

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 *nineteenth*

day of *June*, 1969.

Paul Hasluck
Governor-General.

By His Excellency's Command,

Sgd. "Philip Lynch"
Minister of State for the Army.

AMENDMENTS OF THE AUSTRALIAN MILITARY REGULATIONS†

1. Regulation 3 of the Australian Military Regulations is amended by omitting from sub-regulation (1.) the definition of "Warrant officer" and inserting in its stead the following definition:—

Definitions.

" 'Warrant officer' means a soldier of the Permanent Forces or Citizen Forces holding the rank of warrant officer and includes a soldier holding the rank of warrant officer temporarily or as an honorary rank."

2. Regulation 9 of the Australian Military Regulations is amended by adding at the end of sub-regulation (2A.) the following word and paragraph:—

Modification of A.A. in its application to Military Forces.

" and (c) as if—

- (i) the references in that Act to amounts of money in pounds or parts of a pound were references to amounts of money in the currency provided for by the *Coinage Act* 1909-1947; and
- (ii) the *Army Act* were a law of the Commonwealth within the meaning of section 10 of the *Currency Act* 1965."

3. Regulation 50 of the Australian Military Regulations is amended by inserting after the word "officer" (wherever occurring) the words "or warrant officer".

Honorary rank.

4. Regulation 79 of the Australian Military Regulations is amended—

Promotion of officers.

(a) by omitting from sub-regulation (1.) the word "than" and inserting in its stead the word "that"; and

(b) by adding at the end of paragraph (d) of sub-regulation (7.) the words "or a Member of the Australian Psychological Society".

† Statutory Rules 1927, No. 149 as amended to date. For previous amendments of the Australian Military Regulations, see footnote † to Statutory Rules 1969, No. 76, and see also Statutory Rules 1969, No. 76.

5. Regulation 136 of the Australian Military Regulations is repealed and the following regulation inserted in its stead:—

“136.—(1.) A soldier enlisted in a force forming part of the Permanent Forces, or a soldier enlisted in the Citizen Forces who is rendering continuous full time military service, is liable to serve in any corps or part of the Military Forces.” Service.

“(2.) A soldier enlisted in the Citizen Forces who is not rendering continuous full time military service is liable to serve in any corps or part of the Citizen Forces.”

6.—(1.) After regulation 143 of the Australian Military Regulations the following regulations are inserted:—

“144. A soldier may be promoted by the Adjutant-General to the rank of warrant officer to be held by him as an honorary rank.” Honorary warrant officers.

“145. Subject to regulation 63 of these Regulations, a commanding officer may appoint a private soldier to be a lance corporal or a lance bombardier.” Lance appointments.

(2.) A soldier who was, immediately before the commencement of these Regulations, holding an appointment as a lance corporal or a lance bombardier shall be deemed to have been so appointed in pursuance of regulation 145 of the Australian Military Regulations as amended by these Regulations.

7. Regulation 192 of the Australian Military Regulations is amended—

(a) by omitting from paragraph (b) of sub-regulation (3.) the word “and”;

(b) by inserting after paragraph (b) of sub-regulation (3.) the following paragraph:—

“(ba) a soldier of the Permanent Forces holding a rank of Warrant Officer as an honorary rank in accordance with regulation 144 of these Regulations may, on discharge, if he is an eligible person, be granted by the Military Board the military title equivalent to the rank held by him as an honorary rank immediately prior to his discharge; and”; and

(c) by inserting after paragraph (b) of sub-regulation (4.) the following paragraph:—

“(ba) a soldier of the Citizen Forces holding a rank of Warrant Officer as an honorary rank in accordance with regulation 144 of these Regulations may, on discharge, if he is an eligible person, be granted by his formation commander the military title equivalent to the rank held by him as an honorary rank immediately prior to his discharge.”

Military title on discharge.

8. Regulation 197 of the Australian Military Regulations is amended—

(a) by inserting in paragraph (a) of sub-regulation (1.), after the words “other than”, the words “the Regular Army Emergency Reserve and”; and

(b) by inserting in paragraph (aa) of sub-regulation (1.), after the words “member of”, the words “the Regular Army Emergency Reserve or of”.

When Military Forces subject to military law under these Regulations.

9. Regulation 210A of the Australian Military Regulations is amended—

Other political activities.

