



STATUTORY RULES.

1942. No. *506*

REGULATIONS UNDER THE DEFENCE ACT 1903-1941.*

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

Dated this

thirteenth

day of

November

, 1942.

(Sgd.) Winston Dugan
Governor-General.

By His Excellency's Command,

P. M. Forde
Minister of State for the Army.

AMENDMENTS OF THE AUSTRALIAN MILITARY REGULATIONS.†

1. Regulation 109 of the Australian Military Regulations is when seconded, amended—

- (a) by omitting from paragraph (h) the word "or";
- (b) by inserting after paragraph (i) the following paragraph:—
"or (j) whilst employed on other extra-regimental duties";
- (c) by adding at the end thereof the following sub-regulation:—
"(2.) For the purpose of the last preceding sub-regulation, the expression 'extra-regimental duties' means employment on the authorized establishment of any unit or department, other than the unit or department in which he is seconded."

2. Regulation 125 of the Australian Military Regulations is ^{Step of rank.} amended by inserting, after sub-regulation (2), the following sub-regulation:—

"(2A) An officer who is retired in consequence of an incapacity attributable to war service may be placed upon the Retired List and be permitted to retain the substantive or brevet rank held by him immediately prior to his retirement. If the officer has served for a period equal to the period of qualifying service for his rank required for the purposes of sub-regulation (1) of this regulation, he may be granted one step in honorary rank above his substantive or brevet rank."

* Notified in the *Commonwealth Gazette* on 1942.
† 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, No. 45; 1938, Nos. 75, 90 and 93; 1939, Nos. 31, 51, 58, 115, 123, 134, 160 and 173; 1940, Nos. 2, 16, 29, 59, 150, 183, 184, 185, 186, 199, 237, 252, 272 and 273; 1941, Nos. 3, 4, 14, 43, 135, 153, 155, 205, 245, 246, 260 and 311; and 1942, Nos. 35, 59, 60, 85, 114, 166, 179, 211, 231, 289, 333, 334, and 350 and *477*.

3. Regulation 126 of the Australian Military Regulations is amended—

- (a) by omitting from paragraph (a) the word “and” (second occurring);
- (b) by omitting from paragraph (b) the word “active” and inserting in its stead the word “war”; and
- (c) by adding after paragraph (b) the following paragraph:—
“and (c) in time of war, an officer, irrespective of whether he has reached the age for retirement, may be placed upon the Retired List, and may be permitted to retain the substantive, brevet, or honorary rank held by him immediately prior to retirement.”.

4. Regulation 128 of the Australian Military Regulations is repealed and the following regulation inserted in its stead:—

“128.—(1) Subject to sub-regulation (2) of this regulation and A.M.R. 129, an officer on the Retired List may wear the uniform of his corps with the letter ‘R’ on each shoulder strap. Uniform while on Retired List and uniform and rank, if re-engaged in the Military Forces.

(2) If an officer on the Retired List again becomes a member of the Military Forces, he shall not whilst he remains a member of those Forces—

- (i) wear any uniform or badges of rank;
- (ii) use any military title; or
- (iii) hold himself out as being entitled to any military rank,

except that appropriate to the rank which he then holds in those Forces—

(3) Notwithstanding anything contained in these Regulations, an officer on the Retired List who has, after his retirement, become a member of the Military Forces shall, if he is again placed on the Retired List, be granted rank not lower than that granted to him when he was first placed on that List.”.

5. Regulation 161 of the Australian Military Regulations is amended by inserting, after sub-regulation (1), the following sub-regulation:— Who may reduce a W.O. or N.C.O. (Peace and war service).

“(1A) An officer not below the rank of Colonel appointed by the Military Board for the purpose may, subject to D.A. 108 (2.), for any reason, reduce a N.C.O. to any inferior rank or grade or to the ranks or in seniority of rank.”.

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

“(viiA) on compassionate grounds for family reasons; or”.

7. After regulation 203 of the Australian Military Regulations the following regulation is inserted:—

“203A.—(1.) Every person subject to military law, whether on war service or not, who, with intent to deceive, makes any false statement or representation, whether verbal or in writing, in connexion with any application that— False statements to secure exemption, leave, &c.

- (a) any member of the Military Forces shall be granted exemption from service or leave of absence; or

(b) any member of the Defence Force shall be transferred from one arm, service, department, corps, or unit of the Defence Force to another or from one place to another, shall be guilty of an offence and shall be liable to penalties as prescribed by A.M.R. 215.

(2.) Upon proof that any statement or representation was made by the person charged with an offence under sub-regulation (1.) of this regulation, the onus of proving that that statement or representation was true and that it was not made with intent to deceive shall be upon that person."

8. Regulation 216 of the Australian Military Regulations is amended—

- (a) by inserting in sub-paragraph (v) of paragraph (c), after the words "or reduction in grade or rank", the words ", or a fine"; and
- (b) by omitting from that sub-paragraph all the words and figures from and including the words and figures "(18) Subject to the exceptions" to the end of the sub-paragraph.

Modifications
and
adaptations of
A.A. 44 (War
Service).

9. Regulation 628 of the Australian Military Regulations is amended by omitting sub-regulation (2).

Termination of
appointment.

10. Regulation 693 of the Australian Military Regulations is amended by omitting sub-regulation (1) and inserting in its stead the following sub-regulation:—

Other ranks
saluting.

"(1) W.O.'s, N.C.O.'s, and private soldiers in uniform shall salute an officer at all times, except when passing or being passed by him—

- (i) in a crowded thoroughfare or assembly;
- (ii) during an exercise in the field;
- (iii) when on parade under the immediate control of a superior;
or
- (iv) when precluded by the nature of their duties from so doing."