness is venereal disease, be entitled to receive pay at a rate exceeding two-thirds of the rate of full pay, half pay, or third pay payable to him under this division while so absent.

827. The rate of pay payable to a member of the Permanent Forces in respect of a public holiday which occurs during a period for which leave of absence is granted under this division shall be the same as that payable to him for the period of the leave during which the holiday occurs.

828. When a member of the Permanent Forces is absent from duty owing to illness suspected to be venereal disease or to have been caused by his misconduct or is suspected to be absenting himself without sufficient cause, his C.O. or a superior authority may authorize a medical officer or a medical board to attend upon and examine the member and to make a report of the examination.
830. A member of the Permanent Forces who has been retired or discharged on account of his medical unfitness and whose health has become so restored as to enable him to perform his duties shall, if re-appointed to or re-enlisted in those Forces, be credited with the leave at his credit under this division immediately prior to his retirement or discharge.

831. All leave of absence accrued or granted to a member of the Permanent Forces under this division shall be recorded in the manner directed by the Military Board.

DIVISION 6.—TRAINING ABROAD AND ATTACHMENT TO MILITARY FORCES.

832. Any member of the Military Forces temporarily resident abroad may be permitted by the Military Board to serve temporarily with any unit of His Majesty's Forces in the country in which he is residing and such service may be counted as service in the Military Forces.

833. Any member of His Majesty's Forces temporarily resident in the Commonwealth may, at his own request and with the approval of the Military Board, be attached temporarily for training to any portion of the Military Forces.
APPENDIX I.
TO THE
AUSTRALIAN MILITARY REGULATIONS.

FORMS RELATING TO CHARGE SHEETS.

PART I.

Commencement of Charge Sheets.
(These forms should be used in accordance with the directions contained in the First Appendix to the R.P.)

1. For the trial of a member or a person who has been a member of the Military Forces charged with having committed, while a member, an offence against the A.M.R. which can be committed only when subject to military law. (A.M.R. 203) (D.A. 102, 103 (3)):

   The accused (number, rank, name and regiment or corps; or name only, if no longer a member) is charged with having, while being (number, rank and regiment or corps) if no longer a member; but if still a member omit "an officer" of the Military Forces of the Commonwealth of Australia subject to military law under Australian Military Regulation 107, committed the following offences:

2. For the trial of an officer or soldier of the Military Forces charged with having committed, before or after he became a member, an offence against the D.A. or a regulation made thereof which can be committed when not subject to military law. (D.A. 102):

   The accused (number, rank, name and regiment or corps) if an officer or the Military Forces of the Commonwealth of Australia is charged with:

3. For the trial of a person who has ceased to be a member of the Military Forces, charged with having, while being a member, committed an offence against the D.A. or a regulation made thereof which can be committed when not subject to military law. (D.A. 103 (3)):

   The accused (name) is charged with having, while being (number, rank, regiment or corps) if an officer or the Military Forces of the Commonwealth of Australia, committed the following offences:

4. For the trial of a member or a person who has ceased to be a member of the Military Forces, charged with having, while on war service, committed an offence against the A.A., and whether he has ceased to be on war service or not:

   The accused (number, rank, name and regiment, or corps; or name only, if no longer a member) is charged with having while being (number, rank and regiment or corps, if no longer a member; but if still a member, omit) an officer of the Military Forces of the Commonwealth of Australia on war service committed the following offences:

5. For the trial of a person who is or has been liable to serve in time of war under D.A. 59 but who has not been appointed or enlisted as an officer or soldier, for an offence committed while so liable to serve:

   The accused (name) is charged with having, while being liable to serve in time of war under section 59 of the Defence Act, committed the following offences:

6. For the trial of a person subject to the D.A. by Section 117A.

   The accused (name) is charged with having, while being subject to the Defence Act as an officer or the Military Forces of the Commonwealth of Australia, committed the following offences:

* Use only the one expression or word which is appropriate.

PART II.

STATEMENT OF OFFENCE.
(These forms should be used in accordance with the instructions contained in the First Appendix to the R.P.)

D.A. 72.

1. (a) Being a member of the Defence Force, knowingly claiming, otherwise than as prescribed, pay for drill with his corps, for a man belonging to a corps.

   (b) Being a member of the Defence Force, knowingly claiming pay for a member of the Defence Force not present.
APPENDIX I—continued.

(c) Being a member of the Defence Force, knowingly including in a return the name of a person not a member of the Defence Force.

(2.) (a) Being a member of the Defence Force, knowingly claiming receiving, otherwise than as prescribed, pay on account of drill performed in a corps other than his own proper corps.

(b) Being a member of the Defence Force, knowingly claiming receiving pay on account of duty not performed.

(3.) (a) Being a member of the Defence Force, knowingly obtaining by means of a false pretence pay belonging to another member of the Defence Force.

(b) Being a member of the Defence Force, knowingly retaining keeping in his possession with intent to apply it to his own use pay belonging to another member of the Defence Force.

D.A. 73a.

(1.) Being a member of the Defence Force, communicating to a person otherwise than in the course of his official duty a plan relating to a fort.

(a battery. a ditch, a fortification, a defence work, the defences of the Commonwealth.

(b) Unlawfully obtaining a plan relating to a fort.

D.A. 73a. 

(a) Knowingly signing a false roll. parade state. return.

(b) Forging a warrant under the Defence Act. a warrant.

(c) Falsely personating another person required by the Defence Act to attend at a place.

D.A. 73c.

(2.) Being an officer of the Commonwealth, fraudulently receiving for use by the Defence Force an article of food equipment supplied in contravention of Section 73c of the Defence Act.

a beast of draught a beast of burden
APPENDIX I.—continued.

D.A. 74.

1.) Being a person of whom information was required by an officer or a person in order to enable him to comply with the provisions of the Defence Act relating to enlistment, refusing without just cause to give such information, or giving false information.

2.) Being a person appointed in that behalf, without just cause to make an enrolment, refusing or neglecting to make an enrolment, or in the prescribed manner a prescribed copy of a prescribed roll.

D.A. 75.

(a) Having been called upon in pursuance of the Defence Act to enlist failing to attend at the time and place appointed for medical examination.

(b) A person liable to enlist in the Defence Force to fail to enlist.

(c) A person liable to enlist in a part of the Defence Force not to perform a duty which he was required by the Defence Act to perform.

(d) A person liable to enlist in the Defence Force.

D.A. 76.

(a) Having enlisted for service in the Defence Force refusing or neglecting to take the oath set out in the third schedule to the Defence Act when tendered to him by a justice of the peace.

D.A. 77.

(a) deserting.

(b) A member of the Defence Forces in deserting.

(c) Knowing a person to be a deserter from the Defence Forces refusing or neglecting to convey him, aiding or assisting in concealing or abetting him.

D.A. 78.

Being a person having been required to serve pursuant to Part IV. of the Defence Act himself without leave for a longer period than seven days from his corps, the place at which he should be present.

D.A. 79.

(1) (a) Unlawfully disposing of arms or ammunition.

(b) Failing to deliver up when lawfully required to do so other naval or military articles belonging to a corps.

D.A. 80a.

Falsely representing himself to be a returned soldier.

sailor.
APPENDIX I.—continued.

D.A. 80a.

(1.) Otherwise than as allowed by the Defence Act:

\{ selling, exchanging, pledging, otherwise disposing of \} a military decoration conferred on him.

D.A. 80c.

Not being a member of the family or the banker of the person on whom it was conferred, having in his possession during the lifetime of the person on whom it was conferred, a military decoration conferred on that person.

D.A. 80d.

During the lifetime of the person on whom it was conferred:

\{ buying, receiving in exchange, receiving by way of pledge, receiving otherwise \}

a military decoration conferred on that person.

D.A. 80e.

(1.) Not being lawfully entitled thereto:

\{ wearing, making use of \} a military decoration.

D.A. 80l.

\{ Defacing, Destroying \} a military decoration.

\{ by melting, otherwise \}

D.A. 81.

Unlawfully interfering with a portion of the Defence Force in the performance of military duty.

\{ obstructing, interfering with \}

D.A. 81.

Wearing uniform dress having the appearance of uniform dress bearing regimental marks other distinctive marks of uniform likely to bring contempt upon that uniform.

D.A. 89.

Willfully \{ interrupting, disturbing \} the proceedings of a court martial.

Using insulting language towards a court martial.

