

# STATUTORY RULES.

1940. No. .

REGULATIONS UNDER THE DEFENCE ACT 1903-1939.\*

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* 1903-1939.

Dated this *Twenty Third*  
day of *January*, 1940.

Governor-General.

By His Excellency's Command,

*Benjamin Franklin*  
Minister of State for the Army.

## AMENDMENTS OF THE AUSTRALIAN MILITARY REGULATIONS.†

1. Regulation 109 of the Australian Military Regulations is <sup>When seconded.</sup> amended—

(a) by inserting, after paragraph (f) of sub-regulation (1), the following paragraph:—

“(f) on appointment to any Expeditionary Force raised for service outside of the Commonwealth;”;

(b) by omitting from paragraph (g) of that sub-regulation the word “or”; and

(c) by inserting, after paragraph (h) of that sub-regulation, the word and paragraph:—

“or (i) on appointment to any Training Unit.”.

2.—(1.) Regulations 142 and 143 of the Australian Military Regulations are repealed and the following regulations inserted in their stead:—

“142.—(1) The appointment of a person or the promotion of a soldier to the rank of W.O. (Class I.) or W.O. (Class II.)—

(a) in the Permanent Forces—

(i) at any time, other than a time of war, or

(ii) in time of war, within the Commonwealth; or

(b) in the Citizen Forces,

may be made by the Adjutant-General or by the formation, &c., commander of the formation, &c., to which the appointment, or in which the promotion, is to be made.

Authority  
to appoint  
and promote  
W.O.'s.

\* Notified in the *Commonwealth Gazette* on *1940*.  
† Statutory Rules 1927, No. 149, as amended by Statutory Rules 1928, Nos. 23, 28 and 126; 1929, No. 123; 1930, Nos. 26, 67 and 92; 1931, No. 13; 1932, Nos. 80, 87 and 125; 1933, Nos. 49 and 77; 1934, Nos. 26 and 80; 1935, Nos. 99 and 109; 1936, Nos. 21, 44 and 100; 1937, Nos. 15, 16, 29, 59, 150, 153, 181, 185, 186, 109 and 123, 134, 160 and 173; and 1940, Nos. 2, 16, 29, 59, 150, 153, 181, 185, 186, 109 and 6051.—8/10.12.1940.—PRICE 3d.

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1, 237, 252, 272  
and 273

(2) The promotion of a soldier to the rank of W.O. (Class I.) or W.O. (Class II.) in any part of the Permanent Forces serving outside the limits of the Commonwealth in time of war may be made by the General Officer in chief command of the body of the Forces to which the soldier belongs or by an officer authorized in that behalf by the Military Board or by that General Officer.

"143.—(1) The appointment of a person to the rank of N.C.O. in the Permanent or Citizen Forces, including an acting or lance appointment with pay, may be made by the Adjutant-General or by an officer authorized in that behalf by the Adjutant-General. Authority to appoint or promote N.C.O.'s.

(2) The promotion of a soldier to the rank of N.C.O. in the Permanent or Citizen Forces, including an acting or lance appointment with pay, may be made—

- (a) by the Adjutant-General;
- (b) by the General Officer in chief command of the body of the Military Forces to which the soldier belongs;
- (c) by an officer authorized in that behalf by an authority specified in paragraph (a) or (b) of this sub-regulation; or
- (d) subject to any restrictions imposed by such authority, by the C.O. of the unit to which the soldier belongs."

(2) Any appointment or promotion made during the period commencing on the sixth day of October, 1939, and ending on the day upon which these Regulations came into operation shall be of full force and effect if made by the authority prescribed in relation thereto by regulation 142 or 143, as the case may be, of the Australian Military Regulation, as amended by this regulation.

3. Regulation 184 of the Australian Military Regulations is amended by inserting in sub-regulation (1), after paragraph (viiiA), the following paragraphs:— Reasons for which discharge may be effected.