- (a) by omitting from sub-regulation (1.) the words “Permanent Forces other than the Regular Army Reserve” and inserting in their stead the words “Military Forces who is employed on continuous full time military service”; and
- (b) by omitting from sub-regulation (2.) the words “Regular Army Reserve or Citizen Forces” and inserting in their stead the words “Military Forces who is not employed on continuous full time military service”.

10. Regulation 212 of the Australian Military Regulations is amended—

Dealing with contractors.

- (a) by omitting the words “Permanent Forces employed on continuous full-time duty” and inserting in their stead the words “Military Forces employed on continuous full time military service”; and
- (b) by omitting the words “Citizen Forces” and inserting in their stead the words “Military Forces not employed on continuous full time military service”.

11.—(1.) Regulations 213, 214, 214A and 214B of the Australian Military Regulations are repealed and the following regulations inserted in their stead:—

“213.—(1.) A member of the Regular Army Emergency Reserve, the Regular Army Reserve or the Citizen Forces who, having been served with a notice requiring him to report for service, being a notice given in accordance with regulation 193B of these Regulations, fails without lawful excuse, to attend at the time and place specified in the notice, shall be guilty of an offence punishable, upon conviction, in accordance with regulation 215 of these Regulations.

Failure to render, or report for, service.

“(2.) Where a member of the Regular Army Emergency Reserve, the Regular Army Reserve or the Citizen Forces is bound to render military service for a period fixed by or in accordance with these Regulations and the member fails, without lawful excuse, to render that military service or any part of that military service, he shall be guilty of an offence punishable, upon conviction, in accordance with regulation 215 of these Regulations.

“214.—(1.) A member of the Regular Army Emergency Reserve or the Regular Army Reserve not employed on continuous full time military service shall, not later than seven days after he changes his place of residence, notify the person in charge of the Army Records Office at the Headquarters of the Command in which the member resided immediately before that change of the change and of his place of residence after the change.

Notification of addresses.

“(2.) A member of the Regular Army Reserve not employed on continuous full time military service shall, in addition to complying with the last preceding sub-regulation, not later than fourteen days after each anniversary of his enlistment in, or appointment to, the Regular Army Reserve, notify the person in charge of the Army Records Office at the Headquarters of the Command in which the member resided on that anniversary of his place of residence as at that anniversary.

“(3.) A member who fails, without lawful excuse, to comply with a provision of this regulation shall be guilty of an offence punishable, upon conviction, in accordance with regulation 215 of these Regulations.”.

(2.) Notwithstanding the repeal by the last preceding sub-regulation of regulation 214B of the Australian Military Regulations, that regulation shall continue to apply to a member of the Regular Army Reserve who—

- (a) was required under paragraph (a) of sub-regulation (1.) of that regulation to report his place of living in the month of the year in which these Regulations came into operation; or

- (b) changed his place of living within thirty days before the day on which these Regulations came into operation,
- in respect of the obligation of that member to report his place of living in accordance with that regulation, and regulation 214 of the Australian Military Regulations as amended by these Regulations does not apply in respect of the anniversary of his enlistment in that month.
12. Regulation 220 of the Australian Military Regulations is amended—
- (a) by inserting in paragraph (a), after the words "other than", the words "the Regular Army Emergency Reserve and"; and
- (b) by inserting in paragraph (aa), after the words "case of", the words "the Regular Army Emergency Reserve and".
13. Regulation 231 of the Australian Military Regulations is repealed.
14. Regulation 237 of the Australian Military Regulations is amended by omitting the words "'superior authority'" and inserting in their stead the words "'superior authority' or 'superior military authority'".
15. Regulation 247 of the Australian Military Regulations is repealed.
16. Regulation 269 of the Australian Military Regulations is repealed.
17. Regulation 276 of the Australian Military Regulations is amended by omitting from sub-regulation (1.) the words "Citizen Forces on war service or of the Permanent Forces employed on continuous full-time duty" and inserting in their stead the words "Military Forces employed on continuous full time military service".
18. Regulation 278 of the Australian Military Regulations is amended by omitting sub-regulation (5.) and inserting in its stead the following sub-regulation:—
- "(5.) A soldier who is the subject of an inquiry under regulation 276 of these Regulations is entitled, on application to his commanding officer and on payment of a fee of Thirty cents for each page, to be furnished with a copy of the declaration of the court."
19. Regulation 278A of the Australian Military Regulations is amended by omitting sub-regulation (5.) and inserting in its stead the following sub-regulation:—
- "(5.) A soldier, being the subject of an investigation under this regulation, is entitled, on application to his commanding officer and on payment of a fee of Thirty cents for each page, to be furnished with a copy of the declaration of the investigating officer."
20. Regulation 289 of the Australian Military Regulations is amended by omitting the words "Citizen Forces on war service, or in the Permanent Forces on full-time duty," and inserting in their stead the words "Military Forces on continuous full time military service".
21. Regulation 293A of the Australian Military Regulations is repealed.
22. Regulation 296 of the Australian Military Regulations is amended by omitting from sub-regulation (2.) the words "Citizen Forces on war service or of the Permanent Forces employed on continuous full-time duty" and inserting