Using words calculated to influence the members of a court martial.

By \{ writing, speech \} properly influence the members of a court martial.

D.A. 95.

Having been ordered to attend a court martial to produce documents and having paid reasonable expenses of his attendance without just cause disobeying the order to so appear.

\{ refusing to be sworn as a witness, refusing to produce a document which he was required by the court to answer, failing to produce a document which he was required by the court to produce. \}
APPENDIX I.—continued.

D.A. 123a.

{ Selling
  { Supplying
    { Having in his
      possession
    
    at a military
    camp
    fort
    post
  }

  canteen
  camp
  fort
  post

  intoxicating
  spirituous

  liquor otherwise than as prescribed for purely medical purposes during a time at which

  training of persons as prescribed in paragraph

  of the Defence Act was proceeding at that military
  camp.
  fort.
  post.

D.A. 132.

(a) Being a person required by Part XII. of the Defence Act to render

  personal service

  the

  falling without lawful excuse in the year ended 30th

  June, 19

  personal service required by that Part.

(b) Being a person liable to training under Part XII. of the Defence Act

  falling without lawful excuse to attend a compulsory drill.

  committing a breach of discipline while on parade.

A.M.R. 294.

Being

  an officer

a soldier

on

a court martial

a court of inquiry

a board

an officer

fully giving false evidence.

A.M.R. 205.

(a) Having been discharged with disgrace from a part

  discharged

  of His Majesty's

  Forces, voluntarily

  enlisting in

  entering

  the Military Forces without declaring the

  circumstances of his

  discharge.

(b) When belonging to

  a part of the Active Defence Force

  a part of a force

  the United Kingdom

  a British Possession

  without having obtained a regular discharge therewith, or otherwise fulfilled the

  conditions enabling him voluntarily to

  enlist in

  enter

  the Military Forces.

(c) When belonging to the Active Military Forces, without having fulfilled the

  conditions enabling him voluntarily to

  enlist in

  enter

  the Naval Forces.

  entering

  the Air Force.

A.M.R. 206.

When

  an officer

  a soldier

  of the Military Forces being concerned in the voluntary

  enlistment

  enrolment

  knew

  had reasonable grounds to believe

  to be so circumstances that by

  enlisting

  enrolling

  in the Military Forces he committed an offence.
APPENDIX I.—continued.

A.M.R. 207.

Being a member of the Military Forces and in uniform, of the meaning of the Australian Military Regulation 197, using blasphemous language, speaking indecently, acting in immoral conversation.

A.M.R. 208.

in military premises in which training of persons as prescribed in paragraphs (a), (b), and (c) of section 125 of the Defence Act was not proceeding, supplying otherwise than by the direction of a medical officer to a person liable to be trained under paragraph (a) of section 125 of the Defence Act intoxicating liquor.


(1) Being an officer of the Military Forces in uniform, instituting, attending, meeting demonstration, procession for a religious, political purpose not being a religious or funeral service or a charity gathering for which authority had been obtained from proper military authority.

A.M.R. 211.

(1) (a) Being an officer of the Permanent Military Forces without the express consent of the Military Board, accepting or holding an office in the Government of a State, a public corporation.

(b) Being an officer of the Permanent Military Forces without the express consent of the Military Board, accepting or holding a paid office in connexion with a banking business, insurance mining mercantile other commercial.

(c) Being an officer of the Permanent Military Forces without the express consent of the Military Board, engaging in business as principal or agent, a banking insurance mining mercantile business, other commerce.

(d) Being an officer of the Permanent Military Forces without the express consent of the Military Board, engaging in the private practice of a profession.

(e) Being an officer of the Permanent Military Forces without the express consent of the Military Board, engaging in a paid employment other than in connexion with the duties of his office under the Commonwealth.
APPENDIX I.—continued.

A.M.R. 212.

Being an officer or a soldier, demanding, requesting, offering to receive, consenting to receive, agreeing to receive:

(a) in connexion with the disposition of public property, the disposal of property belonging to a military mess, or a military institution, or of property for the use of a part of His Majesty's Military Forces, or of a military mess, or of a military institution;

(b) in connexion with the acquisition of property by a person other than the accused of a service in relation to a part of His Majesty's Military Forces, or of a military mess, or of a military institution;

(c) in connexion with the performance of a service in relation to a part of His Majesty's Military Forces, or of a military mess, or of a military institution,

A.M.R. 213.

Being a member of the Citizen Military Forces having been required to serve pursuant to a proclamation made under Part III. of the Defence Act, or being a person having been required to serve pursuant to Part IV. of the Defence Act, failing without lawful excuse for a period of less than seven days to join his corps, attend at the time and place at which he should be present,

A.M.R. 380.

Being an officer or a soldier, of the Military Forces, and having been summoned to attend a court of inquiry by the authority who assembled it to give evidence, produce documents, without lawful excuse, failing to attend.

A.M.R. 747.

(a) Without lawful authority making out or delivering a record book, prescribed copy of entries in a record book, company roll book.


APPENDIX I—continued.
A.M.R. 747—continued.

(e) Wilfully omitting to make an entry in a prescribed copy of entries in a record book. company roll book.


(g) Wilfully and without lawful authority damaging a prescribed copy of entries in a record book. company roll book.
APPENDIX II.
TO THE
AUSTRALIAN MILITARY REGULATIONS.

FORMS RELATING TO COURTS-MARTIAL.

FORM 1.
APPLICATION FOR COURT-MARTIAL.

Station. 
Date. 

I submit (a charge) (b) against No. 

Court-Martial be assembled for his trial at

The case was investigated by (c)

A court of inquiry was held on the 

(day of )

Presiding (insert name of Station). 

Member(s) 

Ranks, names and corps (d)

The accused is now as

His general character is (e)

I enclose the following documents:—

1. Charge-sheet in duplicate (f).
2. Summary of evidence (g).
3. The accused’s regimental and (squadron) (battery) (company) (b) conduct sheet (h).
4. List of witnesses for the prosecution and defence, with their present station (i).
5. Statement as to character and particulars of service of the accused to be proved by (k)

Signature of C.O.

To

(a) If the accused has elected to be tried under D.A. 198, A.M.R. 280, or A.A. 46 (5), the fact should be recorded at the top of this form.
(b) Use only the one word that is appropriate.
(c) Here insert the names of (1) officer who investigated charges; (2) company, etc., commander who made preliminary inquiry into case, and (3) officer who took down summary of evidence. (R.P. 19 (3) (iii).
(d) To be filled in if there has been a court of inquiry respecting any matters connected with the charges; otherwise to be struck out.
(e) To be filled in by the O.C.
(f) One copy to be sent to the President: one copy to be filed with the application for trial.
(g) To be sent to the President. In cases of detention a statement as to whether the accused was apprehended or surrendered should be included in the summary of evidence.
(h) 3, 4, and 5 to be returned to the O.C., the unit of the accused.

FORM 2.
FORM OF ORDER FOR THE ASSEMBLY OF A GENERAL OR DISTRICT COURT-MARTIAL UNDER DELEGATION BY THE GOVERNOR-GENERAL.

(This form may also be used to convene a General or District Court-Martial under a power conferred under the Army Act.)

Orders by Commanding the

[Place and date.]

The officers mentioned below will assemble at the day of at m. for the purpose of trying by a (General) (District) (c) Court-Martial the accused (person (a) named in the margin and such other person or persons as may be brought before them).

(a) Use only the one word or expression which is appropriate.
(b) Any person of the Convening Officer with respect to the composition of the Court (see R.P. 29 and 31, and A.M.R. 302 and 303) 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
APPENDIX II.—continued.

FORM 2.—continued.

President (c).

Members (c).

are appointed members.

Waiting members (c).

are appointed waiting members.

Judge Advocate (c) (e) has been (a) 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

10

Signature of Convening Officer (f).

(e) The president, members, waiting members and judge advocate must be appointed by rank and name, and their units should be stated. As to officers of the Staff Corps, see A.M.R. 305.

(f) The convening officer must sign the order personally.

FORM 3.

FORM OF APPOINTMENT OF JUDGE ADVOCATE WHEN NOT APPOINTED BY THE ORDER CONVENING THE COURT.* (A.M.R. 305.)

I, the undersigned, being (the officer by whom the court was convened) (a) court-martial of (No. rank, name, unit) in the court similar to the (a) court-martial of (No. rank, name, unit), for the trial by (field general) (district) person or persons as might be brought before the court, (a) could have been (a) could be signed at this day of

10

(Personal signature of officer making the appointment.)