- "(viiiB) on enlistment in any Expeditionary Force raised for service outside of the Commonwealth; or
- (viiiC) if required for employment in an industry or occupation his employment in which is, in the opinion of the Military Board, necessary in the interests of the defence of the Commonwealth, the more effectual prosecution of any war in which His Majesty is or may be engaged, or for maintaining supplies and services essential to the life of the community; or
- (viiiD) if required for service with the Royal Australian Navy or the Royal Australian Air Force; or
- (viiiE) when on war service, at his own request, if the Military Board consents; or".

4. Regulation 249 of the Australian Military Regulations is amended by omitting from paragraph (a) of sub-regulation (1)— Limits of powers of C.O.

- (a) the words "and except on active service"; and
- (b) the words "(except on active service)" (second occurring).

5. Regulation 387 of the Australian Military Regulations is amended by omitting sub-regulation (1) and inserting in its stead the following sub-regulation:—

“(1) Notwithstanding anything contained in A.A. 127 and A.A. 128 or in R.P. 73 (A), the provisions of section 31 of the *Acts Interpretation Act* 1901-1937, the *Evidence Act* 1905-1934 and section 6 of the *Rules Publication Act* 1903-1939 shall apply to and in relation to courts-martial for the trial of members of the Military Forces, whether within or without the Commonwealth, as if those provisions were embodied in these Regulations, and any reference to a Court in those provisions shall be read as including a reference to any such court-martial.”.

Modification  
of A.A. 127  
and 128 and  
R.P. 73 (A).

6. Regulation 416A of the Australian Military Regulations is amended by omitting the words “registered himself” and inserting in their stead the words “register himself or be registered”.

Extension  
of time for  
registration.

7. Regulation 722 of the Australian Military Regulations is repealed and the following regulation inserted in its stead:—

“722. The Ensign of the Commonwealth bearing on the fly thereof, 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 or a member thereof when embarked on duty in boats or vessels.”.

Military Board.

8. Regulation 722A of the Australian Military Regulations is amended—

(a) by omitting sub-regulation (1) and inserting in its stead the following sub-regulation:—

“(1) The flags specified in *Column 2* of the following table as authorized for the persons or officers specified in *Column 1* of that table may be flown on motor cars or carried by mounted orderlies, as the case may be:—

Authorized  
flags.

Column 1. Occupant of car or officer upon whom Mounted Orderly is attendant.	Column 2. Flag authorized.
Member of the Military Board ..	Flag, distinguishing, Headquarters of an Army (red, black, red), bearing in its centre, as a distinguishing mark, the Royal Crest in gold, above the words ‘Military Board’ on a white scroll
General Officer Commanding Command	Flag, distinguishing, Headquarters of a Corps (red, white, red)
District Commandant .. ..	Flag, as for General Officer Commanding Command, with number of District (e.g. 4 M.D.) in black
Formation, &c., Commander (other than General Officers Commanding Commands, District Commandants, or Commandant, Royal Military College of Australia)	Flag, distinguishing, division (red, swallow tail, with number of the division, &c., in white, the letter “C” being added in the case of a cavalry division)
Commandant, Royal Military College of Australia	Flag, with upper half red and lower half blue, bearing in its centre, in gold, the badge of the Corps of Staff Cadets
Brigade Commander .. ..	Flag, distinguishing, brigade (blue pendant)

- (b) by omitting from sub-regulation (3) all the words and figures from and including the words "with the following exceptions" to the end of the sub-regulation.

9. Regulation 723 of the Australian Military Regulations is amended by omitting the word "stations" and inserting in its stead the words "Commands or by District Commandants". General Officers.

10. After regulation 767 of the Australian Military Regulations the following regulation is inserted:--

"767A. In time of war, the preceding provisions of this Division shall not apply, but the Military Board may direct that special confidential reports shall be prepared, in which case the preceding provisions of this Division shall, subject to the terms of the direction, be complied with as far as practicable." Time of war.