When on duty for purposes of arrest.

Compulsory attendance before court martial.

Definitions.

Further charge disclosed during investigation.

Limitation of powers of summary punishment.

Inquiry as to illegal absence.

Convening, composition, &c., of courts of inquiry under A.M.R. 276 (Peace and war service).

Investigation of absence without leave and deficiency in equipment.

Exemption from trial after exemplary service.

Forfeiture of pay while in custody for failing to render service.

Stoppages for fines, &c.

in their stead the words "Military Forces employed on continuous full time military service".

23. Regulation 303 of the Australian Military Regulations is amended by omitting the words "branch of the Forces" and inserting in their stead the words "part of the Military Forces".

Composition of court martial.

24. Regulation 307 of the Australian Military Regulations is amended by omitting the words "Citizen Forces, not on war service," and inserting in their stead the words "Military Forces not employed on continuous full time military service".

Hours of sitting of courts martial in Citizen Forces.

25. Regulation 314 of the Australian Military Regulations is repealed and the following regulation inserted in its stead:—

"314.—(1.) A charge sheet in respect of a soldier shall be signed by his commanding officer or, where it appears to another officer, being a formation commander or the officer convening a court martial in respect of the charge or charges to which the charge sheet relates, that it is impractical, without serious injury to the interests of the Military Forces, for the charge sheet to be signed by the soldier's commanding officer, by that other officer.

Signature of charge sheets.

"(2.) A charge sheet in respect of an officer shall be signed by—

- (a) his commanding officer;
- (b) a formation commander;
- (c) the officer convening a court martial in respect of the charge or charges to which the charge sheet relates;
- (d) a member of the Military Board who is a member of the Military Forces; or
- (e) an officer authorized by the Military Board."

26. Regulation 385 of the Australian Military Regulations is amended by omitting the figures and words "3d. for every folio of 72 words" and inserting in their stead the words "Thirty cents for each page".

Supply of copy of proceedings.

27. Regulation 434 of the Australian Military Regulations is amended by omitting the words "Citizen Forces on war service or of the Permanent Forces" and inserting in their stead the words "Military Forces employed on continuous full time military service".

Attendance of medical officer on member suspected to be absent without sufficient cause, &c.

28. Regulation 437 of the Australian Military Regulations is amended—

- (a) by omitting paragraphs (a) and (b) and inserting in their stead the following paragraphs:—

Reporting infectious and contagious disease.

"(a) if he is a member of the Military Forces employed on continuous full-time military service—as soon as practicable after he becomes aware that he is so suffering; or

(b) if he is a member of the Military Forces not employed on continuous full time military service—

(i) where, at the commencement of a period of military service fixed by or in accordance with these Regulations, he is aware that he is so suffering—on the commencement by him of that period of military service; or

(ii) where, during such a period of military service, he becomes aware that he is so suffering—as soon as practicable after he becomes so aware,"; and

(b) by adding at the end thereof the following sub-regulation:—

“(2.) A member of the Military Forces who fails, without lawful excuse, to comply with the provisions of this regulation is guilty of an offence punishable, upon conviction, in accordance with regulation 215 of these Regulations.”.

29. Regulation 437A of the Australian Military Regulations is repealed and the following regulation inserted in its stead:—

“437A.—(1.) In this regulation—

Post mortem
examinations.

‘deceased member’ means a member of the Military Forces who died—

- (a) while rendering continuous full time military service; or
- (b) while rendering military service for a period fixed by or in accordance with these Regulations;

‘medical practitioner’ means a person registered or licensed as a medical practitioner under a law of a State or Territory which provides for the registration or licensing of medical practitioners.

“(2.) A medical officer may, if he considers it desirable, arrange for a medical practitioner, whether that practitioner is a member of the Royal Australian Army Medical Corps or not, to carry out such *post mortem* examinations of the body of a deceased member as that practitioner thinks fit.