(a) Use only the word or expression that is appropriate.

FORM 4.

FORM OF SUMMONS TO A CIVIL WITNESS TO ATTEND A COURT MARTIAL.

(This form should be used only within the Commonwealth, or a Territory.)

To..............................................

Whereas a (general) (district) court-martial has been ordered to assemble at.............
APPENDIX II—continued.

FORM 4—continued.

........................................................................on the........................................................................day of........................................................................19......

for the trial of................................................................................................................................................

[No. rank, name, unit].

Now I, the undersigned, the president of the said court, in pursuance of the Defence Act and all other Acts and powers enabling me, do hereby summon you to attend as a witness the sittings at the said court at........................................................................on the........................................................................day of........................................................................19......at................................................................................O'clock in the forenoon (a) and (to bring with you and produce the documents mentioned in the Schedule hereinafter) and so to attend from day to day until you shall be duly discharged, whereas you shall fall at your peril.

THE SCHEDULE.

Signed at........................................................................this........................................................................day of........................................................................19......

(Personal Signature). ..............................................................

President of the above-mentioned court-martial.

Extract from section 95 of the Defence Act.

"Every person who has been lawfully .... summoned to attend a court-martial to give evidence or produce documents, and who .... has been paid or tendered reasonable expenses of his attendance, and who without just cause (proof whereof shall be upon him)— (a) Disobeys the summons to so appear, or .... .... (d) Refuses or fails to produce any documents which he is required by the court to produce, shall be liable to a penalty not exceeding One hundred pounds.

(a) Use only the one word or expression which is appropriate.

FORM 5.

ORDER OF COURT-MARTIAL FOR IMPRISONMENT OR DETENTION FOR CONTEMPT OF COURT, OF A MEMBER OF THE DEFENCE FORCE OR PERSON LIABLE TO TRIAL BY COURT-MARTIAL (D. A. 89, 92).

To the [Commandant of the Place of Detention]

.................................................................................................................................................

Whereas........................................................................[No. rank, name, unit] .... a member of the Defence Force (person liable to trial by court-martial) (a) has, within the view of a general (a) field general court-martial now sitting at ........................................................................, and of which district I, the undersigned, am president, been guilty of contempt of court wilfully, (interrupting) (a) the proceedings of the said court: by using insulting language towards the members of the said court: (a) Now the said court, in pursuance of the Defence Act and all other Acts and powers enabling it, hereby orders that the said offender (a) be imprisoned (with) (without) hard labour (a) for ........................................................................ hours (a) and the said court orders you to receive him into your custody and detain him to undergo the imprisonment (a) hereinbefore ordered, and for so doing this shall be your warrant.

Signed at........................................................................this........................................................................day of........................................................................19......

(Personal Signature). ..............................................................

President of the above-mentioned court-martial.

(a) Use only the one word or expression which is appropriate.

(b) Insert "His Majesty's" or as may be required according to the title of the prison.
APPENDIX II—continued.

FORM 6.

ORDER OF PRESIDENT OF COURT-MARTIAL FOR ARREST OF CIVILIAN GUILTY OF CONTEMPT OF COURT (D.A. 89, 90).

To...........................................................................................................................................

Whereas [Name, or if name cannot be ascertained, description] not being a member of the Defence Force, has within the [view] (a) [general] [field general] [court-martial] now sitting at [wilfully] [intentionally] [disturbing] (o) the proceedings of the said court:

Now I, the undersigned, the president of the said court do hereby in pursuance of the Defence Act and of all other Acts and powers enabling me, order you forthwith to arrest the said offender and deliver him into the custody of a member of the Police Force of the [State of] [Territory] for the purpose of being taken before a civil court having jurisdiction to try the said offender for his said offence:

And I do hereby order the member of the said Police Force to whom the said offender shall be delivered to receive him into his custody for the purpose aforesaid for all of which this shall be sufficient warrant.

Signed at........................................day of........................................19........

(Personal Signature)

President of the above-mentioned court-martial.

(a) Use only the one word or expression which is appropriate.

Note.—A prosecution is not necessarily preceded by this order, which should be made only in an extreme

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APPENDIX III.
TO THE
AUSTRALIAN MILITARY REGULATIONS.

FORMS OF COMMITMENT, ETC.

FORM A.

WARRANT OF COMMITMENT IN EXECUTION OF A SENTENCE OF PENAL SERVITUDE PASSED IN OR OUT OF THE COMMONWEALTH, FOR USE WHEN FORM B IS NOT USED (A.M.R. 350, 353 (1)).

To the Governor or Chief Officer in charge of (a) ..........................................................

Prison at ..........................................................

Whereas [No, rank, name]..........of the.........(unit)..........(an officer)..........(a soldier) of the Military Forces of the Commonwealth of Australia was, by a.............(court martial held at............................................., convicted of having (c)............., while on war service committed the (offence)..........(b) of (d)............. and, by a sentence signed on the............................................. day of............................................., 19......, sentenced (a) to suffer penal servitude for............................................. years).............(b) commencing on the aforesaid day, and such sentence has been confirmed by............................................. as required by law (f) (and has also been approved by............. as required by law) (g).

(And whereas on the............................................. day of............................................., the said sentence was duly suspended after............. years and............. days thereof had been undergone and by virtue of an order duly made on the............................................. day of............................................. 19...... the said sentence ceased to be suspended on that day) (h)

(And whereas a direction has been duly given that the said sentence shall run consecutively concurrently with a sentence of penal servitude for............. years signed on the............................................. day of............................................. 19...... and of which............. years have been undergone) (h)

(And whereas the Governor-General of the Commonwealth of Australia has directed that sub-regulation (5) of Australian Military Regulation 350 shall not apply to the said sentence) (a).

(And whereas an order has been duly made that the whole of the sentence shall be undergone in a military prison) (b)

Now therefore I, the undersigned, the (i).............(j)............., being an authority empowered by the Defence Act and the Australian Military Regulations to issue this warrant, do hereby in pursuance of the said Act and regulations and all other Acts, regulations and powers enabling me, order you to receive the person so sentenced into your custody and detain him to undergo his firstly above-mentioned sentence according to law, and for so doing this shall be your warrant.

Signed at............................................. this............................................. day of............................................. 19......

(Personal signature of authority making the commitment).

(a) Insert "His Majesty's" or as required according to the title of the prison.

(b) Use only the one expression or word which is appropriate.

(c) When the person is a civil servant substitute the following — "When being a member of the Military Forces, but accompanying a part of the Military Forces on active service within the limits of the Commonwealth") (b) (and subject to the Defence Acts as if he were) (an officer) (a) (of the Military Forces)

(d) Omit the description of the convict as an officer or soldier.

(e) When the sentence is death, but has been committed into penal servitude, substitute "to suffer death and such sentence was confirmed by" as required by law, and was committed into penal servitude for (f) (the term of............. years) (b) commencing on the aforesaid day.

(f) Add, if necessary, with a remission of.............

(g) Omit when approved not required by A.M.R. 350 (b).

(h) Omit when inappropriate or irrelevant.

(i) Insert the province of the said court martial or the description of the office of the competent military authority under A.M.R. 353 (1), by whom the warrant will be signed.
WARRANT OF COMMITMENT IN EXECUTION OF A SENTENCE OF PENAL SERVITUDE PASSED OUT OF THE COMMONWEALTH, AND TO BE UNDERGONE IN THE COMMONWEALTH (A.N.R. 300, 353 (1)).

(This form may also be used when convenient, in the case of a sentence passed in the Commonwealth, when the commitment is from one State to a prison in another, or from a distant station.)

Whereas [No., rank, name]...hereinafter called "the convict" of the...[unit]...[rank] of the Military Forces of the Commonwealth of Australia was by a...[court-martial held at...]. convicted of having...while on war service committed the...offence...[a of (c).........]...and by a sentence signed on the.................day of..........19...., sentenced (d) to suffer...penal servitude for...the term of ...........years...[a] commencing on the aforesaid day, and such sentence has been confirmed by.....................as required by law,..........................[and has also been approved by........................ as required by law].

(And whereas on the..........day of............19 the said sentence was duly suspended after.................thereof had been undergone and by virtue of an order duly made on the.................day of...............19...the said sentence ceased to be suspended on that day). (g)

(And whereas a direction has been duly given that the said sentence shall run...consecutively...with a sentence of penal servitude for........years signed on the.............day of.................19...and of which...............have been undergone.

