

STATUTORY RULES

1969 No.

REGULATIONS UNDER THE DEFENCE ACT 1903-1966*

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* 1903-1966.

Dated this *twenty-second*
day of *May*, 1969.

Paul Hasluck
Governor-General.

By His Excellency's Command,

Phillip Lynch

Minister of State for the Army.

AMENDMENTS OF THE AUSTRALIAN MILITARY REGULATIONS†

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

Definitions.

 - (a) by inserting in sub-regulation (1.), after the definition of "Proper military authority", the following definition:—

"Public property" means property of—

 - (a) the Commonwealth;
 - (b) a Department of the Commonwealth;
 - (c) any part of the Defence Force; or
 - (d) a force co-operating with the Defence Force."
 - (b) by inserting in that sub-regulation, after the definition of "Sentence", the following definition:—

"Service property" includes the property of a mess, band, canteen or institution belonging to or connected with a part of the Defence Force or of a force co-operating with the Defence Force."; and
 - (c) by inserting in that sub-regulation, after the definition of "Superior officer", the following definition:—

"Temporary rank", in relation to an officer, means a rank to which the officer has been promoted temporarily."
2. Regulation 9 of the Australian Military Regulations is amended—

Application of Regulations.

 - (a) by inserting in sub-regulation (2b.), after the figure "130.", the figure "133."; and
 - (b) by inserting in that sub-regulation, after the word "Procedure", the words "and the Appendices to the Rules of Procedure,".

* Notified in the *Commonwealth Gazette* on 1969.
 † Statutory Rules 1927, No. 149 as amended to date. For previous amendments of the Australian Military Regulations, see footnote † to Statutory Rules 1969, No. 1 and see also Statutory Rules 1969, No. 1.

3. Regulation 9 of the Australian Military Regulations is amended by omitting from the table in paragraph (b) of sub-regulation (2A.) the words—
“ 190 | Omit from the definition of ‘service’ the words ‘(other than Dominion forces)’ (wherever occurring) ”. Modification of A.A. in its application to Military Forces.
4. Regulation 18 of the Australian Military Regulations is amended by omitting sub-regulation (4.). Forms in Regulations and Appendices.
5. Regulation 120 of the Australian Military Regulations is amended by omitting sub-regulation (4A.). Transfer and appointment to Reserve of Officers.
6. Regulation 124 of the Australian Military Regulations is amended by inserting after sub-regulation (2.) the following sub-regulation:—
“(2A.) Subject to the succeeding sub-regulations of this regulation, the age for the compulsory retirement of an officer of the Regular Army Supplement is sixty years.” Ages for retirement of officers.
7. Regulation 125 of the Australian Military Regulations is amended by inserting in sub-regulation (2.), after the word “substantive”, the word “, temporary”. Retired list and military title after retirement.
8. Regulation 135 of the Australian Military Regulations is amended by omitting paragraph (d) of sub-regulation (5.) and inserting in its stead the following paragraph:—
“(d) was absent from duty on leave without pay for a period in excess of twenty-one days.” Period of engagement.
9. Regulation 176 of the Australian Military Regulations is amended—
(a) by omitting from paragraph (h) of sub-regulation (1.) the words “for service in the Military Forces”;
(b) by omitting paragraph (j) of that sub-regulation;
(c) by inserting after that sub-regulation the following sub-regulation:—
“(1A.) For the purposes of section 44 of the Act, each of the reasons prescribed by paragraphs (a), (g) and (k) of the last preceding sub-regulation is a reason for the discharge of a national serviceman who is serving in the Regular Army Supplement under a re-engagement referred to in sub-section (5.) of section 27 of the National Service Act”; and
(d) by adding at the end thereof the following sub-regulation:—
“(3.) In this regulation, “medically unfit” includes unfit because of mental incapacity.” Reasons for discharge.
10. Regulation 177 of the Australian Military Regulations is amended by omitting sub-regulation (1.) and inserting in its stead the following sub-regulation:—
“(1.) Subject to the next succeeding regulation—
(a) the discharge of a soldier, not being a national serviceman, for a reason prescribed by sub-regulation (1.) of the last preceding regulation; or
(b) the discharge of a national serviceman for a reason prescribed by sub-regulation (1A.) of that regulation or by sub-section (2.), (3.), (5.), (5A.) or (6.) of section 35B of the National Service Act,
shall be effected in accordance with an order for the discharge of the soldier signed by an authority having power under section 44 of the Act to discharge the soldier.” Order for the discharge of a soldier.
11. Regulation 191 of the Australian Military Regulations is amended—
(a) by inserting in paragraph (a) of sub-regulation (2.), after the word “Forces”, the words “(other than the Regular Army Supplement)”;
and Modifications and adaptations of A.A. (War Service.) (VPP para. 12)

Australian Military Regulations

(b) by inserting after that paragraph the following paragraph:—

“(aa) in the case of a soldier enlisted in the Regular Army Supplement—sixty years;”.

12. Regulation 202 of the Australian Military Regulations is amended by adding at the end thereof the following paragraphs:—

“(j) A.A. 190, as if after the definition of ‘prescribed’ there were inserted the following definition:—

“‘public property’ has the same meaning as in the Australian Military Regulations;”

(k) A.A. 190, as if for the definition of ‘service’ there were substituted the following definition:—

“‘service’, when qualifying institution, necessities, books, band, mess or canteen, means belonging to, or connected with, a part of the Defence Force or of a force co-operating with the Defence Force;” and

(l) A.A. 190, as if after the definition of ‘service’ there were inserted the following definition:—

“‘Service property’ has the same meaning as in the Australian Military Regulations;”.

Age for compulsory retirement of a soldier—general. (61st para. 11)

13. Regulation 203 of the Australian Military Regulations is amended—

(a) by omitting from paragraph (XXVIII) of sub-regulation (1.) the words “, regimental or garrison” and inserting in their stead the words “property or service”;

(b) by omitting from paragraph (XXXII) of that sub-regulation the words “or belonging to any regimental band, regimental or garrison mess, or regimental or garrison institution,” and inserting in their stead the words “any service property”; and

(c) by omitting from paragraph (XLIV) of that sub-regulation the words “to any regimental band, regimental or garrison mess, or regimental or garrison institution,” and inserting in their stead the words “wilfully injures any service property”.

Offences by persons subject to military law. (Peace.)

14. Regulation 299 of the Australian Military Regulations is amended—

(a) by omitting from paragraph (e) of sub-regulation (2.) the words “court is satisfied” and inserting in their stead the words “judge-advocate directs the court”;

(b) by inserting after paragraph (f) of that sub-regulation the following paragraph:—

“(fa) Rule 42(A) of the Rules of Procedure shall be read as if for the word ‘advise’ there were substituted the word ‘direct’;”;

(c) by omitting from sub-paragraph (i) of paragraph (g) of that sub-regulation the word “and” (last occurring); and

(d) by inserting after sub-paragraph (i) of paragraph (g) of that sub-regulation the following sub-paragraphs:—

“(ia) after the word ‘information’ in paragraph (d) there were inserted the word ‘, direction’;

“(ib) for the word ‘advise’ in paragraph (e) there were substituted the word ‘direct’; and ”.

Modification of A.A. and R.P.—A.A. 48 and 49; R.P. 17, 19, 22, 25, 39A, 40, 42, 103, 103A and 106.

15. Regulation 319 of the Australian Military Regulations is amended by omitting paragraph (d) of sub-regulation (2.).

Adaptation of A.A. 56 (s) and R.P. 44 (b), (c) and 47.

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