“(3.) Where a medical officer arranges for a *post mortem* examination of the body of a deceased member to be carried out under this regulation, the body may be conveyed to the nearest military hospital or, if the medical officer so directs, to the nearest public hospital or other suitable place for the carrying out of the examination.

“(4.) Where a medical officer directs that the body of a member be conveyed to a place other than a military hospital for the purpose of the carrying out of a *post mortem* examination, the person in charge of that place shall not prevent or hinder the carrying out of the examination at that place.”.

30. Regulation 575 of the Australian Military Regulations is amended by omitting sub-regulation (2.) and inserting in its stead the following sub-regulations:—

Appointment
and duties of
Judge-
Advocate-
General and
Deputies.

“(2.) A person is eligible to be appointed as Judge-Advocate-General whether or not he is a member of the Military Forces.

“(2A.) A person is not eligible to be appointed as a Deputy Judge-Advocate-General unless he is a member of the Military Forces.

“(2B.) Where the Judge-Advocate-General is not a member of the Military Forces, he shall be entitled to the status and privileges of a major-general.”.

31. Regulation 577 of the Australian Military Regulations is repealed.

Rank.

32. Regulation 581 of the Australian Military Regulations is amended by omitting from sub-regulation (1.) the words “, subject to A.M.R. 575 (2.)”.

Appointments
of officers of
the A.A.L.C.

33. Regulation 791 of the Australian Military Regulations is amended by omitting the words “Regular Army Reserve or Citizen Forces” and inserting in their stead the words “Military Forces other than a member employed on continuous full time military service”.

Unauthorised
wearing of
uniform an
offence.

34. The Australian Military Regulations are amended as set out in the Schedule to these Regulations.

Amendments in relation to decimal currency.

THE SCHEDULE

Regulation 34

AMENDMENTS IN RELATION TO DECIMAL CURRENCY

Provisions amended	Omit—	Insert—
Regulation 209 ..	Twenty pounds	Forty dollars
Regulation 215 (1.) (a) (v)	twenty pounds	Forty dollars
Regulation 215 (1.) (b) (vi)	twenty pounds	Forty dollars
Regulation 215 (2.) (a) (iv)	Twenty pounds	Forty dollars
Regulation 216 (a) (iii) ..	Twenty pounds	Forty dollars
Regulation 216 (b) (ii) ..	Twenty pounds	Forty dollars
Regulation 266 (3.) (i) ..	Twenty pounds	Forty dollars
Regulation 266 (3.) (ii) ..	Twenty pounds	Forty dollars
Regulation 266A (b) ..	£5	Ten dollars
Regulation 268 (4.) (v) ..	£20	Forty dollars
Regulation 273 ..	Two pounds	Four dollars
Regulation 294A (1.) ..	Fifty pounds	One hundred dollars
Regulation 736 (2.) (b) ..	Twenty pounds	Forty dollars
Regulation 751 (1.) (h) ..	Ten shillings	One dollar
Regulation 770 (6.) ..	Twenty pounds	Forty dollars
Regulation 801 (1.) ..	Twenty pounds	Forty dollars
Regulation 802 ..	Twenty pounds	Forty dollars
Regulation 803 (1.) ..	Ten pounds	Twenty dollars
Regulation 804 (1.) ..	Twenty pounds	Forty dollars
Regulation 814 ..	Two shillings and sixpence	Twenty-five cents
Regulation 816 (4.) ..	Two hundred pounds and	Four hundred dollars and
Regulation 816 (4.) (a) ..	Fifty pounds	One hundred dollars
Regulation 816 (4.) (b) ..	Fifty pounds	One hundred dollars
Regulation 816 (4A.) ..	Two hundred pounds	Four hundred dollars
Regulation 817 (3.) ..	of Fifty pounds	of One hundred dollars
Regulation 818 (2.) ..	Fifty pounds	One hundred dollars
Regulation 818 (3.) ..	£5	Ten dollars
Regulation 818 (4.) (d) ..	£5	Ten dollars
Regulation 818 (4.) (e) ..	Fifty pounds	One hundred dollars
Regulation 818 (4.) (f) ..	Fifty pounds	One hundred dollars
Regulation 818 (5.) ..	Two hundred pounds	Four hundred dollars
Regulation 818 (5.) ..	Two hundred pounds	Four hundred dollars