(And whereas an order has been duly made that...[describe the part]...commence on.............]

of the said sentence shall be undergone in a military prison.) (g)

Now therefore I, the undersigned, the...[hand].............being an authority empowered by the Defence Act and the Australian Military Regulations to issue this warrant, do hereby, in pursuance of the said Acts and regulations and all other Acts, regulations and powers enabling me, order that the convict be transferred to such...[prison]...in the State of...............as any other competent military authority shall appoint, there to undergo his firstly above-mentioned sentence according to law.

And I do hereby, in pursuance of the said Acts, regulations and powers, order the Governor or Chief Officer in charge of any such prison to whom the convict shall be brought to receive the convict into his custody and detain the convict accordingly; and for so doing this shall be sufficient warrant.

And I do hereby in pursuance of the said Acts, regulations and powers, order that the convict be conveyed in military custody, and detained in military custody, or in a

(a) Use only the one expression or word which is appropriate.
(b) When the convict is in a civil division, substitute the following "when not being a member of the Military Forces, but accompanying a part of the Military Forces on active service within the limits of the...Territory." (c) and subject to the Defence Act as if he were "an officer...[of the Military Forces]."
(c) State all offences, if more than one, of which the person to be committed has been convicted. An offence should be stated in the words of the charge, or, if modified by the finding, as so modified, omitting the statement of particulars containing the details of time, place and circumstances.
(d) When the sentence is death, but has been commuted into penal servitude, substitute "to suffer death and such sentence was confirmed by...as required by law, and was commuted into penal servitude for...the term of...years...[commencing on the aforesaid day]."
(e) Add, if necessary, "with a penal servitude for...years...[commencing on the aforesaid day]."
(f) Omit when approval not required by A.A. 54 (9).
(g) Omit when inappropriate.

[Insert the name of the convict, the rank of the court-martial, or the description of a competent military authority under A.N.R. 333 (1) by whom the warrant will be signed.]

APPENDIX III—continued.

FORM B.

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APPENDIX III.—continued.

FORM B—continued.

penal servitude prison or a place of imprisonment or a place of detention or a police station or lock up, so far as shall appear necessary or proper for effecting his transfer to the said penal servitude (a) military prison in the said State.

Signed at........................................... day of.................................. 19......
(Personal signature of authority making the commitment.)

In case of commitment to any intermediate place of confinement being necessary.

(A.M.R. 335) (i)

Governor or Chief Officer in charge of (j) Prison
Officer in charge of the Police Station
Lock up

at..........................................................

For the purpose of carrying into effect the above warrant I, the undersigned, the (k)........................................... being an authority empowered by the Defence Act and the Australian Military Regulations to issue this warrant, do hereby, in pursuance of the said Acts and regulations and all other Acts, regulations and powers enabling me, order you to receive the above-mentioned convict and temporarily detain him and deliver him when required for the purpose of the above warrant, and for so doing this shall be your warrant.

Signed at........................................... day of.................................. 19......
(Personal signature of authority making the commitment.)

On arrival in the State to which commitment is made.

To the Governor or Chief Officer in charge of (j) Prison at...........................................

I, the undersigned, the (l)........................................... being an authority empowered by the Defence Act and the Australian Military Regulations to issue this warrant, do hereby, in pursuance of the said Act and regulations, and all other Acts, regulations and powers enabling me, order you to receive the above-mentioned convict into your custody and detain him to undergo the firstly above-mentioned sentence according to law, and for so doing this shall be your warrant.

Signed at........................................... day of.................................. 19......
(Personal signature of authority making the commitment.)

ORDER THAT A SENTENCE OF PENAL SERVITUDE OR A PART THEREOF BE UNDERGONE IN A MILITARY PRISON (A.M.R. 350) (2).

Whereas...........[No., rank, name]...................... of the..........[unit].......... a military convict is now under a sentence of penal servitude for................., commencing on the........... day of.................................. 19......

Now I, the undersigned, being an authority having power to remit or commute the said sentence do order that {the whole} (m) of the said sentence shall be undergone in a military prison.

Signed at........................................... day of.................................. 19......
(Personal signature of authority under A.M.R. 350) (2).

(a) Use only the one expression or word which is appropriate.

(b) Insert “the president” or “the said court martial” or the description of a competent military authority under A.M.R. 335 (1) by or to whom the warrant will be signed.

(c) This order may be made as often as necessary.

(d) Insert “His Majesty’s” or as required according to the title of the prison.

ORDER THAT A SENTENCE OF PENAL SERVITUDE OR A PART THEREOF BE UNDERGONE IN A MILITARY PRISON (A.M.R. 350) (2).

Whereas by an order dated the.................................. day of.................................. 19......

It was ordered that {part of} a sentence of penal servitude for................., commencing on the........... day of.................................. 19...... now being undergone by [No., rank, name] of the [unit], a military convict, should be undergone in a military prison.
APPENDIX III.—continued.

FORM D—continued.

Now I, the undersigned, being an authority having power to remit or commute the said sentence, do revoke the said order.

Signed at..........................this..........................day of...........................19.....

(Personal signature of an authority under A.M.R. 350 (2)).

FORM E.

WARRANT OF COMMITMENT IN EXECUTION OF A SENTENCE OF IMPRISONMENT PASSED BY A COURT-MARTIAL IN OR OUT OF THE COMMONWEALTH, WHEN FORM F IS NOT USED (A.M.R. 348, 333 (1)).

To the (Governor or Chief Officer in charge of (a) Prison)

Commandant of the Place of Detention

at..........................

Whereas......[No., rank, name]........of the......[unit]......[an officer][a soldier][of the Military Forces of the Commonwealth of Australia was by a general court-martial hold

at..........................convicted of having......while on war service......while subject to Military law under the......[Australian Military Regulations]

committed the......[offence]......[of]......[the aforesaid day]......and by a sentence signed on the......[day of]......19.....sentenced to be imprisoned......[with]......[without]......[f]....hard labour for......[the aforesaid day]......commencing on the aforesaid day, and such sentence has been confirmed by......[as required by law (g)].

And whereas on the......[day of]......19.....the said sentence was duly suspended after......[years and]......[days]......and by virtue of an order duly made on the......[day of]......19.....the said sentence ceased to be suspended on that day (h).

And whereas a direction has been duly given that the said sentence shall run......[consecutively]......[concurrently]......with a sentence of......[imprisonment]......[detention]......for......[the aforesaid day]......19.....and of which......[have been undergone]......(i).

And whereas the Governor-General of the Commonwealth of Australia has directed that sub-regulation (d) of Australian Military Regulation 348 shall not apply to the said sentence (k).

Now therefore I, the undersigned, the......(l)......being an authority empowered by the Defence Act and the Australian Military Regulations to issue this warrant, do hereby, in pursuance of the said Act and regulations and all other Acts, regulations and powers enabling me, order you to receive the person so sentenced into your custody and detain him to undergo his aforesaid mentioned sentence according to law, and for so doing this shall be your warrant.

Signed at..........................this..........................day of...........................19.....

(Personal signature of authority making the commitment.)

(a) Use only the one expression or word which is appropriate.
(b) Insert “His Majesty’s” or as required according to the title of the person.
(c) Omit when the offence is or all the offences are against the D.A. or the A.M.R. other than A.M.R. 502. When the person is a civilian substitute the following “When not being a member of the Military Forces, but accompanying a part of the Military Forces on active service within the limits of the [Commonwealth Territory] (c) and subject to the Defence Act as if he were [an officer] (d) of the Military Forces” and omit the description of the person as an officer or soldier.
(d) State all offences, if more than one, of which the person to be committed has been convicted. An offence shall be stated in the words of the charge, or, if modified by the finding, as so modified, omitting the statement of particulars containing the details of time, place and circumstances.
(e) Substitute if the sentence was death or penal servitude which has been commuted into imprisonment—death
ment to suffer......[penal servitude for]......[the term of years]......(e) and such sentence has been confirmed

by......[as required by law, but has been commuted into imprisonment (with) (g)]...hard labour for......[commencing on the aforesaid day].”

(g) If the sentence or commutation does not specify hard labour, use the word “without.”
(h) Omit if necessary “with a remission of “or,” but has been mitigated by the omission of the hard labour” or as the case may be.
(i) Insert “the president of the said court martial” or, the description of the office of the competent military authority under A.M.R. 333 (1).
APPENDIX III.—continued.

FORM P.

WARRANT OF COMMITMENT IN EXECUTION OF A SENTENCE OF IMPRISONMENT PASSED BY A COURT-MARTIAL OUT OF THE COMMONWEALTH AND TO BE UNDERGONE IN THE COMMONWEALTH (A.M.R. 348, 353 (1)).

(This form may also be used, when convenient, in the case of a sentence passed in the Commonwealth when the commitment is from one State to a place of imprisonment or place of detention in another or from a distant station.)

Whereas, ............ (No., rank, name, (wait) hereafter called the prisoner) an officer or soldier of the Military Forces of the Commonwealth, wealth of Australia, was by a (general) court martial held at ............

convicted of having, while in war service, (a) committed the offence of............ (c) ............ and by a sentence signed on the ............ day of ............ 19........ sentenced (d) to be imprisoned with (e) hard labour for ............ commencing on the aforesaid day, and such sentence has been confirmed by ............ as required by law (f).

And whereas the ............ day of ............ 19........ the said sentence was duly suspended after ............ had been undergone and by virtue of an order duly made on the ............ day of ............ 19........ the said sentence ceased to be suspended on that day (g).

And whereas a direction has been duly given that the said sentence shall run concurrently with a sentence of ............ for ............ signed on the ............ ............ 19........ and of which ............ have been undergone (g).

Now therefore I, the undersigned, the (h) ............ being an authority empowered by the Defence Act and the Australian Military Regulations to issue this warrant do hereby, in pursuance of the said Act and regulations and all other Acts, regulations and powers enabling me, custody, and in virtue of an order of imprisonment or place of detention in the State of ............ as any other competent military authority shall appoint, there to undergo his sentence mentioned above.

And I do hereby, in pursuance of the said Acts, regulations and powers, order the Governor or Chief Officer in charge of any such place of imprisonment or the Commandant of any such place of detention to whom the prisoner shall be brought to receive the prisoner into his custody and detain the prisoner accordingly, and for so doing this shall be sufficient warrant.

And I do hereby, in pursuance of the said Acts, regulations and powers order that the prisoner be conveyed in military custody and detained in military custody, or in a place of imprisonment or a place of detention or a police station or look up, so far as shall appear necessary or proper for effecting his transfer to the said place of imprisonment or place of detention in the said State.

Signed at ............ this ............ day of ............ 19........

(Personal signature of authority making the commitment.)

(a) Use only the one word or expression which is appropriate.

(b) Omit when the offence is or all the offence is against the D.A. or the A.M.R. other than A.M.R. 506. When the prisoner is a civilian, substitute the following: “When not being a member of the Military Forces, but accompanying a part of the Military Forces on active service within the limits of the Commonwealth, (a) and subject to the Defence Act as if he were an officer or a soldier of the Military Forces,” and omit the description of the prisoner as an officer or soldier.

(c) State all the offences, if more than one, of which the person to be committed has been convicted. An offence should be stated in the words of the charge, or if modified by the finding, as so modified, omitting the statement of particulars containing details of time, place and circumstances.

(d) Substituted, if the sentence was death or penal servitude which has been commuted into imprisonment, “to suffer” or “to serve” or “to be imprisoned for” is made as required by law, but has been commuted into imprisonment (with or without) (e) hard labour for.

(e) If the sentence or commutation does not specify hard labour, use the word “without.”

(f) Add, if necessary, “with a remission of” if the time has been mitigated by the omission of the hard labour, or as the case may be.

(g) Omit if inapplicable.

(h) Insert, “the principal of the said court martial” or the description of the officer of the competent military authority under A.M.R. 353 (1).
APPENDIX III.—continued.

FORM E—continued.

In the case of commitment to any intermediate place of confinement being necessary (i)
(A.M.R. 357).

To the Commandant of the Place of Detention, Officer in Charge of the jewel
Police Station,

at...

For the purpose of carrying into effect the above warrant I, the undersigned,
the (b).............. being an authority empowered by the Defence
Act and the Australian Military Regulations to issue this warrant, do hereby, in pursuance
of the said Act and regulations, and all other Acts, regulations and powers enabling me,
order you to receive the above-mentioned prisoner and temporarily detain him and to
deliver him when required for the purpose of the above warrant, and for so doing this
shall be your warrant.

Signed at....................this..............day of....................19......

(Personal signature of authority making the commitment.)

On arrival in the State to which commitment is made.

To the Commandant of the Place of Detention,

at...

I, the undersigned, the (b).............. being an authority empowered by the Defence Act and the Australian Military Regulations to issue this warrant do hereby, in pursuance of the said Act and regulations and all other Acts, regulations and powers enabling me, order you to receive the above-mentioned prisoner into your custody and detain him to undergo the firstly above-mentioned sentence according to law, and for so doing this shall be your warrant.

Signed at....................this..............day of....................19......

(Personal signature of authority making the commitment.)

(a) Use only the one expression or word which is appropriate.
(b) Insert "the president of the said court martial" or the description of the office of the competent
military authority under A.M.R. 357 (1).
(c) This order may be made as often as necessary.
(d) Insert "His Majesty's" or as required according to the title of the prison.
(e) Insert the description of an authority under A.M.R. 357 (3).

FORM G.

WARRANT OF COMMITMENT IN EXECUTION OF A SENTENCE OF
IMPRISONMENT PASSED BY A COURT OF SUMMARY JURISDICTION ON
A MEMBER OF THE MILITARY FORCES FOR AN OFFENCE AGAINST
THE DEFENCE ACT OR THE AUSTRALIAN MILITARY REGULATIONS
(A.M.R. 348, 350).

To the Commandant of the Place of Detention

Whereas............[No. rank, name...............of the............[name].............

an officer | a soldier | of the Military Forces of the Commonwealth of Australia, was

by a court of summary jurisdiction at............., convicted

of having (while subject to military law under the Australian Military Regulations) (c)

committed the (offence) (a) of....................(d) and sentenced

(a) Use only the one expression or word which is appropriate.
(b) Insert "His Majesty's" or as required according to the title of the prison.
(c) State the offence, if more than one, of which the person to be committed has been convicted.
(d) State all the offences, if more than one, of which the person to be committed has been convicted.

An offence should be stated in the words of the information, or if amended as so amended, omitting details
do time and place.
APPENDIX III — continued.
FORM G — continued.

to imprisonment | with | (f) hard labour for |.............................(e),
without |.............................(e),
commencing on the |.............................day of |............................., 19......(g).

Now therefore I, the undersigned, the.............................(k), being an
authority empowered by the Defence Act and the Australian Military Regulations(i)
to issue this warrant do hereby, in pursuance of all Acts, regulations and powers enabling
me, order you to receive the person so sentenced 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......(h).

(Personal signature of authority making the commitment.)

(a) If the imprisonment has been ordered in default of payment of a pecuniary penalty or costs or both, set out the sentence, and proceed; "..." and decimals have been added in payment of the said and the person so sentenced has been by warrants of the said court committed into imprisonment for
commencing on the | day of | 19......(j) and has been delivered into
military custody.

(b) If the sentence does not specify hard labour, use the word "without.""...

(c) If the sentence has been mitigated or partly remitted insert: "..." has been mitigated by
the omission of the hard labour" or "..." days of such sentence have been remitted.
..." regulated and described description of office or authority under A.M.R. 350 and 354 (3) as
authorized by law.

(d) Insert description of the civil authority having power to issue the warrant, or of the office of the
competent military authority under A.M.R. 353 (1).

(e) Omit when commitment is by the civil authority.

FORM II.

WARRANT OF COMMITMENT IN EXECUTION OF A SENTENCE OF DETENTION
PASSED BY A COURT-MARTIAL IN OR OUT OF THE COMMONWEALTH
FOR USE WHEN FORM I IS NOT USED (A.M.R. 348, 353 (1)).

To the Commandant of the Place of Detention at.............................

Whereas.................[No., rank, name]............................. of the.............................[rank].............................
a soldier of the Military Forces of the Commonwealth of Australia was by a
general | court-martial held at.............................
field general | court-martial held at.............................
district | court-martial held at.............................
while on war service |......(a) | while subject to military law under the Australian Military............(b)
 accusations |............................. | complaints
committed the | offences |............................. |(e), and by a sentence signed on the | day of |............................., 19......, sentence (d) to undergo detention for |............................., and such sentence has been confirmed by |............................. as required by
law (e).

(a) Omit only the one expression or word which is inappropriate.
(b) Omit when the offence or all the offences are in the D.A. or the A.M.R. other than A.M.R.
203. When the person is a civilian, substitute the following: "..." When not being a member of the
Military Forces, but accompanying a part of the Military Forces on active service within the limits of the
Commonwealth Territory (a) and subject to the Defence Act as if he were a soldier of the Military
Forces " and omit the description of the person as a soldier.
(c) State all the offences if more than one, of which the person to be committed has been convicted.
An offence should be stated in the words of the charge, or if modified by the finding, as so modified,
including the statement of particulars maintaining the details of time, place and circumstances.
(d) Substitute if the sentence was death, penal servitude or imprisonment which has been commuted

(e) Other causes to detention: — to
be imprisoned | without |.............................(a)
be imprisoned | without |.............................(a)

(f) Hard labour for | .............................(a)

(g) Add, if necessary, "..." with a remission of |.............................

(h) Omit when commitment is by the civil authority.

(i) Omit when commitment is by the military authority.

(j) Omit when commitment is by the military authority.

(k) Omit when commitment is by the military authority.
APPENDIX III.—continued.

FORM II—continued.

(And whereas on the day of 19 the said sentence was duly suspended after 19 and had been undergone and by virtue of an order duly made on the day of 19 the said sentence ceased to be suspended on that day.)

(And whereas a direction has been duly given that the said sentence shall run consecutively with a sentence for 19 signed on the day of 19 and of which have been undergone.)

(And whereas the Governor-General of the Commonwealth of Australia has directed that sub-regulation (6) of Australian Military Regulation 248 shall not apply to the said sentence.)

Now therefore I, the undersigned, (g), being an authority empowered by the Defence Act and the Australian Military Regulations to issue this warrant, do hereby, in pursuance of the said Act and regulations and of all other Acts, regulations and powers enabling me, order you to receive the person so sentenced into your custody, and detain him to undergo his firstly above-mentioned sentence according to law, and for so doing this shall be your warrant.

Signed this day of 19.

(Personal signature of authority making the commitment.)

(f) Omit when inappropriate or irrelevant.
(g) Insert "the position of the said court martial" or the description of the office of the competent military authority under A.M.R. 233 (1).

FORM I.

WARRANT OF COMMITMENT IN EXECUTION OF A SENTENCE OF DETENTION PASSED OUT OF THE COMMONWEALTH, AND TO BE UNDERGONE IN THE COMMONWEALTH (A.M.R. 248, 233 (1)).

(This form may also be used, when convenient, in the case of a sentence passed in the Commonwealth, when the commitment is from one State to a place of detention in another or from a distant station.)

Whereas (No. rank, name) of the (name) hereinafter called "the soldier," a soldier of the Military Forces of the Commonwealth (general) of Australia, was by court-martial, held at, (district)

convicted of having while on war service the Australian Military Regulations (a) or (b) committed the (offence) (offence) of (offence) (offence), and, by a sentence signed on the day of 19, sentenced (d) to undergo detention for (sentenced to) commencing on the aforesaid day, and such sentence has been confirmed by

as required by law (c).

Use only the one word or expression which is appropriate.

Omit when the offence is or all the offences are against the D.A. or the A.M.R. other than A.M.R. 250. When the person is a civilian, substitute the following:—When not being a member of the Military Forces, but accompanying a part of the Military Forces on active service within the limits of the (Commonwealth Territory) (e) and subject to the Defence Act as if he were a soldier of the Military Forces, and omit the description of the person as a soldier.

State all the offences, if more than one, of which the person to be committed has been convicted. An offence should be stated in the words of the charge, or if modified by the finding, as so modified, omitting the statement of particulars containing details of time, place and circumstances.

Substitute if the sentence was death, penal servitude or imprisonment which has been commuted (f) to (g) into detention to suffer penal servitude for (the term of years) and such sentence has been confirmed by (as required by law but has been commuted into detention for commencing on the aforesaid day.)

Add, if necessary (with a remission of ,)

"
APPENDIX III.—continued.

FORM I.—continued.

(And whereas on the.................day of.................10....the said sentence
was duly suspended after.................thenceforward had been undergone and by virtue
of an order duly made on the.................day of.................10....the said
sentence ceased to be suspended on that day) (f).

(And whereas a direction has been duly given that the said sentence shall run
consecutively with a sentence of.................for.................signed on the
.................day of.................19..... and of which.................has been
undergone (f).

Now therefore I, the undersigned, the.................(g), being an authority
empowered by the Defence Act and the Australian Military Regulations to issue this
warrant, do hereby, in pursuance of the said Act and regulations and of all other Acts,
regulations and powers enabling me, order that the soldier be transferred to such place
of detention in the State of.................as any other competent military
authority shall appoint, there to undergo his firstly above-mentioned sentence according
to law.

And I do hereby in pursuance of the said Acts, regulations and powers order the
Commandant of any such place of detention, to whom the soldier shall be brought, to
receive into his custody and detain the soldier accordingly, and for so doing this shall
be sufficient warrant.

And I do hereby, in pursuance of the said Acts, regulations and powers, further order
that the soldier be conveyed in military custody and detained in military custody or in
a place of detention or a police station or lock-up so far as shall appear necessary or proper
for effecting his transfer to the said place of detention in the said State.

Signed at..........................the.................day of.................19.....
(Personal signature of authority making the commitment.)

In case of commitment to any intermediate place of confinement being necessary (h) A.M.R.
357).

To the {Commandant of the Place of Detention
Officer in Charge of the { Police Station }
}{ Lock-up }

For the purpose of carrying into effect the above warrant, I, the undersigned, the
.................(f), being an authority empowered by the Defence Act and the
Australian Military Regulations to issue this warrant do hereby in pursuance of the above
mentioned Acts, regulations and powers, order you to receive the above-mentioned soldier
into your custody, and temporarily detain him, and to deliver him when required for
the purpose of the above warrant, and for so doing this shall be your warrant.

Signed at..........................this.................day of.................19.....
(Personal signature of authority making the commitment.)

On arrival in the State to which commitment is made.

To the Commandant of the Place of Detention at.........................

I, the undersigned, the.................(g), being an authority empowered
by the Defence Act and the Australian Military Regulations to issue this warrant, do
hereby, in pursuance of the above-mentioned Act and regulations and all other Acts,
regulations and powers enabling me, order you to receive the above-mentioned soldier
into your custody, and detain him to undergo the firstly above-mentioned sentence
according to law, and for so doing this shall be your warrant.

Signed at..........................this.................day of.................19.....
(Personal signature of authority making the commitment.)

(f) Omit if inappropriate.
(g) Insert, "for president of the said court martial " or the description of the office of the committing
authority under A.M.R. 353 (1).
(h) This order may be made as often as necessary.
(i) Insert the description of an authority under A.M.R. 357 (3).
Appendix III.—continued.

Form J.

WARRANT OF COMMITMENT IN EXECUTION OF A SENTENCE OF DETENTION PASSED BY A COURT OF SUMMARY JURISDICTION ON A MEMBER OF THE MILITARY FORCES FOR AN OFFENCE AGAINST THE DEFENCE ACT OR THE AUSTRALIAN MILITARY REGULATIONS (A.M.R. 318, 350).

To the Commandant of the Place of Detention at………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………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APPENDIX III.—continued.

FORM L.

WARRANT OF COMMITMENT TO A PRESCRIBED INSTITUTION OR PLACE
OF A MEMBER OF THE MILITARY FORCES CONVICTED BY COURT-
MARTIAL OF AN OFFENCE AGAINST SECTION 193 OF THE DEFENCE
ACT.

To the Officer, Warrant Officer, or Non-Commissioned Officer in charge of
(a) ....................................................... at ...........................................................

Whereas ....... [No., rank, name] .......... of the .........[unit] ........... a member of the
Military Forces of the Commonwealth of Australia, and a person liable to be
trained under Part XII. of the Defence Act, was by a [general] [district] [court-martial held
at ....................................................... ] convicted of the [offence] [offences] (b) of (c) ......... and
sentenced to be committed to confinement in the custody of a prescribed authority for
a term of ......... days commencing on the (d) ............... day of ............... 19 ......... and such sentence has been confirmed by ............... as required by law. (e)

Now therefore I, the prescribed authority into whose custody the said member has
been committed pursuant to the said sentence, do, in exercise of all powers conferred on
me by the Defence Act or otherwise, order you to receive the said member into your
custody and detain him in accordance with the said sentence and so far as this shall
be your warrant.

Signed at ........................................ this ....................... day of ....................... 19 .........

(Personal signature of prescribed authority.)

(a) Insert the name of the prescribed institution or place.
(b) Use only the one word which is appropriate.
(c) State all the offences if more than one of which the person to be committed has been convicted.
An offence should be stated in the words of the charge, or if modified by the judging as so modified, omitting
the statement of particulars containing the details of time, place and circumstance.
(d) Date of sentence.
(e) Add, if necessary, " with a remission of .

FORM M.

ORDER FOR RELEASE OF SOLDIER UNDER SENTENCE (A.M.R. 352 (2)).

To the Governor or Chief Officer in charge of (b) ....................................................... Prison (a)

Whereas .......... [No., rank, name] .......... of the ........................................

[unit] ............... is now in your custody undergoing a sentence of (a) penal servitude (b) detention
by (c) award of his commanding officer (a) said sentence (b) currency of the said sentence
remitted. (c) arrested. (d) suspended.

Now I, the undersigned, the (e) ....................... being an authority
empowered by the Defence Act and the Australian Military Regulations to issue this
Order, do hereby require you to release the person so in your custody as aforesaid.

Signed at .................................... this ....................... day of ....................... 19 .........

(Personal signature of authority ordering release.)

(a) Use only the one expression or word which is appropriate.
(b) Insert "His Majesty's" or as required according to the title of the prison.
(c) Insert description of a competent authority under A.M.R. 352 (2).
APPENDIX III.—continued.

FORM N.

ORDER FOR TRANSFER OF SOLDIER UNDER SENTENCE FROM ONE PRISON OR PLACE OF DETENTION TO ANOTHER (A.M.R. 348 (7), 360 (7)).

To

the Governor or Chief Officer in charge of (b)..........................Prison (a)

the Commandant of the Place of Detention

Whereas.......................................................(No., rank, name)..................of the..........................

(a) is now in your custody undergoing a sentence of (imprisonment or detention)

(a) a court martial,

by the order of a commanding officer,

a court of summary jurisdiction.

Now I, the undersigned, the (c)........................................, being an authority empowered by the Defence Act and the Australian Military Regulations to issue this Order, do hereby in pursuance of the said Act and regulations and of all other Acts, regulations and powers, enabling me, order you to deliver the person so in your custody as aforesaid to the officer, warrant officer, or non-commissioned officer presenting this order.

And I do hereby order the said officer, warrant officer, or non-commissioned officer and all other officers, warrant officers, and non-commissioned officers into whose custody the said person undergoing sentence may be delivered, to keep him in military custody, and convey him in military custody in such manner as may be directed by proper military authority to (a) a Place of Detention

(a) at........................................there to undergo the remainder of his sentence according to law and for so doing this shall be sufficient warrant.

Signed at........................................day of.................................19......

(Personal signature of authority ordering the transfer.)

(a) Use only the one expression or word which is appropriate.
(b) Insert "His Majesty's" or as required, according to the title of the prison.
(c) Insert the description of the office of the competent military authority under A.M.R. 353 (2).

FORM O.

ORDER FOR TRANSFER OF SOLDIER UNDER SENTENCE WHEN OWING TO COMMUTATION THE NATURE OF THE PLACE IN WHICH THE SOLDIER MAY BE CONFINED IS ALTERED (A.M.R. 353 (1)).

To the Governor or Chief Officer in charge of (c)..........................Prison at

Whereas.......................................................(No., rank, name)..................of the..........................

(a) is now in your custody undergoing a sentence of (imprisonment) (a) by a court martial

(a) or court of summary jurisdiction (a) and whereas the said sentence has been committed into (imprisonment) (a) or detention.

Now I, the undersigned, the (c)........................................, being an authority empowered by the Defence Act and the Australian Military Regulations to issue this order, do hereby in pursuance of the said Act and regulations and all other Acts, regulations and powers enabling me, order you to deliver the said person so in your custody as aforesaid to the officer, warrant officer, or non-commissioned officer presenting this order.

And I do hereby order the said officer, warrant officer or non-commissioned officer and all other officers, warrant officers and non-commissioned officers into whose custody the said person undergoing sentence may be delivered, to keep him in military custody, and convey him in military custody in such manner as may be directed by proper military authority to the (a) Place of Detention

(a) to which he shall be committed by proper military authority and for so doing this shall be sufficient warrant.

Signed at........................................day of.................................19......

(Personal signature of authority ordering the transfer.)

(a) Use only the one expression or word which is appropriate.
(b) Insert "His Majesty's" or as required, according to the title of the prison.
(c) Insert description of the office of the committing authority under A.M.R. 353 (2).

C.16101.—9
**ORDER FOR DELIVERY INTO MILITARY CUSTODY OF A SOLDIER UNDER SENTENCE TO BE BROUGHT BEFORE A CIVIL COURT OR COURT-MARTIAL OR FOR OTHER TEMPORARY PURPOSE (A.M.R. 382 (1)).**

To the Governor or Chief Officer of ( ) Prison ( )

At........... Commandant of the Place of Detention

Whereas, (No. rank, name).........of the............. unit).................is now in your custody undergoing a sentence of imprisonment by an award of his commanding officer (a)

(d) (e)

Now I, the undersigned, the ( ), being an authority empowered by the Defence Act and the Australian Military Regulations to issue this order, do hereby in pursuance of the said Acts, regulations, and powers, and of all other Acts, regulations and powers enabling me, order you to deliver the person so in your custody as aforesaid to the officer, warrant officer, or non-commissioned officer presenting this order.

And I do hereby order the said officer, warrant officer, or non-commissioned officer and all other officers, warrant officers and non-commissioned officers, into whose custody the said person undergoing sentence may be delivered, to keep him in military custody and bring him to.................there to appear before a court martial (a) as a witness (d) and then return him to the above-mentioned court martial for trial (d) or such other court martial (a) as may be determined by proper military authority, and to detain him in military custody until he is so returned, or is released in due course of law, and for so doing this shall be sufficient warrant.

Signed at..............this.............day of.............19..............

(Personal signature of authority making the order.)

If the Prison or Place of Detention to which he is returned is altered.

I, the undersigned, the ( ), being an authority empowered by the Defence Act and the Australian Military Regulations to issue this warrant, do hereby in pursuance of the said Acts, regulations and powers enabling me, order that the above-mentioned person undergoing sentence be forthwith taken in military custody to the place of detention.............Prison (a).............there to undergo the remainder of his sentence, according to law, and for so doing this shall be sufficient warrant.

Signed at..............this.............day of.............19..............

(Personal signature of authority making the order.)

(a) Use only the one expression or word which is appropriate.

(b) Insert "His Majesty's," or as required, according to the title of the prison.

(c) Insert description of a competent military authority under A.M.R. 382 (3).

(d) If not to be brought before a court, insert description of purpose.

**ORDER FOR REMOVAL OF MILITARY PRISONER OR SOLDIER UNDER SENTENCE OF DETENTION FOR SERVICE OUT OF THE COMMON-WEALTH (A.M.R. 348 (9)).**

To the Commandant of the Place of Detention

At.............

Whereas, (No. rank, name).........of the.............[unit]

.........is now in your custody undergoing a sentence of imprisonment by an award of his commanding officer (a)

(d) (e)

(a) (c) (d)

Now I, the undersigned, the ( ), being an authority empowered by the Defence Act and the Australian Military Regulations to issue this order, do hereby in pursuance of the said Acts, regulations, and powers, and of all other Acts, regulations and powers enabling me, order you to deliver the person so in your custody as aforesaid to the officer, warrant officer, or non-commissioned officer presenting this order.

And I do hereby order the said officer, warrant officer, or non-commissioned officer and all other officers, warrant officers and non-commissioned officers, into whose custody the said person undergoing sentence may be delivered, to keep him in military custody and bring him to.................there to appear before a court martial (a) as a witness (d) and then return him to the above-mentioned court martial for trial (d) or such other court martial (a) as may be determined by proper military authority, and to detain him in military custody until he is so returned, or is released in due course of law, and for so doing this shall be sufficient warrant.

Signed at..............this.............day of.............19..............

(Personal signature of authority making the order.)

(a) Use only the one expression or word which is appropriate.
APPENDIX III.—continued.

FORM Q—continued.

Now I, the undersigned, (c).................................being an authority empowered by the Defence Act and the Australian Military Regulations to issue this order, do hereby, in pursuance of the said Act and regulations and of all other Acts, regulations and powers enabling me, order you to deliver the person so in your custody as aforesaid to the officer, warrant officer or non-commissioned officer presenting this order.

And I do hereby order the said officer, warrant officer or non-commissioned officer and all other officers, warrant officers and non-commissioned officers into whose custody the said person undergoing sentence may be delivered, to keep him in military custody and to convey him in military custody in such manner as may be directed by proper military authority to...........................where the [unit]........................to which he belongs is [under orders to serve] (a) and for so doing this shall be sufficient warrant.

Signed at..........................................................day of..................................19........

(Personal signature of authority making the order.)

(b) Insert "His Majesty's" or as required, according to the title of the prison.
(c) Insert the description of a competent military authority under A.M.R. 339 (3).

FORM R.

*ORDER FOR THE TRANSFER OF A PERSON DETAINED IN A PRESCRIBED INSTITUTION OR PLACE (D.A. 133).*

To the Officer, Warrant Officer, or Non-Commissioned Officer in charge of (a).................................................................at.................................................................

Whereas.................[Yes, rank, name]............of the...........(unit)...........is now in your custody in pursuance of a sentence or order of a (court-martial) of summary jurisdiction (b) that he be committed to confinement in the custody of a prescribed authority for a term of...........................days commencing on the...........................day of..............................................19..............

Now I, the undersigned, being the prescribed authority into whose custody the person so in your custody was committed pursuant to the said sentence or order, do hereby, in exercise of all powers conferred upon me by the Defence Act or otherwise, order you to deliver the person so in your custody to the officer, warrant officer, or non-commissioned officer presenting this order.

And I do hereby order the said officer, warrant officer or non-commissioned officer and all other officers, warrant officers and non-commissioned officers into whose custody the said person may be delivered, to keep him in military custody and convey him in military custody in such manner as may be directed by proper military authority, to (a)..............................................; and the officer, warrant officer or non-commissioned officer in charge of that (institution) (b) to receive the said person into his custody and detain him for the remainder of the said term of...........................days and for so doing this shall be sufficient warrant.

Signed at..........................................................this..............................day of..................................19........

(Personal signature of prescribed authority.)

(a) Insert the name of the prescribed institution or place.
(b) Insert only the one word or expression which is appropriate.

FORM S.

WARRANT FOR TEMPORARY DETENTION OF A PERSON CHARGED WITH AN OFFENCE TRIABLE BY COURT-MARTIAL (D.A. 115 (1), A.M.R. 232 (2), (3)).

To the (Governor or Chief Officer in Charge of (b) Prison Commandant of the Place of Detention Officer in charge of the (Police-Station) (Lock-up) (a)

at.................................................................

(a) Use only the one expression or word which is appropriate.
(b) Insert "His Majesty's", or as required, according to the title of the prison.
APPENDIX III.—continued.

FORM S.—continued.

Whereas...................(No., rank, name)..................of the...................(unit)..................is now a person charged with an offence triable by court-martial.

Now therefore I, the undersigned, the (c)..................being an authority empowered by the Defence Act and the Australian Military Regulations to issue this warrant, do hereby in pursuance of the said Act and regulations and of all other Acts, regulations and powers enabling me, order you to receive the said person into your custody and to detain him until you receive a further order from me or other proper military authority and for so doing this shall be your warrant.

Signed at........................................day of........................................19........

(Personal signature of authority under A.M.R. 232 (2).)

(a) Insert description of an authority mentioned in A.M.R. 232 (2), and see A.M.R. 232 (3).

FORM T.

WARRANT FOR TEMPORARY DETENTION OF A SOLDIER UNDER SENTENCE (D.A. 115 (2), A.M.R. 357).

To the {Commandant of the Place of Detention
Officer in Charge of the Police Station
Look-up}

{a
b
(b)
(c)
(d)
(e)
(f)
(g)
(h)
(i)
(j)
(k)
(l)
(m)
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(t)
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(v)
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(z)
}.

Whereas...................(No., rank, name)..................of the...................(unit)..................

is a person sentenced by court-martial to imprisonment.

Now therefore I, the undersigned, the (c)..................being an authority empowered by the Defence Act and the Australian Military Regulations to issue this warrant do hereby in pursuance of the said Act and regulations and of all other Acts, regulations and powers enabling me, order you to receive the said person into your custody and to detain him until you receive a further order from me or other proper military authority and for so doing this shall be your warrant.

Signed at........................................day of........................................19........

(Personal signature of authority under A.M.R. 357 (3).)

(a) Insert "His Majesty’s" or as required, according to the title of the prison.

(b) Use only the one expression or word which is appropriate.

(c) Insert description of an authority mentioned in A.M.R. 357 (3).

FORM U.

ORDER FOR DELIVERY INTO MILITARY CUSTODY OF PERSON IN TEMPORARY DETENTION (A.M.R. 232 (6), 357 (4)).

To the {Commandant of the Place of Detention
Officer in Charge of the Police Station
Look-up}

{a
b
(c)
(d)
(e)
(f)
(g)
(h)
(i)
(j)
(k)
(l)
(m)
(n)
(o)
(p)
(q)
(r)
(s)
(t)
(u)
(v)
(w)
(x)
(y)
(z)
}.

Whereas...................(No., rank, name)..................of the...................(unit)..................

is now in your custody for temporary detention.

Now I, the undersigned, the (c)..................being an authority empowered by the Defence Act and the Australian Military Regulations to issue this order, do hereby order you to deliver the person so in your custody as aforesaid to the officer, warrant officer or non-commissioned officer presenting this order.

Signed at........................................day of........................................19........

(Personal signature of authority making the order.)

(a) Insert "His Majesty’s" or as required according to the title of the prison.

(b) Use only the one expression or word which is appropriate.

(c) Insert description of an authority mentioned in A.M.R. 232 (6), if the person is under a charge, or of an authority mentioned in A.M.R. 357 (3), if the person is under sentence.
APPENDIX III.—continued.

FORM V.

WARRANT FOR THE ARREST OF ABSCONDER OR DESERTER OR PERSON LIABLE TO BE TRIED BY COURT-MARTIAL (D. A. 114, 122; A.M.R. 232 (1)).

To all members of the Defence Force of the Commonwealth of Australia and to all members of the Police Force of the Commonwealth of Australia and of every State thereof and of every Territory under the control of the Commonwealth of Australia and of every Country in which the person to whom this warrant relates shall be found.

Whereas.........................[No., rank, name]..........................of the...................
[and]...........................a member of the Military Forces of the Commonwealth of Australia

(a)

is a deserter.

(a) Insert only the one expression which is appropriate.

(a) A person liable to be tried by court-martial for an offence committed by him.

Now therefore, I, the undersigned, the (b)........................................being an

authority empowered by the Defence Act and the Australian Military Regulations to

issue this warrant do hereby, in pursuance of the Defence Act and the Australian Military

Regulations and of all other Acts, regulations and powers enabling me, empower and

direct you to arrest the said [No., rank and name]..............................and deal with him as directed

by the Australian Military Regulations.

Signed at..............................this..........................day of.............................., 19...

(Personal signature of authority under A.M.R. 232 (1)).

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FORM W.

ORDER FOR DELIVERY INTO MILITARY CUSTODY OF AN ABSCONDER

DESERTER OR PERSON LIABLE TO BE TRIED BY COURT-MARTIAL FOR

AN OFFENCE (A.M.R. 233).

To the Officer of Police having the custody of the undermentioned person.

Whereas.........................[No., rank, name]..........................of the...................

is now in your custody as a person for whose arrest a warrant under section 114 of the

Defence Act has been issued:

Now I, the undersigned, being (c)...........................................do hereby order you

to deliver the said person so in your custody as aforesaid to the officer, warrant officer or

non-commissioned officer presenting this order.

Signed at..............................this..........................day of.............................., 19...

(Personal signature of C.O. or superior military authority.)

Description of soldier to be delivered:——

(c) Insert “the Commanding Officer of the said person” or description of any superior military

authority.

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